



**NORTHEAST ENTRY  
DOORS OPEN**



**NORTHWEST ENTRY  
DOORS OPEN**



**BREEZEWAY**



**NORTHEAST ENTRY DRIVE VIEW**



**NORTHWEST ENTRY DRIVE VIEW**

**Quick Facts**

**Applicant**

M.V.E., Inc.

**Property Owners**

Timothy Pool and Mark Richards

**Address / Location**

305 W Old Broadmoor Rd

**TSN(s)**

7425417002

**Zoning and Overlays**

R-E WUI

**Site Area**

21600 SQFT

**Land Use**

Single-family residential

**Applicable Code**

UDC

**Project Summary**

The application is a nonuse variance proposing a new attached garage located at 305 W Old Broadmoor Rd. The proposed pull-through garage would encroach 10 feet into the 20-foot required front yard setback for garages in the R-E zone district. There has never been a garage on the property to date as far as records indicate. Because the house exhibits valuable historical and architectural characteristics, the applicants intend to build the garage with a less than three-foot separation to the primary structure, meeting the technical code requirements for “attached,” while preserving the architecture of the home.

<b>File Number</b>	<b>Application Type</b>	<b>Decision Type</b>
NVAR-23-0052	Nonuse Variance	Quasi-judicial



# 305 W OLD BROADMOOR RD – NONUSE VARIANCE

Planning Commission November 17, 2023

Staff Report by Case Planner: Molly O'Brien

## Background

### Prior Land-Use History and Applicable Actions

#### Site History

The property is located in the Broadmoor neighborhood. According to the El Paso County Assessor, the existing ranch-style house was constructed in 1957. As the applicant’s project statement reads, “The house has historical architectural significance as it was designed by Elizabeth Wright Ingraham (Frank Lloyd Wright’s granddaughter) and her husband Gordon.” Staff did not find any prior history of land use entitlements on file for this site.

#### Applicable Code

The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project, and as such, the subject application was reviewed under the Unified Development Code (UDC). 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-E	Single-family residential	None
West	R-E	Single-family residential	None
South	R-E	Single-family residential	None
East	R-E	Single-family residential	None



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	Poster and Postcards
Postcard Mailing Radius	1000 ft
Number of Postcards Mailed	160
Number of Comments Received	4

### Public Engagement

Staff received four comments in support of the variance, with comments including the lack of visibility that the proposed garage would have from the street, the practicality of have an enclosed space for vehicle storage where none existing previously, and support for the approach of building the garage in such a way that it will not negatively impact the existing architecture of the home.

## Timeline of Review



# 305 W OLD BROADMOOR RD – NONUSE VARIANCE

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Initial Submittal Date September 5, 2023

Number of Review Cycles 2

## Agency Review

### Engineering Development Review

Engineering Development Review reviewed the application per applicable code requirements and recommended approval.

### Colorado Springs Fire

Because the property is located within the Wildland Urban Interface (WUI), Fire required notes to be added to the site plan relating to the additional requirements, risks, and responsibilities associated with residing in the WUI, including additional landscaping and construction concerns. These notes were added to the site plan by the applicant, and Fire subsequently recommended approval.

### Colorado Springs Utilities

Colorado Springs Utilities reviewed the application for potential conflicts and found none.

## Nonuse Variance

### Summary of Application

The applicant is requesting approval of a nonuse variance to section 7.2.202 of the UDC to deviate from the 20-foot front yard setback requirement for attached garages in the R-E zone district. Approval would allow for a front yard setback of 10.2' feet for the construction of the garage.

### Application Review Criteria

#### Zone District

The lot is zoned R-E, or Single-Family Estate. Per code, "This zone district accommodates large lots primarily for low-density, detached single-family residential uses," (7.2.202).

#### Dimensional Criteria

The front yard setback required for attached garages in the R-E zone district is 20 feet, per Section 7.2.202. The requested setback is 10.2' feet, representing a 49% encroachment. This dimension is noted to be measured from "back of sidewalk," (7.2.202). In this case, there is no sidewalk; the setback is instead measured from the front property line.

Additionally, the proposed structure would be detached from the primary structure with a separation of less than 3 feet. Per the definition of "detached structure" stated in code section 7.6.301, this structure would be considered attached, but may be subject to additional requirements related to the Building and Fire Codes at time of building permit.

Development Standard	Required	Proposed
Setbacks	20 feet	10.2 feet

**Review Criteria – 7.5.526 (Nonuse Variance)**

The applicable section of code in reviewing this proposal is 7.5.526: Nonuse Variance. All four criteria for approval must be met for City Planning Commission to grant the request for a nonuse variance.

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

Approval of this application would allow for an attached garage use as an accessory to the primary single-family residential use. The application complies with standards for use in 7.3.3.

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

Geohazard and drainage conditions to the rear of the property are unusual for the zone district. The rear of the lot is covered by the landslide susceptibility area, pictured in the below image in blue, as well as significant slope (pictured in orange) down to Spring Run, creating drainage issues according to the applicant. In addition, although circular driveways are typical for this area, most properties have existing garages. The combination of the physical characteristics of the lot and the historic nature of the home’s architecture creates a unique set of circumstances that do not typically exist elsewhere in the zone district.



**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;**

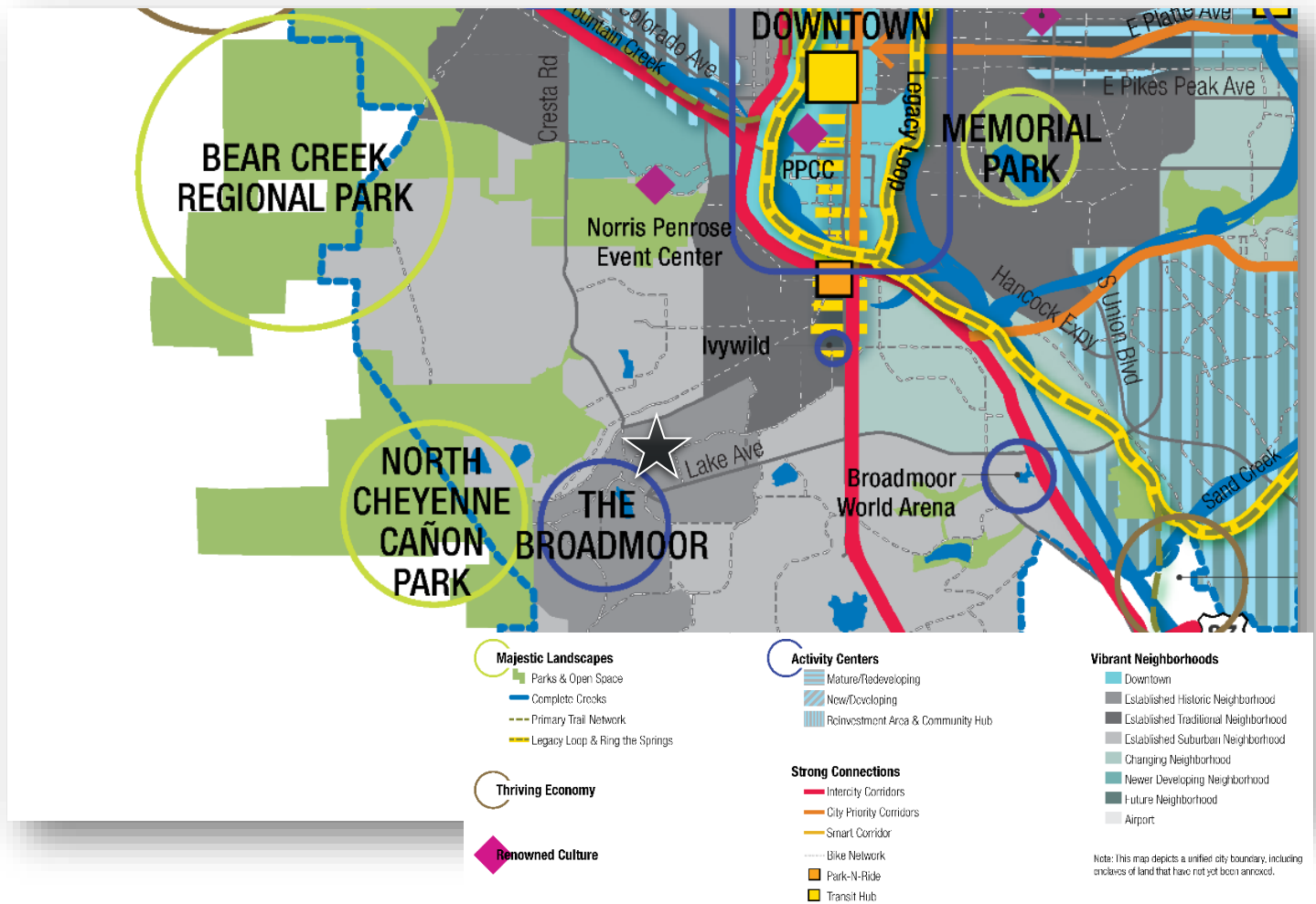
The applicants do not currently have a garage on the property, nor has there ever been a garage on the property as far as staff could determine per aerial imagery and building permit history. With a 20-foot front yard setback for the garage in this zone district, combined with the physical conditions of the lot and the regard for maintaining the existing architecture of the home, it is likely that a useable garage could not be constructed on the property in the absence of relief.

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

Adjacent neighbors support the proposal, and any potential impacts have been appropriately mitigated. As referenced by the applicant’s project statement, “The plan is to maintain the existing scrub oak trees and dense shrubbery situated between West Old Broadmoor Road and said existing circular driveway. This existing vegetation will shield visibility of our proposed garage from West Old Broadmoor Road adjoining our property to the north.”

## Compliance with PlanCOS

### PlanCOS Vision



305 W Old Broadmoor Rd is located within the Broadmoor neighborhood, which is considered an Established Historic Neighborhood per the PlanCOS Vision Map. Per PlanCOS, “Historic Neighborhoods have an especially high value for preserving the legacy of existing design and architecture, although they may have to experience some amount of change especially in areas of transition with less historic uses. These Historic Neighborhoods may or may not have specially adopted City design guidelines or other publicly initiated master plans. These neighborhoods are also closely aligned with Historic Districts in Chapter 6” Per this definition the proposal is compliant with the goals of PlanCOS



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### Statement of Compliance

#### **NVAR-23-0052**

After evaluation of the nonuse variance proposal for 305 W Old Broadmoor Rd, the application meets the review criteria per 7.5.526 of the UDC.