

COMMISSIONERS: STAN VANDERWERF (CHAIR) CAMI BREMER (VICE-CHAIR) LONGINOS GONZALEZ, JR. HOLLY WILLIAMS CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of Adjustment

Jay Carlson, Chair

FROM: Ryan Howser, Planner II

Lupe Packman, Engineer I

Craig Dossey, Executive Director

RE: Project File #: BOA-21-002

Project Name: Hackberry Carport

Parcel No.: 65123-17-007

OWNER: REPRESENTATIVE:

Thomas & Janet Silvis	James Murphy
708 Hackberry Drive	Murphy Building and Remodeling, Inc.
Colorado Springs, CO 80911-1825	PO Box 4279
	Woodland Park, CO 80866

Commissioner District: 1

Board of Adjustment Hearing Date:	8/11/2021

EXECUTIVE SUMMARY

A request by Thomas & Janet Silvis for approval of two (2) dimensional variances to allow:

- 1. A front setback of zero (0) feet where 25 feet is the minimum required for a detached carport, and
- 2. A side setback of six (6) inches where five (5) feet is the minimum required for a detached carport.

The 0.178-acre property is zoned RS-6000 (Residential Suburban) and is located on the west side of Hackberry Drive, approximately one-half (1/2) mile east of the Main



Street and Security Boulevard intersection, and is within Section 12, Township 15 South, Range 66 West of the 6th P.M.

A. REQUEST

A request by Thomas & Janet Silvis for approval of two (2) dimensional variances to allow:

- 1. A front setback of zero (0) feet where 25 feet is the minimum required for a detached carport, and
- 2. A side setback of six (6) inches where five (5) feet is the minimum required for a detached carport.

B. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the <u>Land Development</u> <u>Code</u> (2021), 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:

 The exceptional narrowness, shallowness, or shape of the specific piece of property.

The 1,168 square-foot single-family dwelling structure is 62.5 feet wide. Due to the width of the lot, there is only seven (7) feet on either side between the dwelling and the side property lines. The side setback requirement is five (5) feet. The exceptional narrowness of the subject property presents a constraint such that there is not sufficient space on the property to allow for a single-family dwelling with a carport that meets the applicable setback requirements.

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

In the letter of intent, the applicant cites that the hailstorms in recent years have damaged the owners' two vehicles currently parked on the uncovered driveway, presenting an extraordinary or exceptional condition. The letter of intent describes that hailstorm damage is prevalent in the area of Security, Colorado. The dimensional variance would allow the owners to place the

proposed carport on the subject property, which would then allow them to protect their two uncovered vehicles from future hail damage.

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the <u>Code</u> 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

If approved, the variance would provide for permanent relief for the proposed structure and would not meet this criterion.

• 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 carport proposed by the applicant for construction has been designed as an open-sided carport in an effort to mitigate potential visual impacts and maintain sight visibility to and from adjacent properties.

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

The existing dwelling, built in 1957, is located approximately 25 feet from the front property line, 7 feet from the side property lines, and 50 feet from the rear property line. The RS-6000 zoning district requires a front setback of 25 feet and a side setback of 5 feet. The existing dwelling was constructed very close to the front and side property lines, in turn leaving no buildable area for additional structures requiring right-of-way access, such as a carport or garage. As such, the location of the existing dwelling prevents the placement of an accessible carport elsewhere on the property in a location in which the applicable dimensional standards would be met. The applicants have indicated that they are retired and would struggle to meet the potential future expenses incurred by further damage from hailstorms. The dimensional

variance will allow the applicants the ability to construct the proposed carport in order to protect their property from future hailstorm damage.

C. BACKGROUND

The 0.178-acre lot was created on April 5, 1957, via the Security Addition No. 11 and Refiling of a Portion of Security Addition No. 5 subdivision as Lot 3, Block 15. The existing single-family dwelling was constructed in 1957. The property was initially zoned A-2 (Farming) on May 10, 1942. The property was rezoned from RR-3 to R-1 (Residential) on August 10, 1989 (Resolution No. 89-216, PCD file no. P-89-003). Due to nomenclature changes of the Land Development Code, the R-1 zoning district has been renamed to the RS-6000 (Residential Suburban) zoning district.

The applicant is now requesting a reduced front yard setback and a reduced side yard setback to allow for the construction of a permanent 18-foot by 16-foot carport. The proposed location of the carport requires Board of Adjustment approval to allow for the proposed construction of the carport structure within the front and side setback lines, as well as subsequent site plan approval for the proposed carport.

D. ALTERNATIVES EXPLORED

There are three alternatives that would not require a dimensional variance request:

- **1.** Construct an addition to the existing single-family dwelling structure to create a tandem garage.
- 2. Reduce the size of the carport and make it a temporary carport to meet the side yard setback of five (5) feet and the allowable front yard setback of 15 feet for temporary carports. This would result in a temporary carport size of 10 feet long by 13 feet wide.
- **3.** Do not construct a carport on the property.

E. APPLICABLE RESOLUTIONS

Approval: Resolution 3
Disapproval: Resolution 4

F. LOCATION

North: RS-6000 (Residential Suburban)

South: RS-6000 (Residential Suburban)

East: RS-6000 (Residential Suburban)

Single-Family Dwelling

Single-Family Dwelling

Single-Family Dwelling

Single-Family Dwelling

Educational Facility

G. SERVICE

1. WATER

Water supply service is provided by Security Water District.

2. WASTEWATER

Wastewater service is provided by Security Sanitation District.

3. EMERGENCY SERVICES

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

H. ENGINEERING

1. FLOODPLAIN

FEMA Flood Insurance Rate Map Panel No. 08041C0763G (dated December 7, 2018) shows the property within the Zone X area which is not within the 100-year floodplain.

2. DRAINAGE AND EROSION

The parcel is located in the Windmill Gulch (FOFO3000) drainage basin, which is a studied basin. Drainage and bridge fees are not due with this application.

A drainage report was not submitted for this application. There are no concerns associated with drainage impacts that would require a drainage report.

3. TRANSPORTATION

The 2016 El Paso County Major Transportation Corridors Plan Update does not depict any roadway improvement projects in the immediate vicinity of the development.

The parcel is located on Hackberry Drive, which is an urban local road currently maintained by the County. No public improvements are required for this application.

The variance request is not subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended.

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 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 beyond those depicted on the associated site plan 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 site plan by the Planning and Community Development
 Department and issuance of a building permit from the Pikes Peak Regional
 Building Department are required prior to construction of the proposed carport.
- 3. The roof drain of the proposed carport shall be directed towards the street, or the subject property, and not towards an adjacent property.

NOTATIONS

- 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.
- 2. The PCD Director may require a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot lines affected to demonstrate compliance with the approval of the dimensional variance.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified five (5) adjoining property owners on July 20, 2021, for the Board of Adjustment meeting. Responses will be provided at the hearing.

K. ATTACHMENTS

Letter of Intent Vicinity Map Site Plan Murphy Building and Remodeling, Inc. P.O. Box 4279

Woodland Park, Colorado 80866

Phone: (719) 205-3183 E-mail: murphybandrinc@yahoo.com

Letter of Intent

Site Location Address: 708 Hackberry Drive Colorado Springs, CO 80911

Owner: Tom Silvis 708 Hackberry Drive Colorado Springs, CO 80911 (719) 390-6609

Applicant: James Murphy DBA Murphy Building and Remodeling, Inc.

P.O. Box 4279 Woodland Park, CO 80866 (719) 205-3183

murphybandrinc@vahoo.com

Lot Size:7750 Square feet Zoning: RS-6000 CAD-0

We request the approval to construct an $18' \times 16'$ carport on existing driveway with the request of the front setback to be 5' and side setbacks to be 0.5 feet. The existing driveway is completely within the 25' front setback, which the front of house is 25' from property line, driveway also extends into the side yard 5' setback. The purpose of the carport is to protect vehicles on the driveway from storm and hail damage , which are prevalent in the area of Security, Colorado, almost on a yearly basis. The justification for the carport is protect vehicles from damage, reduce insurance claim activity, and is common in the neighborhood to have such carports for the same purpose, and basically the carports are in same locations, within setbacks and close to property line.

The only other structure on the property is a 1328 square foot single family dwelling with one car garage. And the only street adjacent to the property is Hackberry Drive, which is located front of property.

There have been fees waivered for the owner by his request and have been approved.

As to the justification of the criteria in the code (section 5.5.2 (B) (2) (a) as required for the BOA application. The homeowner has experienced hardship due to damaged vehicles and property damage by several recent hailstorms in the past years. These types of damaging storms are common in this part of El Paso County. The house has a one car garage and other vehicles occupy the driveway, which is located within the 25' front yard set back and the 5' side yard setback. To allow the owner this variance would protect the vehicles in a substantial and satisfactory manner. Which would mitigate the anticipated impacts and serve as a reasonable equivalent substitute for the current zoning requirement.

Sincerely,

James Murphy, President Murphy Building and Remodeling, Inc.

El Paso County Parcel Information BOA-21-002 PARCE NAME File Name: 6512317 SILVIS THOMAS A Zone Map No. --Date: May 11, 2021



Applicant: James Murphy (719) 205-3183 murphybandrine cychocom Owner: Thomas & Janet Silvis Address: 708 Hackberry Drive Colorado Springs, co 80911 Zoning: RS-6000 CAD-0 Parcel #: 6512317007 Db+# 1654 Legal Description: Lot 3 BLK Security, Colo, 11+ REFIL of Pointion of Security, COID, ADD 5 Proposed Structure: New 18x 16 Carport (Height 12) House 1102 A Garage 226 \$ Lot Coverage - 209 or 20,990 New Carport 288 \$ Total of structures 1616 Lot Size 7750 \$ 62.51 1328 \$ House us/ Garage Driveway Gutter Downspout New Carport 288 A Hieght 12+/-Eave Line Mote: All water

Hackberry Drive

runoff from downspert will be directed down

driveway

9