

City of Colorado Springs
Development Review Enterprise
NVAR-24-0018 [Non-Use Variance for Access Width]
1609 W Kiowa Ave (Schedule No. 7412323002)

Project Statement (Resubmittal 12/26/24)

The subject parcel of this proposed re-subdivision is located at Mr. John DeLago's 1609 W Kiowa Avenue property, an approximately 11,234 sq. ft. lot in Old Colorado City.

Application(s)

The following application(s) is here requested:

Final Plat [Separate Submittal]

Replat the singular tract of land at 1609 W Kiowa St into two lots, one of which will include an Access & Utility Easement.

Non-Use Variances

Consequently, two Non-Use Variances are requested:

Access Width – To allow a 12' Access Width where 25' is required

Side Setback – To allow a 0.9' Side Setback where 5' is required

This specific application is submitted to the regional zoning authority having jurisdiction, i.e., the City of Colorado Springs and its Planning & Community Development Department, for a Non-Use Variance. **The Non-Use Variance request is to allow a 12' Access Width where a 25' Access Width is allowed per City Code 7.4.302.5.E.**

Project Scope

The proposed Final Plat thoughtfully re-subdivides an existing 11,234 sq. ft. lot into two lots observant of *Lot Standards* for the R-2 Zone District with Detached, Single-Family Dwellings.

The front lot, “Lot 1,” – which features a small, existing dwelling – is to be 5,200 sq. ft. with primary access from the Right-of-Way (i.e., W Kiowa St).

The rear lot, “Lot 2,” is to be in a Flag Lot configuration, amassing 6,034 sq. ft. with primary access from the Right-of-Way (and not the alley). The stem portion of the Flat Log is to be 12’ wide and serve as an easement for vehicle and utility access. Not including the area of the stem portion, the lot size totals around 5,043 sq. ft.

Most importantly, the configuration was designed to allow both lots to have primary access via the Right-of-Way, namely, West Kiowa Street. Such is the case for this design due to the assistance and feedback from the City Planning officials – to refrain from primary access to Lot 2 via the rear alley way for the sake of improved wayfinding abilities and other benefits for the likes of emergency first responders, postal services, etc.

Lastly, the proposed Lots 1 and 2 observe the *Lot Standards* for the category of the R-2 Zone District with Single-Family Dwellings in that each surpasses both the *Lot Area (Min.)* of 5,000 sq. ft. and *Lot Width (Min.)* of 50 ft. Also, the stem portion of the proposed Flag Lot that is Lot 2, i.e., the proposed Access & Utility Easement, was strategically designed to take the current place of the existing lot’s driveway pattern. In other words, the current driveway with its apron would be converted to become the access for the rear Flat Lot (Lot 2), and the front lot (Lot 1) would then have a new driveway and apron situated on the easterly side of the front lot lines – to be coordinated with City Engineering et al. **Ammendment 12/26/24: The Site Plan accompanying the resubmittal on the same date reflects the proposed curb cut and driveway for proposed Lot 1 (which is the frontmost lot).**

Review Criteria

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

2. The property has **Extraordinary and Exceptional Physical Conditions** in that it has unique physical conditions both with respect to the size and/or shape of its lot as well as to the size and/or location of existing structures, neither of which are self-imposed.

This R-2 zoned lot amasses approximately 11,234 sq. ft. in total area which is well over the Lot Area minimum of 5,000 sq. ft. thus allowing potentiality for a re-subdivision that observes certain *Lot Standards*.

As noted above, a flat-lot configuration with primary means of access via the right-of-way is proposed instead of a subdivision waiver seeking primary means of access via the alleyway at the recommendation of City Officials.

This point is discussed in more detail in the last paragraph of the “Project Scope” section. In short, the proposed design is patterned after the existing driveway, converting it into the new stem portion of the Flat Log, i.e., the new Lot 2. Again, this design approach allows for the proposed Lots 1 and 2 to conform to certain *Lot Standards* for a subset of its Zone District.

3. In the absence of relief, the extraordinary and exceptional physical conditions would **Not Allow a Reasonable Use of the Property**. Again, this proposal thoughtfully re-subdivides the existing parcel in such a way that it conforms to existing lot patterning as well as observes certain Lot Standards to allow for reasonable use (e.g., future development of garages, ADUs, etc. as is standard throughout the neighborhood’s surrounding properties in the same zone district).

4. Through careful site planning with the project team along with the consultation of the City Planning Department and other review agencies (e.g., City Engineering, etc.) – and for reasons cited above – there is great confidence that the granting of this variance poses **No Adverse Impact** neither to public health, safety or welfare. In fact, the proposed design has specifically accounted for public health, safety, and welfare concerns by electing for this Access Width Non–Use Variance instead of a Subdivision Waiver (making for improved wayfinding abilities and other benefits for the likes of emergency first responders, postal services, etc.).

On behalf of the owner, Mr. John DeLago, the applicant humbly requests that the City Planning Department give full consideration to the and that should the justifications herein please the reviewing staff by satisfying the review criteria, a favorable approval be granted.

Thank you,
Charles Farrell
FS Management

City of Colorado Springs
Development Review Enterprise
Non-Use Variance (2 of 2) [Side Setback]
1609 W Kiowa Ave (Schedule No. 7412323002)

Project Statement

The subject parcel of this proposed re-subdivision is located at Mr. John DeLago's 1609 W Kiowa Avenue property, an approximately 11,234 sq. ft. lot in Old Colorado City.

Application(s)

The following application(s) is here requested:

Final Plat [Separate Submittal]

Replat the singular tract of land at 1609 W Kiowa St into two lots, one of which will include an Access & Utility Easement.

Non-Use Variances

Consequently, two Non-Use Variances are requested:

Access Width – To allow a 12' Access Width where 25' is required

Side Setback – To allow a 0.9' Side Setback where 5' is required

This specific application is submitted to the regional zoning authority having jurisdiction, i.e., the City of Colorado Springs and its Planning & Community Development Department, for a Non-Use Variance. **The Non-Use Variance request is to allow a 0.9' Side Setback where a 5' Side Setback is allowed per City Code 7.2.205.B, Table 2.2-E.**

Project Scope

The proposed Final Plat thoughtfully re-subdivides an existing 11,234 sq. ft. lot into two lots observant of *Lot Standards* for the R-2 Zone District with Detached, Single-Family Dwellings.

The front lot, “Lot 1,” – which features a small, existing dwelling – is to be 5,200 sq. ft. with primary access from the Right-of-Way (i.e., W Kiowa St).

The rear lot, “Lot 2,” is to be in a Flag Lot configuration, amassing 6,034 sq. ft. with primary access from the Right-of-Way (and not the alley). The stem portion of the Flat Log is to be 12’ wide and serve as an easement for vehicle and utility access. Not including the area of the stem portion, the lot size totals around 5,043 sq. ft.

Most importantly, the configuration was designed to allow both lots to have primary access via the Right-of-Way, namely, West Kiowa Street. Such is the case for this design due to the assistance and feedback from the City Planning officials – to refrain from primary access to Lot 2 via the rear alley way for the sake of improved wayfinding abilities and other benefits for the likes of emergency first responders, postal services, etc.

Lastly, the proposed Lots 1 and 2 observe the *Lot Standards* for the category of the R-2 Zone District with Single-Family Dwellings in that each surpasses both the *Lot Area (Min.)* of 5,000 sq. ft. and *Lot Width (Min.)* of 50 ft. Also, the stem portion of the proposed Flag Lot that is Lot 2, i.e., the proposed Access & Utility Easement, was strategically designed to take the current place of the existing lot’s driveway pattern. In other words, the current driveway with its apron would be converted to become the access for the rear Flat Lot (Lot 2), and the front lot (Lot 1) would then have a new driveway and apron situated on the easterly side of the front lot lines – to be coordinated with City Engineering et al.

Review Criteria

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

2. The property has **Extraordinary and Exceptional Physical Conditions** in that it has unique physical conditions both with respect to the size and/or shape of its lot as well as to the size and/or location of existing structures, neither of which are self-imposed.

This R-2 zoned lot amasses approximately 11,234 sq. ft. in total area which is well over the Lot Area minimum of 5,000 sq. ft. thus allowing potentiality for a re-subdivision that observes certain *Lot Standards*. As noted above, there exists a single-family dwelling with an approximately 770 sq. ft. footprint.

As noted above, a flat-lot configuration with primary means of access via the right-of-way is proposed instead of a subdivision waiver seeking primary means of access via the alleyway at the recommendation of City Officials.

This point is discussed in more detail in the last paragraph of the “Project Scope” section. In short, the proposed design is patterned after the existing driveway, converting it into the new stem portion of the Flat Log, i.e., the new Lot 2. Again, this design approach allows for the proposed Lots 1 and 2 to conform to certain *Lot Standards* for a subset of its Zone District.

3. In the absence of relief, the extraordinary and exceptional physical conditions would **Not Allow a Reasonable Use of the Property**. Again, this proposal thoughtfully re-subdivides the existing parcel in such a way that it conforms to existing lot patterning as well as observes certain Lot Standards to allow for reasonable use (e.g., future development of garages, ADUs, etc. as is standard throughout the neighborhood’s surrounding properties in the same zone district).

However, with the aforementioned single-family dwelling which pre-exists on the current lot as platted and deeded, the design regarding the *Access Width* triggers another

variance, namely, a Side Setback Non-Use Variance, as the 12' Access & Utility Easement of proposed Lot 2 would fall 0.9 ft. from the existing dwelling which would be situated in proposed Lot 1. Overall, the justification for this is reasonably thought to be as follows:

- i. The landowner wishes to subdivide this property which has both access to the Right-of-Way and the alleyway.
- ii. The standard (and recommendation) of City Planning is for primary access to the public Right-of-Way, not the alley (although a Subdivision Waiver may sometimes be granted).
- iii. Primary Access to the Right-of-Way is satisfied by a "Flag Lot" configuration as depicted in the project documents.
- iv. The stem portion of the Flag Lot is patterned after the existing site conditions, taking the place of the current driveway — thus providing primary access to the proposed rear lot.
- v. The width of the proposed Access & Utility Easement is reduced to help observe Lot Standards for this Zone District, which would otherwise require certain variances if not observed. However, this triggers the need for a nonuse variance for the Access Width (which in pre-application conferencing seems to have the preliminary support of relevant entities).
- vi. Finally, the location and design of the Access & Utility Easement, discussed throughout this Project Statement, falls near the existing dwelling necessitating another nonuse variance.
- vii. However, while the existing dwelling is currently setback 12.9 ft. from the existing lot's West lot line, the introduction of the 12 ft. Easement would leave only 0.9 ft. from the dwelling to said Easement. However, that Easement would be just that: an easement. This side setback variance, then, should pose no real issue nor impact — all things considered — as it will rest next to a dedicated easement subject to the governing development standards and agencies.

4. Through careful site planning with the project team along with the consultation of the City Planning Department and other review agencies (e.g., City Engineering, etc.) – and for reasons cited above – there is great confidence that the granting of this variance poses **No Adverse Impact** neither to public health, safety or welfare. In fact, the proposed design has specifically accounted for public health, safety, and welfare concerns by electing for this Access Width Non–Use Variance instead of a Subdivision Waiver (making for improved wayfinding abilities and other benefits for the likes of emergency first responders, postal services, etc.). Moreover, numeral vii. of Review Criteria number 3. noted above demonstrates no final issue, other than the need for this non–use variance, as the easement provides a certain, dedicated spacial setback while the design yet affords reasonable use for the new Front Lot as it meets certain Lot Standards (cited in the Project Statement for the Access Width Non–Use Variance).

On behalf of the owner, Mr. John DeLago, the applicant humbly requests that the City Planning Department give full consideration to the and that should the justifications herein please the reviewing staff by satisfying the review criteria, a favorable approval be granted.

Thank you,
Charles Farrell
FS Management