

Non-Use Variance Project Statement for 1722 Woodburn St. Colorado Springs, CO 80905

Description

The requested nonuse variance is to section 7.3.304.E.2.c.(2), which requires that if an ADU is above the garage and the overhead door faces an alley it must be setback 10'. I am requesting a 6'-4" setback where 10' is required.

This Non-Use Variance application is needed for our garage/ADU project. The goal is to partially or completely tear down our existing garage and rebuild it with an ADU apartment above. The current garage sits approximately 1' off the rear alleyway which is unused and approximately 7' off the south alleyway and we want to place the new structure in the same location.

Justification

Adhering to the zone setbacks would significantly hinder our ability to utilize the space effectively.

1. Existing structure: There is already a garage in the same location where we propose to build the new garage/adu. This demonstrates the suitability of the area for such construction and indicates that the proposed project is in line with the existing layout and infrastructure of the property as well as neighborhood standards. Also, due to construction restraints we want to attempt to reuse portions of the existing foundation and west wall of the garage.

2. Unused Adjacent Alley: The alleyway to the south is unused and serves only as a utility easement. Given its disuse and the fact that it does not impact any neighboring properties, we believe that our proposed construction will not pose any adverse effects on the surrounding area. Also, the existing garage has been in this location for around 100 years.

3. Practicality and Reasonable Use: Adhering strictly to the zone setbacks would result in the new garage/adu being too close to the main dwelling. This proximity would hinder the access and reasonable use of both structures and compromise privacy and safety. By allowing us to encroach on the zone setbacks, we can ensure that the new construction

maintains a reasonable distance from the main dwelling while still maximizing the available space.

4. Location of significant natural features and space utilization: Meeting the zone setbacks would require the removal of a oak tree (which we would like to keep) and reduce the space at the rear of the proposed garage/adu to be unusable in any significant manner. Encroaching on setbacks would enable us to preserve the tree and utilize the space more effectively, contributing to the aesthetic appeal and functionality of the property.

Additional explanation as requested;

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The distance from the primary to the proposed Adu/garage, if the variance is granted, will be 11'-10". If we are forced to adhere to the 5' setback that distance is reduced to 7'-10". This reduces the main access way to the primary residence. It will almost be like stepping out of the garage and walking into the side of the house by the time you come down off the pad/step(s) of the garage. There is also a 30" deep existing plant box on that side of the primary residence further reducing the ability to access the primary residence.

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Reducing distance between the 2 structures compromises safety mainly in the event of a fire or some other emergency. If emergency services needed to access the primary residence or the adu it would be through this space. There would be fencing on the west side of the adu so no access there. The other access point would be through the garage which may have vehicles in it. For the primary residence, there is a front door however access to the front door is through an enclosed porch which only has two 30" door openings on either side and no straight on access.

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2/3. The extraordinary or exceptional physical conditions unique to this property are that this existing residence is positioned in an unusual location on the property. The house is set back much further from the

street significantly reducing the available space at the rear of the lot. The lot shape is also unique having been modified from its original shape reducing the width along Woodburn making the rear of the lot the only place we can build the structure. These conditions make it necessary for relief.

4. The alleyway on the West side of the property is not in use. It is not used to access any properties and essentially serves as a utility easement. It is undeveloped and overgrown with trees and shrubs. The trees that have grown up there are 2-3 feet in diameter showing the complete lack of use here. There is also debris (concrete chunks, old fencing, branches, etc... further down the alley) that make it impassable. It dead ends at the creek and is fenced off on all sides. The only vehicles that have accessed this alley in the last 8 years I have lived here are utility vehicles to perform repairs on an old transformer occasionally and they only access the first third or so of the alley. They have never had any problem entering the alley with the existing garage where it is even with their oversized trucks showing that if for some reason the alley was to become needed again, access is not inhibited. Also, previous to us living here the neighbors across the alley to the South of us parked their broken down vehicles at the access point to the alley showing again that this has not been used in a very long time. I will upload photos of the current condition of the alley for you to view.

Thank you for your consideration,
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