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**ADMINISTRATIVE RELIEF**

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**1.1. PURPOSE**

The purpose of this procedure is to establish a concise and consistent process for reviewing and approving a request for administrative relief.

**1.2. BACKGROUND**

The LDC establishes uniform standards for the development and use of land. These standards were established to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County including promoting predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural, and development interests and being fair to all by ensuring due consideration is given to protecting private property rights, the rights of individuals and the rights of the community as a whole.

The administrative relief provisions of the LDC are intended to provide for flexibility in the application of regulations when a standard is inapplicable or inappropriate to a specific use or development proposal. Administrative relief may be sought where allowed by the LDC. The applicant will need to seek approval of a variance if the application for administrative relief does not conform to the standards for administrative relief or where the PCD Director has determined that administrative relief cannot be granted.

**1.3. APPLICABLE STATUTES AND REGULATIONS**

C.R.S. §30-28-111, 113, and 114 authorizes Boards of County Commissioners to adopt and amend zoning regulations for the regulation by districts or zones of the location, height, bulk, and size of buildings and other structures, percentage of lots which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, access to sunlight for solar energy devices, and the uses of land for trade, industry, recreation, or other purposes including methods for the administration of such regulations.

Section 2.1.2 of the LDC provides the authority for the PCD Director to establish standards for processing development applications.

Section 2.2.4 of the LDC establishes the authorities of the PCD Director.

Section 5.5.1 of the LDC establishes the allowance for administrative relief and the conditions under which administrative relief may be granted.

Section 5.5.1(B) of the LDC establishes the specific types of administrative relief that may be granted.

**1.4. RESOURCES**

Not applicable

**1.5. GENERAL SUBMITTAL LIST**

The applicant shall submit the following:

- Site Plan Map or Site Development Plan Map, whichever is required to implement the use (See Table 5-1 and 5-2 of the LDC).

- Evidence of authority to represent the property owner, if the applicant is not the property owner.
- Letter of intent.
- Proof of adjacent property owner notice.
- Any other additional items as required by the PCD Director deemed necessary to ensure compliance with the requirements of the LDC.

## 1.6. STEP BY STEP REVIEW PROCEDURE

### 1.6.1. Summary of Steps

#### (A) Step 1 Early Assistance Meeting

Normally, administrative relief is a secondary component of another type of development application and a separate early assistance meeting is not required. Where administrative relief is requested in advance of filing a separate development application for which the administrative relief is required, an early assistance meeting may be required for both applications at the discretion of the PCD Director.

#### (B) Step 2 Neighborhood Meeting (optional)

Based on the input of neighbors, the applicant may reassess the type of application to file. Significant concern by neighbors about the proposed relief may indicate the need to submit a Type D Development Application to avoid potential delay associated with an appeal.

#### (C) Step 3 Application Submitted

A complete Type C Development Application is required. In choosing to submit a Type C Development Application for administrative relief, the applicant understands that the application is submitted at the applicant's risk since approval is not guaranteed. Regardless of the type of development application with which the administrative relief is associated, the required supporting materials should be submitted by the applicant to the PCD via EDARP. The materials submitted shall include all items listed in Section 1.5 of this procedure and the customized submittal matrix sent to the applicant via EDARP by the PCD Planner. Additional materials should be provided by the applicant as determined necessary by the PCD Director to respond to the criteria for approval for administrative relief.

#### (D) Step 4 Determination of Completeness

#### (E) Step 5 Resubmission of application (if required)

#### (F) Step 6 Application Referral

At the time of referral, the PCD planner sends notice to adjacent property owners in accordance with the public notice and public notice-mailed procedures.

#### (G) Step 7 Comments and Request to Applicant

The PCD planner reviews any review comments and provides them to the applicant via EDARP.

**(H) Step 8 Applicant Submits Information Requested**

**(I) Step 9 Staff Recommended Action**

The PCD planner makes a final determination of conformance of the administrative relief request with the criteria for approval and prepares a letter for review by the PCD Director recommending either approval or denial, with or without conditions, and Step 13 is initiated.

**(J) Step 10 Hearing Scheduled**

Not Applicable

**(K) Step 11 Notice of Hearing**

Not Applicable

**(L) Step 12 Hearing Held**

Not Applicable

**(M) Step 13 Decision Concerning Development Permit**

**(N) Step 14 Development Permit Closeout**

A copy of the PCD Director's decision is provided to the applicant by the PCD planner and is uploaded to EDARP. The decision is mailed to the owner and adjacent property owners. The PCD planner closes the file in EDARP.

**1.6.2. Criteria for Consideration**

**(A) General Requests and Limitations for Administrative Relief**

The PCD Director may only consider an application for administrative relief pursuant to the provisions of the LDC.

**(B) Minor Variations During Platting**

Minor variations from strict application of the provisions of a PUD development plan or conventional zoning district may be allowed at the discretion of the PCD Director in order to facilitate the reasonable and expeditious platting of the property.

**1.6.3. Criteria for Approval**

**(A) General Administrative Relief**

For the PCD Director to grant administrative relief all the applicable criteria in Section 5.5.1 of the LDC shall be met.

**(B) Subdivision Administrative Relief (Variations)**

Variations shall be allowed only after a finding by the PCD Director that:

- The variation does not constitute a substantial change to the allowed land use; and that
- No substantial detriment to the public good, nor harm to the general purpose and intent of the LDC, will be caused thereby.

A variation granted by the PCD Director shall not by itself constitute grounds for disapproval by the BoCC of any final plat unless the BoCC specifically finds that

the variation constitutes a substantial change in the allowed land use or causes a substantial detriment to the public good or harm to the general purpose and intent of the LDC.

**1.7. REVIEW PERIOD**

Administrative relief is classified as a Type C Development Application. The timeline for reviewing a Type C Development Application is dependent upon several factors, including, but not limited to, staffing, workload, project size and/or complexity, and quality and completeness of submittal materials.

**1.8. NOTICE**

Notice shall meet the notice requirements of public notice- mailed and shall be completed a minimum of 14 days in advance of the decision.

**1.9. FORM OF ACTION**

Administrative relief shall be considered complete and in effect as of the date of approval of the administrative relief by the PCD Director as evidenced by the PCD Director's signature on the letter approving the administrative relief.

**1.10. EXPIRATION (IF APPLICABLE)**

Administrative relief shall be valid for a period of one year. If the use is not established on the subject property or a building permit is not obtained and construction is not initiated to implement the requested administrative relief within one year of approval of the administrative relief or the plat is not filed for recording, the administrative relief shall expire and a new application shall be required. If the initial building permit expires, the administrative relief approval shall be considered to have expired at the time of expiration of the building permit. If the administrative relief includes a phasing plan, once the first phase is initiated the administrative relief shall be deemed to have no expiration. If the required public improvements are accepted by the County, the administrative relief shall be deemed to have no further expiration.

**1.11. SIMILAR PROCEDURES**

Not applicable

**1.12. TECHNICAL GUIDANCE**

Not applicable