

EL PASO COUNTY



COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of Adjustment

FROM: Lindsay Darden, Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: BOA-19-006
Project Name: 11685 Owl Place Accessory Building
Parcel No.: 5301001014

OWNER:

Joanne George and Sam Thomas
9750 Tercel Drive
Peyton, CO 80831

REPRESENTATIVE:

Rocky View Construction, LLC
Orva Yoder
6020 County Road 129
Westcliffe, CO 81252

Commissioner District: 1

Board of Adjustment Hearing Date:

9/11/2019

EXECUTIVE SUMMARY

A request by Sam Thomas and Joanne George for approval of a dimensional variance to allow a 4,960 square foot accessory building (4,000 square feet within the structure and a attached 960 square foot porch) in the RR-5 (Residential Rural) zoning district. For lots that are 2.5 acres and greater, the El Paso County Land Development Code (2019) specifies that the accessory structure footprint shall not exceed two times the size of the building footprint of the primary use. In this case the primary use is a 980 square foot mobile home. The 5-acre parcel is located on the south side of Owl Place approximately 345 feet west of the intersection of Owl Place and Meridian Road.

The applicants have stated in their letter of intent that the proposed accessory building will allow them to store their RV, farm equipment, hay and other miscellaneous items. A relative of the property owner currently occupies the existing 980 square foot mobile home. The adjacent parcels to the east and west and the parcel to the north (across

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

Owl Place ROW) are zoned RR-5 (Residential Rural) and the parcel to the south is zoned CR (Commercial Regional). The south portion of the property contains FEMA 100 year floodplain zone A, however, the existing mobile home and the proposed accessory structure would be outside of that regulated area. The proposed accessory structure would comply with the 25 foot setbacks (front, side and rear) of the RR-5 (Residential Rural) zoning district.

This project requires approval of a dimensional variance to approve the size of the accessory building.

A. REQUEST

A request by Sam Thomas and Joanne George for approval of a dimensional variance to allow a 4,000 square foot accessory building with a 960 square foot porch in the RR-5 (Residential Rural) zoning district.

B. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2019), states the following:

The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property. Practical difficulties and hardship, in this context, may exist where the legal use of the property is severely restricted due to:

- 1) *The exceptional narrowness, shallowness, or shape of the specific piece of property.*

The lot is not restricted due to exceptional narrowness, shallowness, or shape of the property.

- 2) *The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.*

The buildable area of the lot is restricted due to the FEMA 100 year floodplain Zone A on the south portion of the parcel; however, this does not require the accessory structure size to exceed that which would ordinarily be permitted by the Code.

However, Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Code continues by stating the following:

The Board of Adjustment may also grant variances from the strict application of any physical requirement of this Code based upon equitable consideration, finding that the burdens of strict compliance with

the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property and;

- *The variance provides only reasonably brief, temporary relief; or*

This variance would provide permanent relief.

- *The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements; or*

The variance request does not include an alternative plan, standards or conditions that mitigate impacts or serve as a reasonably equivalent substitute for current zoning requirements.

- *Some other unique or equitable consideration compels that strict compliance not be required.*

As stated in the applicant's letter of intent, the intention of the accessory structure is for storage of the property owner's personal property. The applicant also states that a smaller accessory structure would not be sufficiently sized to contain the items proposed for storage.

C. BACKGROUND

The five acre parcel was created in 1972 via plat and is known as Lot 14 of the Falcon Ranchettes subdivision. The property is zoned RR-5 (Rural Residential). A single-family dwelling (mobile home) and associated access permit were approved for the property in 2012 (SFD-12-19 and AP-12-20). The property owner submitted a residential site plan request on June 26, 2019, which was denied due to exceeding the square footage permitted by the Code. The property owners then attended an Early Assistance meeting on July 15, 2019, and were informed that Board of Adjustment approval would be required to construct the 4,000 square foot accessory structure and attached 960 square foot porch.

The construction of an accessory structure in the RR-5 (Residential Rural) zoning district requires a principle residential use. If the existing principle residential use (mobile home) is removed in the future it could create a code enforcement violation unless action is taken by the property owner to establish a new residential use on the property, permit the accessory structure as a residential use by adding living area, or apply for a variance of use to permit an accessory structure without a principle residential use.

D. ALTERNATIVES EXPLORED

There are five (5) alternative options identified for the applicant that would not require approval of a dimensional variance request:

1. Build a smaller accessory structure (1,960 square feet) that complies with the Code requirements.
2. Since there is no limit on the number of accessory structures permitted, up to the maximum lot coverage of 25 percent permitted in the RR-5 (Rural Residential) zoning district, the applicant could construct more than one accessory structure to meet their storage needs.
3. Administrative relief would allow an accessory structure size up to 2,352 square feet. The applicant could apply for and receive approval of administrative relief.
4. Construction of a larger principle use (residence) would allow for a larger accessory structure.
5. The applicant could secure offsite storage for all or some of their items thus negating the need for an accessory structure or an accessory structure that exceeds the Code requirements.

E. APPLICABLE RESOLUTIONS

Approval: Resolution 3 – Unique and Equitable Circumstances

Disapproval: Resolution 4

F. LOCATION

| | |
|---------------------------------|---------------------------|
| North: RR-5 (Residential Rural) | Single-family residential |
| South: CR (Commercial Regional) | Single-family residential |
| East: RR-5 (Residential Rural) | Single-family residential |
| West: RR-5 (Residential Rural) | Single-family residential |

G. SERVICE

1. WATER

Water service is provided by an individual private well.

2. WASTEWATER

Wastewater service is provided by an onsite wastewater treatment system (OWTS).

3. EMERGENCY SERVICES

The parcel is located within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments

H. ENGINEERING

1. FLOODPLAIN

FEMA Flood Insurance Rate Map (FIRM) panel shows that a portion of the property lies within a 100-year floodplain (Zone A).

2. DRAINAGE AND EROSION

The property is located within the Falcon drainage basin (CHWS1400) which is included in the Drainage Basin Fee Program; however, drainage or bridge fees are not assessed with dimensional variance requests.

3. TRANSPORTATION

The property is accessed via Owl Place which is a rural local road. A traffic impact study was not required and the County Road Impact Fee does not apply to this request because the dimensional variance is not expected to generate 100 more daily vehicle trips than the property would be expected to generate without the dimensional variance request being approved.

I. RECOMMENDED CONDITIONS OF APPROVAL

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a dimensional variance for an accessory structure size that exceeds the square footage allowed by the Code, and that the applicant has met the review and approval criteria for granting variances from the applicable standards, staff recommends the following conditions and notation of approval:

Conditions

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed garage addition or to the existing dwelling may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Approval of a residential site plan by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department is required prior to construction of the garage addition.
3. Removal of the mobile home shall result in a code violation unless a new principal residential use is established or variance of use for an accessory structure use without a principle residential use is approved.

Notation

1. Physical variances approved for a proposed structure (except for lot area variances) are valid only if construction of the structure is initiated within twelve (12) months of the date of the Board of Adjustment approval.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on August 20, 2019, for the Board of Adjustment meeting. Responses will be provided at the hearing.

K. ATTACHMENTS

Letter of Intent – applicant is planning to revise the letter of intent prior to hearing
Vicinity Map
Site Plan

| | | |
|------------------|---|--------------------------|
| Owner: | Applicant/Consultant: | Site Location: |
| Sam Thomas | Rocky View Construction, LLC/Orva Yoder | El Paso County |
| 9750 Terrel Dr. | 6020 County Rd. 129 | 11685 Owl Place |
| Peyton, CO 80831 | Westcliffe, CO 81252 | Peyton, CO 80831 |
| 719-229-5557 | 719-221-6926 | 5 Acres – Zone RR-5 |
| | | Parcel # 53010-01-014 |
| | | Lot 14 Falcon Ranchettes |

To Whom It May Concern:

I, Applicant Orva Yoder, request a zoning variance for a building permit for this property. The proposed 4000 sq. ft. building exceeds the size that is permitted by the codes. The reason for this building is to store farming equipment, RV storage, & hay. The proposed building exceeds the square footage allowed on an exterior detached building.

The requested building will be an engineered pole building, professionally built by Rocky View Construction, LLC, who is a license holder in El Paso County with many years of experience in this line of construction. There will not be any drainage or any adverse impact on any adjoining property while building is being built. For our variance appeal, please see code section 5.5.2 subsection 2 A.

There is an existing 14'x70'x8' 980 sq. ft. home on the property. All the rest of the property is natural vegetation. The new proposed building is 50'x80'16' building with slate metal color on roof & trim & stone metal sides.

Sincerely,

Orva Yoder

719-221-6926

El Paso County Parcel Information

File Name: BOA-19-006

| PARCEL | NAME |
|------------|----------------|
| 5301001014 | GEORGE JOANN & |

Zone Map No. --

| ADDRESS | CITY | STATE |
|----------------|--------|-------|
| 9750 TERCEL DR | PLYTON | CO |

| ZIP | ZIPLUS |
|-------|--------|
| 80831 | 7018 |

Date: August 19, 2019



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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