

Quick Facts

Applicant

Fortified Solutions

Property Owner

John DeLago

Developer

John DeLago

Address / Location

1609 W Kiowa St.

TSN(s)

7412323002

Zoning and Overlays

R-2 (Two-Family Residential)

Site Area

11,234 sq. ft.

Proposed Land Use

Single-Family Residential

Applicable Code

UDC

Project Summary

Two (2) Non-Use Variance requests consequential to a proposed subdivision of one (1) 11,234 sq. ft. lot into two lots. The first non-use variance request is to allow a twelve foot (12') access with where twenty-five feet (25') are required to serve the nearly created lot in the rear. The second non-use variance request is to allow a 0.9 foot side yard setback where 5' are required along the western portion of the newly subdivided lot's 12' access area.

File Number	Application Type	Decision Type
NVAR-24-0018	Non-Use Variance	Quasi-Judicial
NVAR-24-0019	Non-Use Variance	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	West Colorado Springs	03/01/1890
Subdivision	Town of West Colorado Springs Addition #1	06/13/1888
Master Plan	Westside Master Plan	01/22/1980
Prior Enforcement Action	N/A	N/A

Site History

The property addressed as 1609 West Kiowa Street consists of an 11,234 sq. ft. lot with a single-family residential home that was constructed in 1940, a 243 sq. ft. detached garage (proposed to be removed), and three small accessory structures, located on the lot. This property was part of the Town of West Colorado Springs Addition in 1888. The lot's legal description indicates that the lot, as configured, consists of both a wholly platted lot and a portion of a platted lot. In 2020, the current property owner applied for a Waiver of Replat application to allow for the construction of an accessory dwelling unit located in the rear of the lot. While the application was administratively approved in February of 2021, construction of the accessory dwelling unit never ensued.

Applicable Code

The subject applications were submitted after the implementation date (06/05/2023) of the ReTool project, and as such, are reviewed under the Unified Development Code. 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

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	R-2	Single-Family Residential	N/A
West	R-2	Single-Family Residential	N/A
South	R-2	Single/Two Family Residential	N/A
East	R-2	Single-Family Residential	N/A



Stakeholder Involvement

Public Notice

Public Notice Occurrences
(Poster / Postcards)

Initial Review & Planning Commission Public Hearing

Postcard Mailing Radius

1000'

Number of Postcards Mailed

350

Number of Comments Received

4

Public Engagement

Four public comments were received via email in opposition to the non-use variance requests citing concerns with additional density, parking, drainage and runoff, as well as the proposal's affect on the existing neighborhood context (see "Attachment 3").

Timeline of Review

Initial Submittal Date	November 5, 2024
Number of Review Cycles	2
Items Ready for Agenda	February 12, 2024

Agency Review

Traffic Engineering

No concerns received.

School District

No comments received.

Parks

No comments received.

SWENT

No comments received.

Colorado Springs Utilities

All comments that were received have been addressed.

Non-Use Variance – Lot Access Width – NVAR-24-0018

Summary of Application

The applicant is requesting approval of a non-use variance to City Code section 7.4.302.E.5. of the UDC to allow a twelve foot (12') access width where twenty-five feet (25') are required in associated with a replat application that proposes to subdivide a singular 11,234 sq. ft. lot into two lots that meet the minimum lot size and width for the R-2 (two-family) zone district. The existing lot has a single-family home that was constructed in 1940 and is presently located just under thirteen feet (12.9') from the adjacent side property line to the west, where the flag-portion of the newly subdivided lot in the rear is being proposed (see "Attachment 1 & 2"). It should be noted that City Code section 7.4.302.E.3. requires that each lot be provided with "satisfactory access to a dedicated public street" and that the rear alley does not meet the minimum width prescribed by City Engineering criteria. As such, the proposal creates two lots, both meeting minimum lot size and width while ensuring each lot has adequate access, parking, as well as sufficient area to allow for context considerate development that minimizes the impact to the neighborhood.

Application Review Criteria

UDC Section 7.5.526.E.

1. The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards);
This application proposes the subdivision of a singular 11,234 sq. ft. lot into two lots, both of which meet the minimum lot size and width. While the current scope of this application does not propose a second dwelling unit on the newly created lot, it can be reasonably assumed that the second lot may be developed with a single-family home. With exception to both variances associated with this subdivision application, all other use-specific standards prescribed by Part 7.3.3 of the City's UDC are met.
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 is 11,234 sq. ft. and is seventy-five feet (75') in width with an existing single-family home that is located just under thirteen feet (12.9') from the western property line. In the R-2 zone district the minimum lot size is five-thousand square feet (5,000 sq. ft.) and the minimum lot width is fifty feet (50'). As such, subdivision of this existing lot into two lots seems like a sensible endeavor that would allow for considerate infill development, provided that adequate access to the street for both lots can be achieved. In order to provide sufficient vehicular access to both lots to West Kiowa St., as well as maintain a reasonable flag-lot style configuration, the most rational location for the second access portion is along the western side of the property, which serves as the existing vehicular access point. Provided that the home was constructed in 1940, its existing location creates an extraordinary and exceptional condition that would not allow for an alternative lot configuration, and that does not necessitate relief from two or more code standards. As such, the subdivision proposal as configured, presents the most rational option given the extraordinary conditions resulting from the existing home's location and current vehicular access point.

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;

Provided that this lot is sufficiently large enough in size to allow for subdivision into two lots, that the current vehicular access location is being maintained and the less than thirteen feet (12.9') established condition has existed without hardship or conflict, the relief request, if approved, will allow for the reasonable use of this property. Furthermore, in absence of the relief request, sufficient alley-served vehicular access could be achieved, although due to the insufficient width of the alley, access along West Kiowa St reduces the strain on the alley from additional vehicles. Finally, the demolition and reconstruction of the home to allow for a 25' access width on either side of the property would result in extensive and wasteful financial hardship imposed on the applicant, which is otherwise avoided by maintaining the structures historic location.

4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties;
This proposal will not result in any adverse impact to surrounding properties. Rather, it allows for reasonable and context sensitive infill development that ensures the capacity to achieve ample vehicular parking that minimizes the impact to the neighborhood.

After evaluation of the Non-Use Variance for the reduced lot access width the application meets the review criteria. Staff finds that a reduction of the access width is necessary to allow for the reasonable use of this R-2 zoned 11,342 sq. ft. lot.

Non-Use Variance – Side Yard Setback – NVAR-24-0019

Summary of Application

The applicant is requesting approval of a non-use variance to City Code section 7.2.205.B. of the UDC to allow for a less than one foot (0.9') side yard setback where a five foot (5') setback is required in association with a replat application that proposes to subdivide a singular 11,234 sq. ft. lot into two lots that meet the minimum lot size and width for the R-2 (two-family) zone district. The existing location of the home, which was constructed in 1940, is just under thirteen feet (12.9') from the western interior lot line. The area of land between the existing home and the western property line currently serves as a driveway leading to a garage located in the rear of the lot. The replat application proposes to maintain this existing vehicle access point along the western portion of the home, but to replat it to serve as the flag portion of a newly created lot in the rear. A new curb cut, and driveway will be created along the eastern portion of the lot to serve the property in the front, thus providing adequate access and parking for both lots. As a result of the newly delineated property line, the existing primary structure does not meet the minimum side yard setback requirement of 5'. However, consideration should be directed toward the fact that no structure may be located in this twelve foot (12') area, as it is designated to serve as vehicular access only and therefore, will not impact the adjacent lot to the west.

Application Review Criteria

UDC Section 7.5.526.E.

1. The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards);
This application proposes the subdivision of a singular 11,234 sq. ft. lot into two lots, both of which meet the minimum lot size and width. While the current scope of this application does not propose a second dwelling unit on the newly created lot, it can be reasonably assumed that the second lot may be developed with a single-family home. With exception to both variances associated with this subdivision application, all other use-specific standards prescribed by Part 7.3.3 of the City's UDC are met.
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 is 11,234 sq. ft. and is seventy-five feet (75') in width with an existing single-family home that is located just under thirteen feet (12.9') from the western property line. In the R-2 zone district the minimum lot size is five-thousand square feet (5,000 sq. ft.) and the minimum lot width is fifty feet (50'). As such, subdivision of this existing lot into two lots seems is a sensible endeavor that would allow for considerate infill development, provided that adequate access to the street for both lots can be achieved. In order to provide sufficient vehicular access to both lots to West Kiowa St., as well as maintain a reasonable flag-lot style configuration, the most rational location for the second access portion is along the western side of the property, which serves as the existing vehicular access point. Provided that the home was constructed in 1940, its existing location creates an extraordinary and exceptional condition that would not allow for an alternative lot configuration, and that does not necessitate relief from two or more code standards. As such, the subdivision proposal, as configured, presents the most rational option given the extraordinary conditions resulting from the existing home's location and current vehicular access point.
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;
Provided that this lot is sufficiently large enough in size to allow for subdivision into two lots, that the current vehicular access location is being maintained and the less than thirteen feet (12.9') established condition has existed without hardship or conflict; the relief request, if approved, will allow for the reasonable use of this property. Furthermore, in absence of the relief request, sufficient alley-served vehicular access could be achieved, although due to the insufficient width of the alley, access along West Kiowa St reduces the strain on the alley from additional vehicles. Finally, the demolition and reconstruction of the home to allow for a 25' access width on either side of the property would result in extensive and wasteful financial hardship imposed on the applicant, which is otherwise avoided by maintaining the structures historic location.
4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties;
This proposal will not result in any adverse impact to surrounding properties, as the reduced side yard setback is along the access (or flag) portion of the lot, where no future structures may be located. With this considered, the proposal allows for reasonable and context sensitive infill development that ensures the capacity to achieve ample vehicular parking that minimizes the impact to the neighborhood.

After evaluation of the Non-Use Variance for the reduced side yard setback the application meets the review criteria. Staff finds that a reduction of side setback is necessary to allow for the reasonable use of this R-2 zoned 11,342 sq. ft. lot.

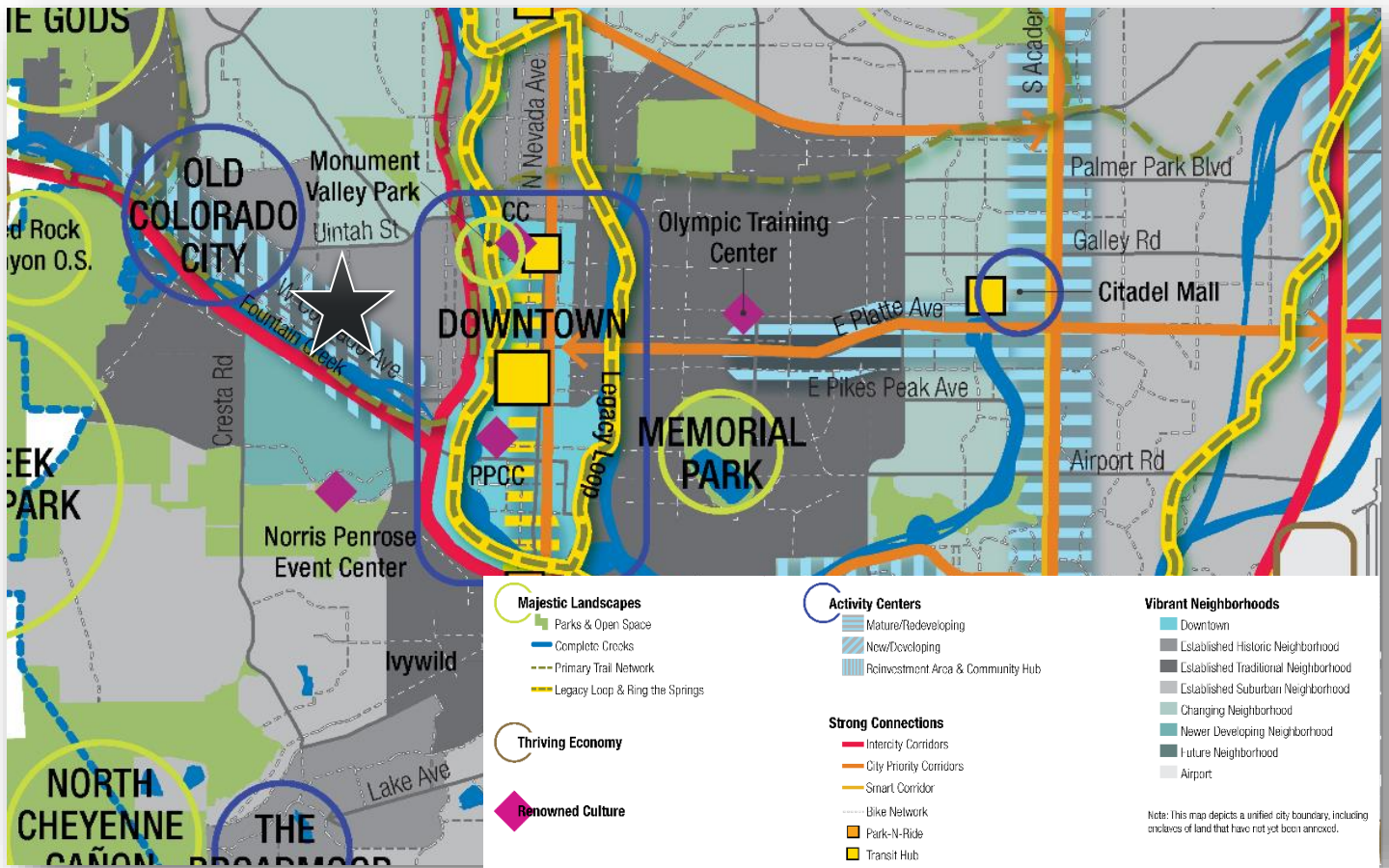
Compliance with Relevant Guiding Plans and Overlays

This property is located within the Westside Master Plan area and while subject to the Westside Master Plan, it should be noted that attention is also given to the more recent and emerging Greater Westside Community Planning process, which would update the goals and objectives of the aging Westside Master Plan. The Westside Master Plan from 1980 outlined key objectives including, but not limited to, utilizing housing rehabilitation, increasing land use compatibility, preservation of historic architecture, and encouraging infill development. While the proposed subdivision application does not include plans for additional housing on the newly created lot at this time, it can be assumed that a single-family home will be developed in the future. Furthermore, the proposal ensures the preservation of existing neighborhood characteristics by maintaining

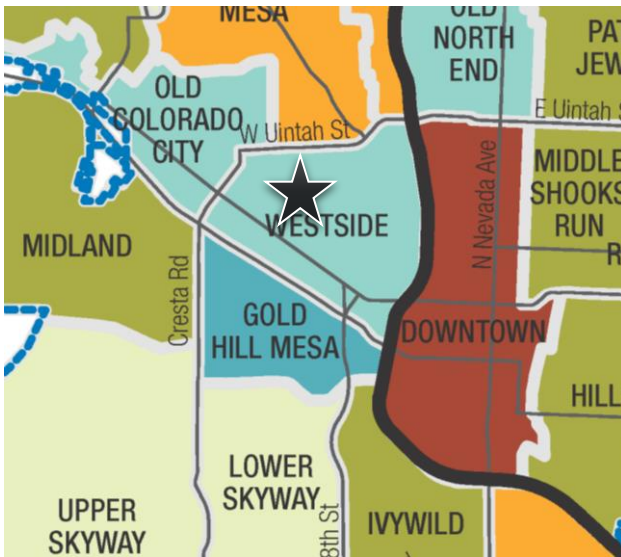
the existing home, constructed in 1940, in its current location with no proposed changes. As such, the newly created lot by this subdivision application is representative of context sensitive and thoughtful infill development that is consistent with the neighborhood characteristics, as well as the subject master planning goals and objectives.

Compliance with PlanCOS

PlanCOS Vision



The proposed non-use variance applications have been reviewed for compliance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, this project site is within an "Established traditional neighborhood." The goal of this neighborhood typology is to recognize, support, and enhance the existing character of these neighborhoods, while supporting their ongoing investment and improved adaptation. More specifically, PlanCOS states that new development and/or redevelopment should incorporate elements of the existing neighborhood. Additionally, these neighborhoods should expect some degree of infill development.

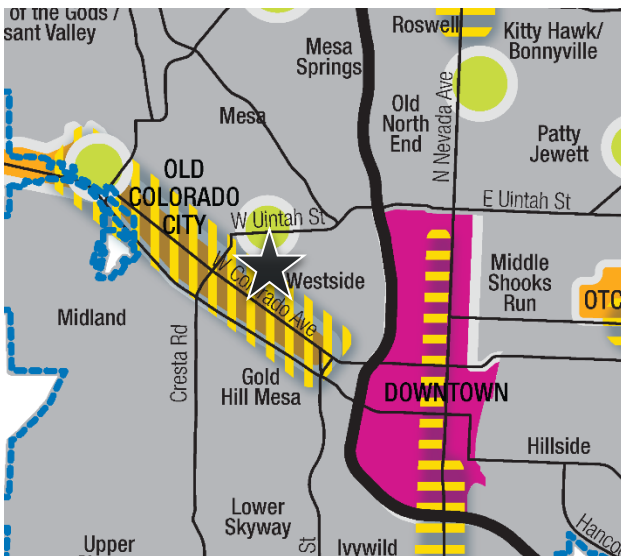


Predominant Typology

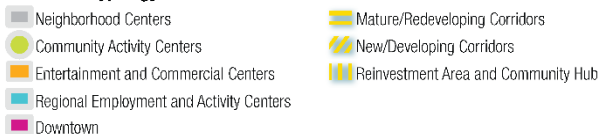


Vibrant Neighborhoods

- Strategy VN-2.A-3: Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels
- Strategy VN-2.A-4: Allow for zoning residential bonuses that result in the provision of additional attainable housing, such as increased heights or densities.
- Strategy VN-3.E-3: Though 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.

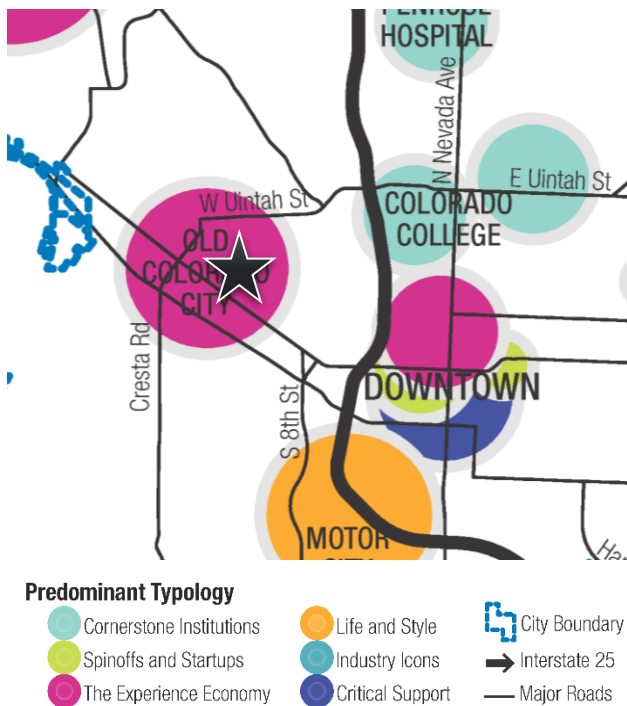


Predominant Typology



Unique Places

- Strategy UP-2.A-4: Actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment.
- Strategy UP-2.A-5: Revise zoning and building regulations to be more streamlined and flexible regarding infill, redevelopment, and mixed-use development, especially in older, underutilized commercial areas.



Thriving Economy

- Strategy TE-4.A-1: Encourage revitalization and infill in underutilized urban places, as detailed in Chapter 3.

Statement of Compliance

NVAR-24-0018

After evaluation of the Non-Use Variance application for a reduced access width the application meets the review criteria.

NVAR-24-0019

After evaluation of the Non-Use Variance application for a side yard setback along the access portion of the newly created lot the application meets the review criteria.