5202 ROCKING R DRIVE – DETACHED GARAGE

Planning Commission October 10, 2024

Staff Report by Case Planner: Drew Foxx

Quick Facts

Applicant
Paul Forsthoff

Property Owner
Paul Forsthoff

Developer
N/A

Address / Location
5202 Rocking R Dr

TSN(s)
640120023

Zoning and Overlays
Current: R-E/AP-O (Single-Family – Estate with Airport Overlay)

Site Area
1.13 Acres

Land Use
Dwelling, Single-Family Detached

Applicable Code
UDC

Project Summary

A proposed Non-Use Variance application to City Code Section 7.3.304.C.1.a to support 3,141 sq. ft. of garage space where 1,650 sq. it permitted.

A second Non-Use Variance application to City Code Section 7.3.304.C.1.b to support a 21' 10 ¾" detached garage height with a 4:12 roof pitch where only 16-feet of height is permitted.

File Number	Application Type	Decision Type
NVAR-24-0013 NVAR-24-0014	Nonuse Variance (2)	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

Action	*Name*	*Date*
Annexation	Smartt's Addition #9	1963
Subdivision	Rustic Hills Subdivision 2	March 19th, 1963
Master Plan	N/A	N/A
Prior Enforcement Action	N/A	N/A

Site History

This site became a part of the City of Colorado Springs in 1963 via the Smartt's Addition #9 annexation. The property was later platted as part of the Rustic Hills Subdivision 2 plat on March 19th of 1963 establishing this 1.13-acre lot. The single-family residence at the subject address was built in 1968. This application is the first land use application submitted for this property since its development.

Applicable Code

The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. All subsequent references within this report that are made to "the Code" and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	Zoning	*Existing Use*	*Special Conditions*
North	R-E	Dwelling, Single-Family Detached	None
West	R-E	Dwelling, Single-Family Detached	Approval of a nonuse variance to allow for 1,900 sq. ft. of total garage square footage where 1,200 sq. ft. is permitted and an administrative relief to allow for an accessory structure to be 22' in height where 20' is permitted per the previous zoning code.
South	R-E	Dwelling, Single-Family Detached	None
East	R-E	Dwelling, Single-Family Detached	None

Zoning Map

Stakeholder Involvement

Public Notice

Public Notice Occurrences *(Poster / Postcards)*	Two (2) times, Administrative Review and prior to Planning Commission public hearing
Postcard Mailing Radius	1,000'
Number of Postcards Mailed	154
Number of Comments Received	One (1)

Public Engagement

The City Planning Department received opposition to the project from property owners within the Rustic Hills neighborhood. City Planning staff has communicated with the property owner all information regarding the proposed detached garage via public notice. A letter of opposition stating that the proposed detached garage violates zoning code requirements and that there are concerns a business will be established within the structure, therefore diminishing the unique character of the Rustic Hills

neighborhood. Responses to the owners (see Attachment #2 - Notice of Opposition) was provided explaining that the proposed structure shall be used for storage (see Attachment #3 - Public Response Letter).

Timeline of Review

Initial Submittal Date	August 20, 2024
Number of Review Cycles	Two (2)
Item(s) Ready for Agenda	September 9, 2024

Agency Review

Traffic Impact Study
No comments received.

City Engineering
No comments received.

SWENT
- This development is the most adjacent development to a channel; therefore, channel improvements may be required based on the Drainage Basin Planning Study (DBPS). The DBPS for this basin must be reviewed to determine if there are proposed improvements for this segment of the channel. Even if the DBPS does not require improvements, stabilization of the existing channel must be shown and if the existing channel is not stabilized, it may be required to be stabilized. Please reach out to the Lead Reviewer to set-up a meeting to discuss the channel improvements and to schedule a site visit.
- A Final Drainage Letter is required for this project.
- The requirements above have been added as Conditions of Approval within Planning Commission's recommended motions.

Colorado Springs Utilities
All comments addressed.

Nonuse Variance Application (2)

Summary of Application

The proposed nonuse variance applications (City File No. NVAR-24-0013 & NVAR-24-0014) are to allow for the construction of a 2,000 sq. ft. detached garage structure increasing the total gross square footage for garages on the property to 3,141 sq. ft. where 1,650 sq. ft. and to allow for a detached garage height of 21' 10 ¾" where only 16-feet is permitted per UDC 7.3.304.C.1 (see Attachment #1 – Site Plan).

The purpose of the proposed detached garage is to accommodate the storage of equipment and other items currently stored outside on the applicant's lot (see Attachment #4 – Project Statement). The additional height is being requested for structural purposes due to the design of the garage and the space that is needed by the applicant to accommodate the overhead doors.

Application Review Criteria

UDC Section 7.3.304.C.1.a

1. ***The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards).***

   Per the standards found in part 7.3.3 of the UDC, detached garage structures are subject to square footage and height limitations. Per 7.3.304.C: Carport or Garage, Accessory standards require that all garage uses on a lot do not amount to a footprint greater than 1,650 square feet. That same section of the UDC requires that detached garages are no taller than 16-feet if the roof pitch is less than six (6) to twelve (12) and limit the height to 20-feet if the structure has a roof pitch that is greater than six (6) to twelve (12). Based on a UDC Written Interpretation dated for 02-08-2024 the nonuse variance may be utilized as a relief option to dimensional and numerical standards found in section 7.3.3 (See Attachment #6 – 7.3 Written Interpretation). This application complies with all other standards, notwithstanding the rear yard setback and the applicable lot coverage, that are prescribed in part 7.3.3 of the UDC.

   Staff Analysis: After evaluation of the nonuse variance application, City staff finds that the application does not meet review criteria, however, these code sections are why this nonuse variance application is being requested.

2. ***The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district.***

   The subject property has a unique physical condition due to its rural lot configuration considering the large lot size at 1.13 acres and low density of the zone district. The zoning code section 7.3.304.C.1 applies to all residential lots within the City of Colorado Springs; however, the Rustic Hills Subdivision has residential lots that are larger in size than many residential lots throughout the City creating greater restrictions on these larger lots when considering the percentage of the lot that the owner can utilize. Since the proposed development is meeting all zone district dimensional standards, it is more acceptable to implement additional garage square footage and additional storage space beyond what zoning code allows to accommodate the larger lot size and grant the owner the same equal opportunity for accessory uses on their residential lot as other residential lots in the surrounding area.

   Staff Analysis: After evaluation of the nonuse variance application, City staff finds that the application meets the review criteria.

3. ***That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief.***

   While not creating a precedent, City Staff has reviewed and approved other large, detached structures in the area and have been approved for land entitlements that permit height and sizes beyond what zoning code allows. By not granting this variance request, the property owner would have less reasonable use of their property compared to other lots in the surrounding area and the rest of the City.

   Staff Analysis: After evaluation of the nonuse variance application, City staff finds that the application meets the review criteria.

4. ***That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties.***

   The granting of these variances will not be detrimental to public health, safety, or the welfare of the community.

   There will be no intrusion on the privacy of adjacent lots as the detached garage meets and exceeds all required setbacks. The overall proposed lot coverage is 12% where up to 30% is permitted, factoring both the primary and accessory structures. The proposed 2,000 sq. ft. garage itself amounts to about 5% of the total lot coverage. This increase in lot coverage, as well as the height allowance, has little impact on the subject lot regarding density and involves virtually no land use impact on neighboring lots.

   Staff Analysis: After evaluation of the nonuse variance application, City staff finds that the application meets the review criteria.

Compliance with Development Standards

Development Standard	Required	Proposed
Gross Garage Square Footage	1,650 sq. ft.	3,141 sq. ft.
Accessory Structure Height	16-feet	21-feet, 10 3/4-inches
Accessory Structure Side Setback	10-feet	50-feet
Accessory Structure Rear Setback	25-feet	25-feet
Lot Coverage	30%	12%

Compliance with Relevant Guiding Plans and Overlays

Airport Overlay (AP-O)

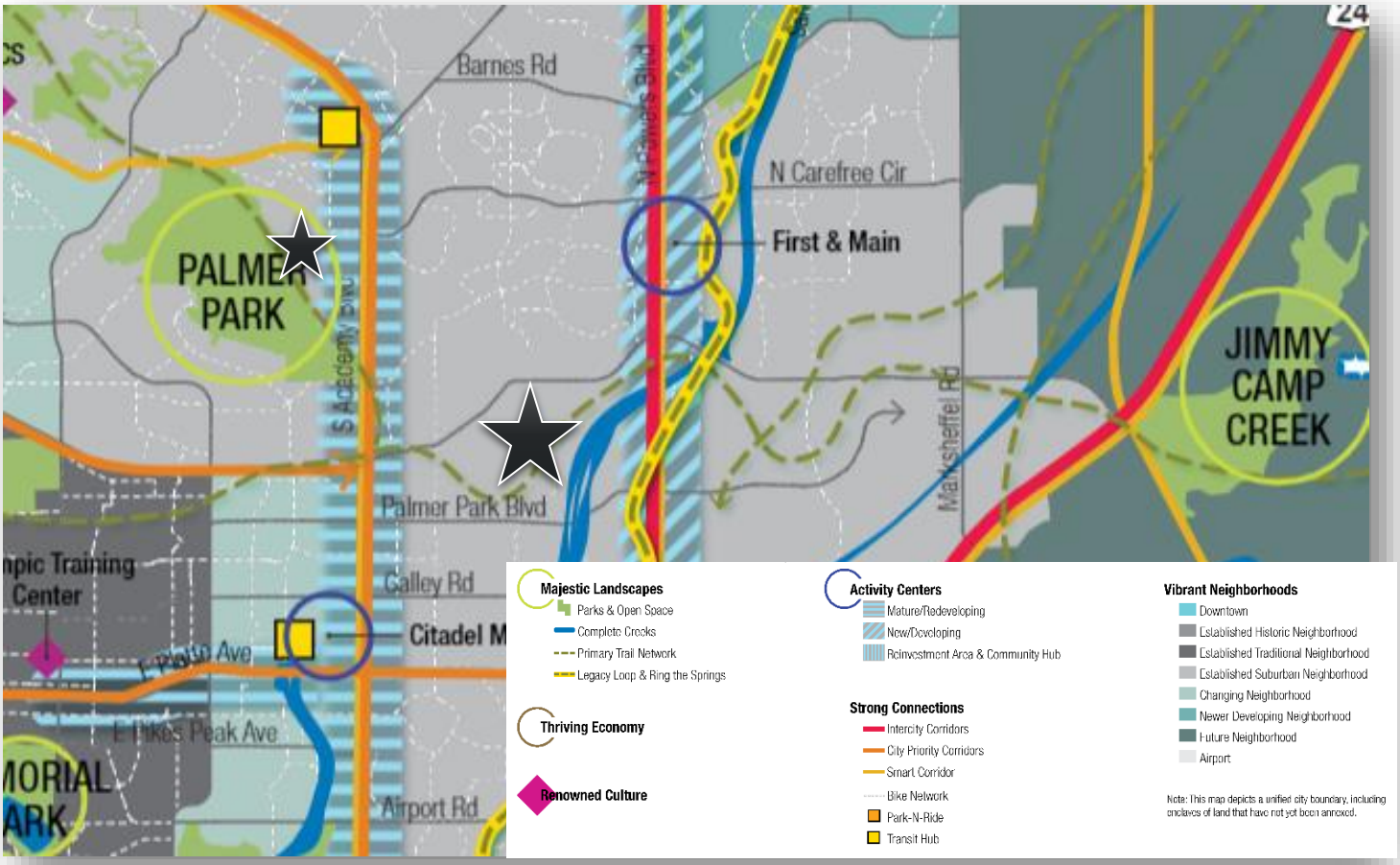
An Airport Overlay is applicable to this site and has no impact on the proposed development.

Rustic Hills Improvement Association

The Rustic Hills Improvement Association (Rustic Hills HOA) has provided written approval for this structure (see Attachment #4 - Rustic Hills HOA Approval).

Compliance with PlanCOS

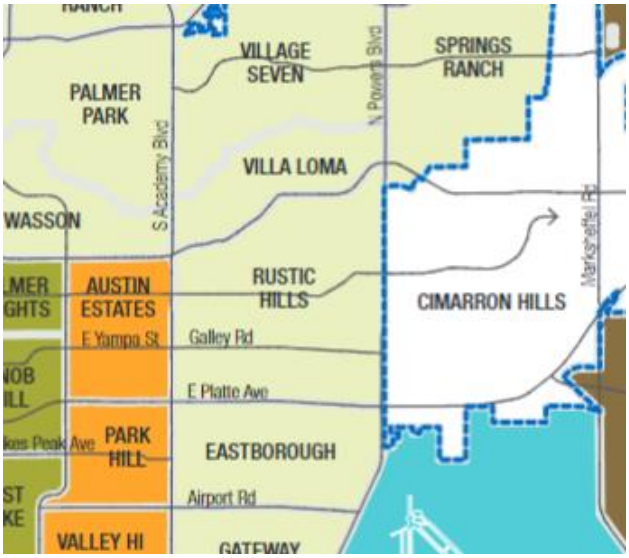
PlanCOS Vision



Staff evaluated the proposed application for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS, the project site is identified as being within a "Established Suburban Neighborhood". Established Neighborhoods are predominantly built-out and have been for at least a few decades. Relative to other neighborhoods, they are stable and do not anticipate high levels of land use changes. However, most Established Neighborhoods within the city should expect some degree of infill and redevelopment.

Suburban Neighborhoods are defined as a subcategory to Established Neighborhoods in PlanCOS, and include those that developed with a suburban pattern, including curvilinear streets with cul-de-sacs. These neighborhoods have matured to the point where they are not actively being developed and no longer have actively managed privately initiated master plans, and ordinarily do not yet have publicly initiated master plans. These neighborhoods have a high value in maintaining the privacy of homes and safe streets for families. New development should focus on safe connections into and within these neighborhoods.

Staff finds that the proposed Nonuse Variances encourages and supports flexible site and building designs, and residential densities that are adaptable to the specific site, and neighborhood at large.



Vibrant Neighborhoods

The property is located within the Rustic Hills Neighborhood which is classified as an established suburban neighborhood typology. Under the Vibrant Neighborhoods chapter this proposal meets the following strategy:

Strategy VN-3.E-3: Through a combination of Zoning Code changes and development review decisions, encourage and support flexible site and building designs and residential densities that are adaptable to the specific site.

Statement of Compliance

NVAR-24-0013

After evaluation of the nonuse variance, the application meets the review criteria with the following conditions:

a. A drainage letter must be submitted and approved by Stormwater Enterprise.
b. A Drainage Basin Planning Study is reviewed by Stormwater Enterprise and any necessary channel improvements and/or stabilization is completed prior to Building Permit.

NVAR-24-0014

After evaluation of the nonuse variance, the application meets the review criteria with the following conditions:

a. A drainage letter must be submitted and approved by Stormwater Enterprise.
b. A Drainage Basin Planning Study is reviewed by Stormwater Enterprise and any necessary channel improvements and/or stabilization is completed prior to Building Permit.