



**El Paso County Planning and  
Community Development  
Department**

# Variance of Use Application Packet

2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
Phone 719-520-6300  
Fax 719-520-6695  
[www.elpasoco.com](http://www.elpasoco.com)

**\*NOTE:** Please contact the Planner of the Day (719-520-6499) to discuss setting up the special use application online.



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## EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

### SPECIAL USE/VARIANCE OF USE CHECKLIST

Revised: January 2022

Special Use/Variance of Use		
<p>Site plan shall be drawn so as to clearly provide the required information. All site plans for lots and parcels less than 2.5 acres are to be drawn to scale and include a written and graphic scale. Site plans for lots and parcels greater than 2.5 acres in size are encouraged to be drawn to scale, but are not required to be.</p>		
<p>Minimum Map Contents: Must contain adequate information to determine compliance of the proposed use with the LDC and ECM, as applicable. If inadequate information is provided to determine whether or not the proposed action conforms to the LDC, more information will be requested. A PUD Development Guide associated with PUD zoning, if applicable, may require additional information and/or specifications.</p>		
<p>The PCD Director may modify the applicable requirements, including requiring additional items or removing items, based upon the project and site-specific circumstances.</p>		
	<b>Applicant</b>	<b>PCD</b>
<b>NOTE: Please confirm each item below has been included by placing a check mark in the "Applicant" column. See right for an example. The "PCD" column is for office use only.</b>	<b>✓</b>	Office use only
<b>Letter of Intent</b>		
1	A discussion detailing the proposed request and compliance with the applicable requirements of the Land Development Code;	
2	The reason and justification for the request;	
3	A detailed analysis addressing each of the Criteria of Approval in Chapter 5 of the Land Development Code.	
<b>Notification to Adjacent Property Owners</b>		
1	Details of the request;	
2	The location, size, and zoning of the subject property;	
3	Existing and proposed improvements to the property;	
4	Waiver requests (if applicable);	
5	Contact information for the applicant(s);	
6	The applicant shall use one of the following procedures to satisfy notification standards: Mail notification by certified mail to all applicable properties. A receipt of the mailing for each address shall be included in the completed application form; or In person notification via signatures from all applicable property owners with the signature form included in the application form.	
<b>Site Plan Map to include the following elements, as appropriate:</b>		
1	Date, north arrow, and a graphic scale	
2	Vicinity map showing the property in relation to the surrounding area	
3	Location of the property lines, right-of-way, and all existing and proposed easements	
4	Dimensions of all property lines	
5	The building footprint for all structures depicted and labeled to include the proposed use(s), floor area, and height. The setbacks of all building footprints dimensioned from all property lines.	
6	Location and width of all sidewalks	
7	Location and height of all fences, walls, or berms	
8	Location and dimensions of all existing and proposed signs	
9	Traffic circulation including all points of ingress/egress into the property	
10	The layout and location of all off-street parking, loading and other vehicular use areas	
11	Location of all ADA parking spaces, ramps, pathways, and signs	
12	Location, height and intensity of all outdoor illumination	
13	Location of existing and proposed water and wastewater infrastructure, including well(s) and septic system(s)	
14	Location of all no-build areas, floodplain(s), and drainage facilities	
15	Location and screening of all dumpster(s) and loading dock areas	
16	Standard details of parking (compact, ADA, standard), ADA ramps, driveways, and signs	



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**SPECIAL USE/VARIANCE OF USE CHECKLIST**

Revised: January 2022

17	Location of all existing and proposed utility lines and associated infrastructure		
18	Existing/proposed land use, parcel size, and zoning		
20	Percent of open space, landscaping, and lot coverage		
21	Density and number of dwelling units		
22	Computation identifying the required parking and the provided parking		
23	Any other additional items as required by the PCD Director deemed necessary to address the applicable review criteria:		



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## EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

### VARIANCE OF USE LETTER OF INTENT CHECKLIST

Revised: January 2022

Variance of Use		
The letter of intent for a variance of use application should summarize the particular use and activity being requested. The letter should also discuss any proposed methods for mitigating any anticipated impacts. Any anticipated phasing of the proposed use should also be discussed in the letter of intent.		
The PCD Director may modify the applicable requirements, including requiring additional items or removing items, based upon the project and site-specific circumstances.		
	<b>Applicant</b>	<b>PCD</b>
<b>NOTE: Please confirm each item below has been included by placing a check mark in the "Applicant" column. See right for an example. The "PCD" column is for office use only.</b>		<b>✓</b> Office use only
<b>Letter of Intent</b>		
1	Owner name, contact telephone number, and email for responsible party	
2	Applicant name (if not owner), contact telephone number, and email for responsible party	
3	Property address	
4	Property tax schedule number	
5	Current zoning of the property	
6	A detailed analysis summarizing how the request complies with each of the following Criteria of Approval in Chapter 5 of the Land Development Code:	
	The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship	
	The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County	
	The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project	
	The proposed use will not adversely affect wildlife or wetlands	
	The applicant has addressed all off-site impacts	
	The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping	
	Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed	
7	A discussion identifying and acknowledging any applicable overlay zoning (e.g., CAD-O, etc.).	
8	A discussion summarizing the proposed request and compliance with the applicable requirements of the Land Development Code.	
9	A discussion regarding how the proposed request complies with the definition of the proposed use and any applicable use specific standards within the Land Development Code.	
10	A discussion regarding anticipated traffic generation and access, unless a separate traffic study is required and is being provided.	



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### Type C Application Form (1-2B)

Please check the applicable application type  
(Note: each request requires completion of a  
separate application form):

- ☐ Administrative Relief
- ☐ Certificate of Designation, Minor
- ☐ Site Development Plan, Major
- ☐ Site Development Plan, Minor
- ☐ CMRS Co-Location Agreement
- ☐ Condominium Plat
- ☐ Crystal Park Plat
- ☐ Early Grading Request associated with a Preliminary Plan
- ☐ Maintenance Agreement
- ☐ Minor PUD Amendment
- ☐ Resubmittal of Application(s) (>3 times)
- ☐ Road or Facility Acceptance, Preliminary
- ☐ Road or Facility Acceptance, Final
- ☐ Townhome Plat

Administrative Special Use (mark one)

- ☐ Extended Family Dwelling
- ☐ Temporary Mining or Batch Plant
- ☐ Oil and/or Gas Operations
- ☐ Rural Home Occupation
- ☐ Tower Renewal
- ☐ Other \_\_\_\_\_

Construction Drawing Review and Permits (mark one)

- ☐ Approved Construction Drawing Amendment
- ☐ Review of Construction Drawings
- ☐ Construction Permit
- ☐ Major Final Plat
- ☐ Minor Subdivision with Improvements
- ☐ Site Development Plan, Major
- ☐ Site Development Plan, Minor
- ☐ Early Grading or Grading
- ☐ ESQCP

Minor Vacations (mark one)

- ☐ Vacation of Interior Lot Line(s)
- ☐ Utility, Drainage, or Sidewalk Easements
- ☐ Sight Visibility
- ☐ View Corridor

☐ Other: \_\_\_\_\_

This application form shall be accompanied by all  
required support materials.

**PROPERTY INFORMATION:** Provide information to identify properties and  
the proposed development. Attached additional sheets if necessary.

Property Address(es):

Tax ID/Parcel Numbers(s)

Parcel size(s) in Acres:

Existing Land Use/Development:

Zoning District:

- ☐ Check this box if **Administrative Relief** is being requested in  
association with this application and attach a completed  
Administrative Relief request form.
- ☐ Check this box if any **Waivers** are being requested in association  
with this application for development and attach a completed  
Waiver request form.

**PROPERTY OWNER INFORMATION:** Indicate the person(s) or  
organization(s) who own the property proposed for development.  
Attached additional sheets if there are multiple property owners.

Name (Individual or Organization):

Mailing Address:

Daytime Telephone:

Fax:

Email or Alternative Contact Information:

**Description of the request:** *(attach additional sheets if necessary):*

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#### For PCD Office Use:

Date:

File :

Rec'd By:

Receipt #:

DSD File #:



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**APPLICANT(S):** Indicate person(s) submitting the application if different than the property owner(s) (attach additional sheets if necessary).

Name (Individual or Organization):	
Mailing Address:	
Daytime Telephone:	Fax:
Email or Alternative Contact Information:	

**AUTHORIZED REPRESENTATIVE(S):** Indicate the person(s) authorized to represent the property owner and/or applicants (attach additional sheets if necessary).

Name (Individual or Organization):	
Mailing Address:	
Daytime Telephone:	Fax:
Email or Alternative Contact Information:	

**AUTHORIZATION FOR OWNER'S APPLICANT(S)/REPRESENTATIVE(S):**

An owner signature is not required to process a Type A or B Development Application. An owner's signature may only be executed by the owner or an authorized representative where the application is accompanied by a completed Authority to Represent/Owner's Affidavit naming the person as the owner's agent

**OWNER/APPLICANT AUTHORIZATION:**

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial or revocation. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal may delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. I verify that I am submitting all of the required materials as part of this application and as appropriate to this project, and I acknowledge that failure to submit all of the necessary materials to allow a complete review and reasonable determination of conformance with the County's rules, regulations and ordinances may result in my application not being accepted or may extend the length of time needed to review the project. I hereby agree to abide by all conditions of any approvals granted by El Paso County. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I acknowledge that I understand the implications of use or development restrictions that are a result of subdivision plat notes, deed restrictions, or restrictive covenants. I agree that if a conflict should result from the request I am submitting to El Paso County due to subdivision plat notes, deed restrictions, or restrictive covenants, it will be my responsibility to resolve any conflict. I hereby give permission to El Paso County, and applicable review agencies, to enter on the above described property with or without notice for the purposes of reviewing this development application and enforcing the provisions of the LDC. I agree to at all times maintain proper facilities and safe access for inspection of the property by El Paso County while this application is pending.

Owner (s) Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Owner (s) Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant (s) Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Notice to Adjacent Property Owners

Proof of Notice to Adjacent Property Owners shall be submitted with certain land use applications. Please choose one of the following:

- a. Signed Notification of the Adjacent Property Owners (see attached)
- b. Copy of the certified letter receipts to the Adjacent Property Owners with a copy of the letter sent
- c. Both

(Please refer to the attached handout showing the adjacent property owners required.)

For all Notice to Adjacent Property Owners, the following information is required at a minimum:

1. Please begin your letter with the following paragraph:  
“This letter is being sent to you because (Name of Owner/Applicant/Consultant) is proposing a land use project in El Paso County at the referenced location (see item #3). This information is being provided to you prior to a submittal with the County. Please direct any questions on the proposal to the referenced contact(s) in item number 2. Prior to any public hearing on this proposal a notification of the time and place of the public hearing will be sent to the adjacent property owners by the El Paso County Planning and Community Development Department. At that time you will be given the El Paso County contact information, the file number and an opportunity to respond either for, against, or expressing no opinion in writing at the public hearing for this proposal.”
2. For questions specific to this project, please contact:
  - a. Owner/applicant and consultant(s)
  - b. Address, email(s), and telephone number(s)
3. Site address, location, property size, and zoning
4. Request and justification
5. Existing and proposed facilities, structures, roads, etc.
6. Waiver requests (if applicable) and justification
7. Vicinity map showing the adjacent property owners

# Notice to Adjacent Property Owners

Name and Address of the

Petitioner(s): \_\_\_\_\_

Telephone

Number(s): \_\_\_\_\_

Description of Proposal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A list of adjacent property owners may be acquired from the County Assessor's office. If adjacent property owners cannot be reached in person, the applicant must send an Adjacent Property Owner Notification letter by certified mail and provide, as part of the submittal, a copy of the letter sent and a copy of each receipt.

The undersigned, being an adjacent property owner, has read the above notification. I understand I may submit written comment, appear in person at the advertised public hearing, or appear virtually at the advertised public hearing to further express my comments.

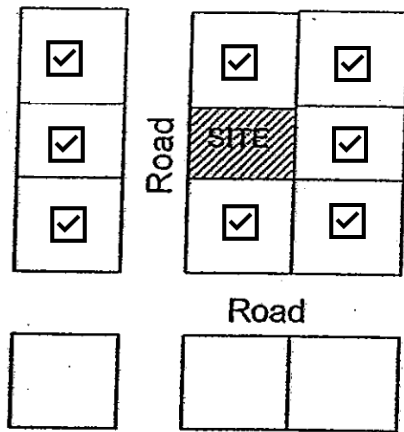
Date	Owner (Yes or No)	Name (Signature) and Address	Comments

(For additional space, attach a separate sheet of paper)

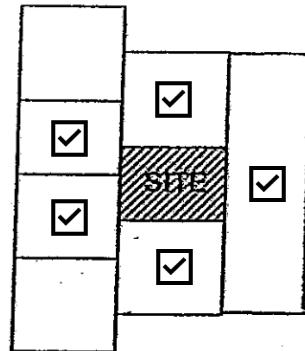
Above are the signatures of the adjacent property owners who won the property described after their names or who are located as indicated (e.g. north of the subject property). I hereby acknowledge that the information provided within this notification is correct.

\_\_\_\_\_ date \_\_\_\_\_ date \_\_\_\_\_  
(Signature of Petitioner or Owner) (Signature of Petitioner or Owner)

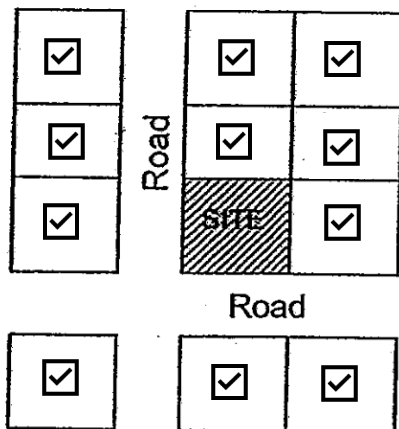
# Notice to Adjacent Property Owners



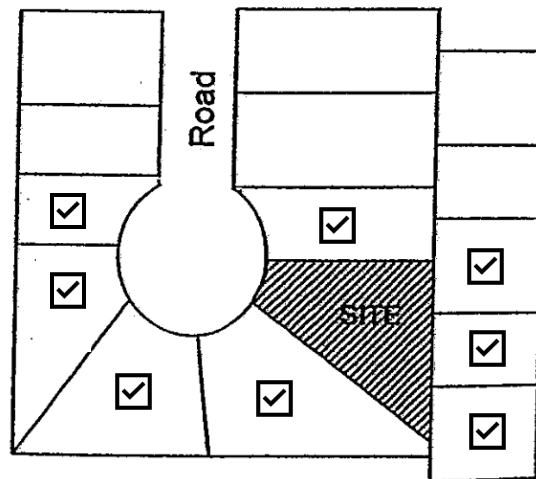
Example 1



Example 2



Example 3



Example 4

**AFFIDAVIT OF NOTIFICATION TO SEVERED MINERAL ESTATE OWNER(S)**

I \_\_\_\_\_ (applicant/owner/consultant) researched the records of the El Paso County Clerk and Recorder and established that there \_\_\_\_\_ was / \_\_\_\_\_ was not a mineral estate owner(s) on the real property known as \_\_\_\_\_.

Pursuant to §24-65.5-103(4), C.R.S., I certify that a Notice of an initial public hearing/administrative decision will be mailed to the mineral estate owner(s) (if established above) and a copy will be mailed to the El Paso County Planning and Community Development Department no less than thirty (30) days prior to the initial public hearing/administrative decision.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
STATE OF COLORADO    )  
  ) s.s.  
COUNTY OF EL PASO    )

The foregoing certification was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_.

Witness my hand and official seal.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public