



Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com

Type D Application Form (1-2C)

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

- ☐ Appeal
- ☐ Approval of Location
- ☐ Board of Adjustment
- ☐ Certification of Designation
- ☐ Const. Drawings, Minor or Major
- ☐ Development Agreement
- ☐ Final Plat, Minor or Major
- ☐ Final Plat, Amendment
- ☐ Minor Subdivision
- ☐ Planned Unit Dev. Amendment, Major
- ☐ Preliminary Plan, Major or Minor
- ☐ Rezoning
- ☐ Road Disclaimer
- ☐ SIA, Modification
- ☐ Sketch Plan, Major or Minor
- ☐ Sketch Plan, Revision
- ☐ Solid Waste Disposal Site/Facility
- ☐ Special District
- ☐ Special Use
 - ☐ Major
 - ☐ Minor, Admin or Renewal
- ☐ Subdivision Exception
- ☐ Vacation
 - ☐ Plat Vacation with ROW
 - ☐ Vacation of ROW
- ☐ Variances
 - ☐ Major
 - ☐ Minor (2nd Dwelling or Renewal)
 - ☐ Tower, Renewal
- ☐ Vested Rights
- ☐ Waiver or Deviation
- ☐ Waiver of Subdivision Regulations
- ☐ WSEO
- ☐ 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.
Attach additional sheets if there are multiple property owners.

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

For PCD Office Use:

Date:	File :
Rec'd By:	Receipt #:
DSD File #:	

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

--



Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com

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: _____

Letter of Intent

A Letter of Intent shall be submitted with all zoning, rezoning, special use, variance of use, nonconforming use, sketch plan, preliminary plan, final plat, minor subdivision, vacations, Board of Adjustment petitions, etc. Where applicable, please provide the following appropriate information to serve as a cover page for the Letter of Intent.

For all Letters of Intent, the following information is required:

- ___ 1. Owner/applicant and consultant, including addresses and telephone numbers.
- ___ 2. Site location, size and zoning.
- ___ 3. Request and justification.
- ___ 4. Existing and proposed facilities, structures, roads, etc.
- ___ 5. Waiver requests (if applicable) and justification.

The following information, when applicable, shall be submitted for zoning and rezoning requests:

- ___ 6. The purpose and need for the change in zone classification.
- ___ 7. The total number of acres in the requested area.
- ___ 8. The total number of residential units and densities for each dwelling unit type.
- ___ 9. The number of industrial or commercial sites proposed.
- ___ 10. Approximate floor area ratio of industrial and/or commercial uses.
- ___ 11. The number of mobile home units and densities.
- ___ 12. Typical lot sizes: length and width.
- ___ 13. Type of proposed recreational facilities.
- ___ 14. If phased construction is proposed, how it will be phased.
- ___ 15. Anticipated schedule of development.
- ___ 16. How water and sewer will be provided.
- ___ 17. Proposed uses, relationship between uses and densities.
- ___ 18. Areas of required landscaping.
- ___ 19. Proposed access locations.
- ___ 20. Approximate acres and percent of land to be set aside as open space, not to include parking, drive, and access roads.

Notice to Adjacent Property Owners

A letter 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.
- 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:

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 #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 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 or in person at the public hearing for this proposal."

- ___ 2. For questions specific to this project, please contact:
Owner/applicant and consultant,
addresses and telephone numbers.
- ___ 3. Site address, location, 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.

Notification of Adjacent Property Owners

Name and Address of Petitioner(s): _____

Telephone #'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 appear in person at the advertised public hearing to further express my comments.

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

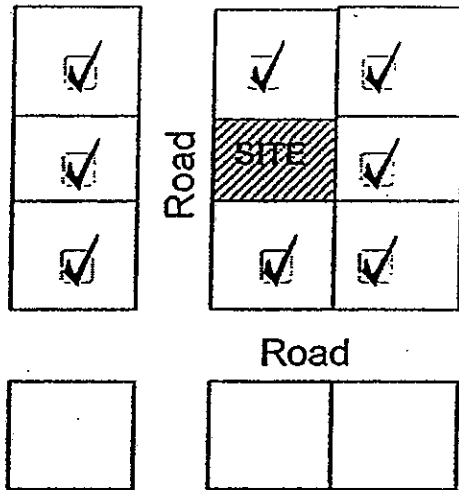
(For additional space, attach a separate sheet of paper)

Above are the signatures of the adjacent property owners who own 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.

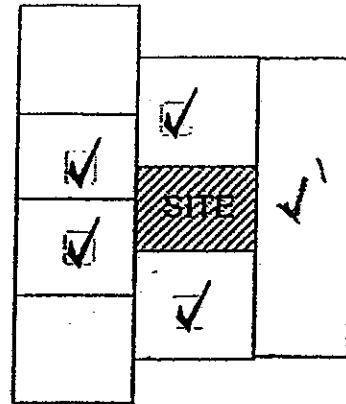
_____ date _____
(Signature of Petitioner or Owner)

_____ date _____
(Signature of Petitioner or Owner)

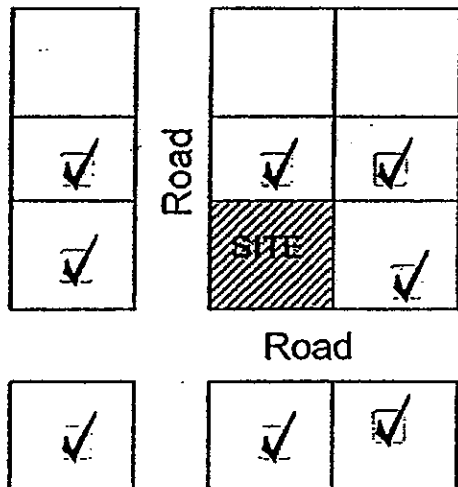
Notification of Adjacent Property Owners



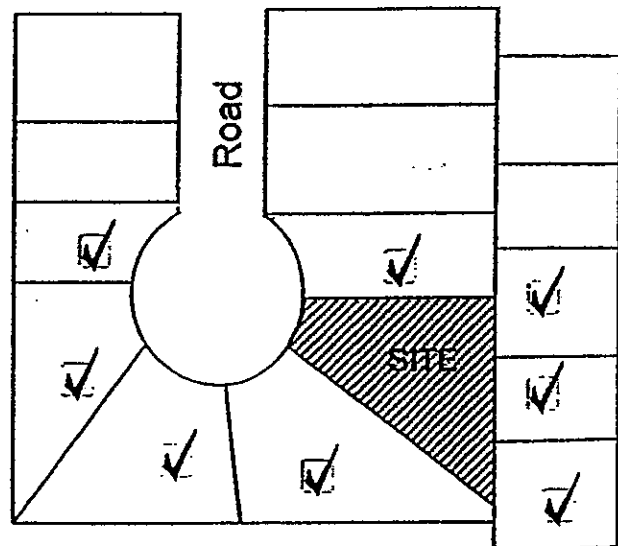
Example 1



Example 2



Example 3



Example 4

CHAPTER IV - SECTION 34

BOARD OF ADJUSTMENT

A. ORGANIZATION

1. In accordance with Section 30-28-117, Colorado Revised Statutes, a Board of Adjustment is hereby established, the members of which shall be appointed by the Board of County Commissioners.
2. The Board of Adjustment shall consist of five (5) regular members and up to four (4) associate (alternate) members, all of whom must be residents of El Paso County. One regular member position may be left open, to be filled at each hearing by an associate member designated by the Chairman of the Board of Adjustment on a rotating basis.
3. All members of the Board of Adjustment serve without compensation.
4. The terms of the regular members shall be for three (3) years, with the terms staggered so that no more than one (1) regular member's term expires each year. No regular member shall serve more than two successive full terms as regular members. Associate members are subject to annual re-appointment by the Board of County Commissioners. Vacancies on the Board of Adjustment shall be filled for the remainder of the unexpired term of the resigning member.
5. Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners upon written charges and after a public hearing. Cause shall include, among other things, failure to attend three scheduled meetings during any one (1) year period.
6. Associate members will be appointed by the Chairman of the Board of Adjustment on a rotating basis to vote in place of any absent regular members. All other associate members are entitled to participate in the deliberations except for the motions for approval/disapproval and the voting.

7. The Board of Adjustment may adopt any additional rules relating to its organization, meetings and procedures, provided that they are in accordance with this Section 34.

B. MEETINGS & RECORDS

1. Meetings of the Board of Adjustment shall be held on a regularly scheduled day each month, unless canceled for lack of business, or at the call of the Chairman of the Board of Adjustment.
2. All meetings shall be open to the public, and any item before the Board of Adjustment shall be subject to public comment.
3. Upon the request of any person attending a hearing or any Board member, testimony on a given item may be given under oath and subject to cross-examination.
4. Subpoenas to compel the attendance of witnesses may be obtained, upon proper showing, from a court of competent jurisdiction.
5. The Secretary to the Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each item presented and keep records of all official actions of the Board, all of which shall be retained by the Planning Department as a public record. The minutes of previous proceedings shall be regularly presented to the Board of Adjustment for review and approval.

C. PROCEDURES

1. The procedures for processing an appeal or a variance are identical, except that an appeal must be filed (in accordance with the procedures of this Subsection C.) with the Planning Department within thirty (30) days following either the date of the Planning Department's denial of authorization for the issuance of a building permit or the date that the administrative determination by the Planning Department was made.

2. It is recommended that, prior to submitting any petition the petitioner consult with the Planning Department as to the necessity for the appeal or variance request and, if necessary, the nature and extent of information or other documentation that will be needed to complete the petition submitted to the Planning Department.
3. An appeal or variance application shall be made by submitting a complete petition form provided by the Planning Department. A "complete petition" shall include all items specified in Subsection 4.B. of these Zoning Regulations (including all required information and drawings, the notice to adjoining property owners, and the filing fees) and any other information or documentation required by this Section 34 or the Planning Department for the adequate review of the appeal or variance request. An appeal shall include the written record and other documentation used in either denying authorization for the issuance of a building permit or making an administrative determination.
4. The submission of a complete petition shall be made at least twenty-two (22) days prior to the Board of Adjustment hearing at which the petition is to be presented.
5. Copies of the petition may be sent by the Planning Department to appropriate federal, state and local agencies for review and comment. These comments along with the Planning Department's comments, recommendations, and proposed conditions and restrictions, will be presented to the Board of Adjustment. Copies of these comments and recommendations will be available to the petitioner and any other interested party by the date of the Board of Adjustment hearing.
6. Any interested party may appear before the Board of Adjustment in person, by agent or attorney, or by written comment. The petitioner or his/her representative must be present at the hearing and willing to answer questions from the Board members in order for the petition to receive a favorable action from the Board.
7. The petitioner, on an appeal or variance request, shall have the burden of: (a) providing all information necessary for an adequate evaluation and review of the petition; and (b) demonstrating that the petition addresses and satisfies the applicable standards and findings set out in Subsection E. below.

D. JURISDICTION

In accordance with Sections 30-28-117 and 118, Colorado Revised Statutes, the Board of Adjustment shall have the following powers and duties:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or refusal made by the Planning Department pertaining to the application or enforcement, under these Zoning Regulations, of:
 - a. any zoning district's development requirements relating to physical dimension, structural location, or bulk limitation (not including Section 35.5);
 - b. "nonconforming building" provisions (Section 35.2 E.);
 - c. "nonconforming lot or parcel" or "merger by contiguity" provisions (Section 35.2 K.);
 - d. off-street parking and development requirements (Section 35.3);
 - e. advertising devices (dimensional, location, and number requirements only) (Section 35.4);
 - f. landscape requirements (Section 35.12); or
 - g. any other matter appealable to the Board of Adjustment under Section 1, General Provisions, paragraph M, Appeals, of these Zoning Regulations.
2. To authorize variances from the strict application of any physical requirement (see subparagraph I.a. above) of these Zoning Regulations which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. "Practical difficulties" and "hardship", in this context, may exist where the legal use of the property is severely restricted due to: a) the exceptional narrowness, shallowness or shape of the specific piece of property, or b) the exceptional topographic conditions or other extraordinary or exceptional situation or condition of such piece of property.

3. To authorize variances for those matters identified in subparagraphs l.c. through f. of this Subsection D., where strict compliance with these Zoning Regulations would result in peculiar or exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.
4. To pass upon disputed questions of zoning district boundary lines.
5. To hear any other appeal or variance matters expressly delegated to the Board of Adjustment by these Zoning Regulations.

E. STANDARDS & FINDINGS

1. Before granting an appeal from determinations or actions of the Planning Department (Paragraph D.1. above), the Board of Adjustment shall find, based on adequate evidence presented to it by the petitioner, that all of the following exist:
 - a. There was a clear and harmful error in the order, requirement, decision or refusal made by the Planning Department;
 - b. Granting the appeal will permit only those uses specifically enumerated as permitted uses for the zoning district in which the property is located;
 - c. Granting the appeal will not substantially alter character or development pattern of the zoning district nor significantly impair the intent and purpose of these Zoning Regulations; and
 - d. Granting the appeal will not violate any applicable federal, state or other local laws or regulations.
2. Before granting a variance from the strict application of the Zoning Regulations (Paragraphs D.2 and D.3 above), the Board of Adjustment shall find, based on adequate evidence presented to it by the petitioner, that all of the following exist:
 - a. The variance will permit only those uses specifically enumerated as permitted uses for the zoning district in which the property is located;

- b. The property for which the variance is sought suffers an exceptional or extraordinary situation or condition uncommon to other properties in the area, resulting in a "practical difficulty" or "hardship" upon the petitioner in making a reasonable use of the property in full conformance with the zoning requirements;
- c. Any hardship or difficulty supporting the variance is not self-imposed by the owner or his/her predecessors;
- d. [Substitute for findings b. and c. when the Board of Adjustment makes a specific 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
 - 1) the variance provides only reasonably brief, temporary relief, or
 - 2) 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
 - 3) some other unique or equitable consideration compels that strict compliance not be required [specify this consideration];
- e. The variance, as requested, represents the minimum variance that will afford appropriate relief while modifying the existing regulations to the least degree possible;
- f. The variance will not substantially or permanently injure or interfere with the use of adjacent properties or public easements or rights-of-way;
- g. The variance will not substantially alter the character or development pattern of the zoning district nor significantly impair the intent and purpose of the Zoning Regulations;

- h. The variance will not adversely affect the public health, safety or welfare; and
- i. The variance will conform with all applicable federal, state or other local laws or regulations.

F. ACTION

1. Following presentation by the Planning Department, the petitioner or his/her representative, and any interested parties in attendance, the Board of Adjustment may act to approve, disapprove, approve with conditions and/or notations, or continue any appeal or variance request.
2. Upon a motion and second by members of the Board of Adjustment, the hearing on any item may be continued to the next month's hearing by a simple majority vote of the Board. Any given item may be continued only once on the Board's own motion. The Chairman may grant a continuance request by the petitioner at any time prior to a motion on the item, provided the subject property is not currently in violation of these Zoning Regulations as they directly relate to the appeal or variance request.
3. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to approve any appeal or variance request.
4. The Board of Adjustment is empowered to attach such reasonable requirements, conditions, and restrictions to any approval of an appeal or variance request as it deems necessary to carry out the intent and purpose of the Zoning Regulations. In this connection, it may require the written consent to such requirements, conditions and restrictions by the petitioner or require the placing of such matter on the title record for the property.
5. The following standard conditions for all variances approved by the Board of Adjustment, in the past or the future, shall be applicable:

- a. Any physical variance approved shall be limited to the property configuration and/or existing or proposed structures actually presented to the Board of Adjustment on the approved site plan.
 - b. Any physical variance approved for a proposed structure (except for lot area variances) is valid only if construction on the structure is initiated within twelve (12) months of the date of the Board of Adjustments approval or, for past variances, within twelve (12) months of the effective date of this regulation.
 - c. Any physical variance approved for an existing or subsequently constructed structure (except for lot area variances unless otherwise provided in Section 35.2) is valid only so long as the structure is not removed or demolished.
 - d. The granting of a lot area variance by the Board of Adjustment shall not free the property from being subject to the "merger by contiguity" provisions of Subsection K. (Part II) of Section 35.2., unless a variance is expressly granted by the Board of Adjustment for this purpose.
- 6. Failure to abide by or comply with any requirements, conditions or restrictions may result in the revocation of the Board's approval following appropriate notice and a public hearing thereon.
 - 7. Appeal on any action (other than continuance) of the Board of Adjustment is to the District Court in and for El Paso County. Such appeal must be filed within thirty (30) days of the date the Board of Adjustment took action.

G. RE-APPLICATION

No denied appeal or variance request shall be the subject of a new application to the Board of Adjustment for a period of one year. However, if compelling evidence is provided that there is a substantial change in the property's condition or circumstances, the Board may, at its own discretion, consider a new application. The time limitation of one year shall be computed from the date of final action by the Board of Adjustment or, in the event of court litigation, from the date of entry of the court's final judgment.

SITE PLAN DRAWING CHECKLIST

PROJECT NAME: _____

SUBMITTAL DATE: ____/____/____

SUBMITTED BY: _____

SUBMITTAL REVIEWED BY: _____

Site Plan

Site plans, to satisfy the submission requirements of a Board of Adjustment, shall be of a minimum size of 8½" x 11", drawn at a scale adequate to provide the required information clearly, and containing at a minimum the following:

a. Boundary Dimensions and size

☐

b. Adjoining property owners, uses and zoning

☐

c. All existing and proposed buildings and structures, easements, setbacks and roads, fully dimensioned

☐

Standards of Section 35.2 Check Sheet

PROJECT NAME: _____

SUBMITTAL DATE: ____/____/____

SUBMITTED BY: _____

SUBMITTAL REVIEWED BY: _____

Check Sheet

Complete the checklist below by answering the following:

- | | Yes | No |
|--|--------------------------|--------------------------|
| a. Is the property in compliance with zoning regulations | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Is the property in compliance with all subdivision regulations, (property created on _____) | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Does the property comply will all individual Sewage Disposal System Isolation Distances and criteria and has an approval been granted by the Health Department. If yes, approved by _____ | <input type="checkbox"/> | <input type="checkbox"/> |

STANDARDS OF SECTION 35.2 SITE MAP DRAWING CHECKLIST

PROJECT NAME: _____
SUBMITTAL DATE: ____/____/____
SUBMITTED BY: _____
SUBMITTAL REVIEWED BY: _____

Site Plan

Site plans, to satisfy the submission requirements of nonconforming buildings, uses, lots or parcels, shall be of a minimum size of 8½" x 11", drawn at a scale adequate to provide the required information clearly, and containing at a minimum the following:

- a. Boundary dimensions and size and related graphic information ☐
- b. Well and septic locations fully dimensioned. ☐
- c. 100-foot radius of well entirely within the boundaries of the property. ☐
- d. location of all wells and septic within 200 feet ☐
- e. The location, if any 100-year floodplains and or slopes which exceed 30%. ☐

Notice to Mineral Estate Owners
§24-65.5-101, et seq., C.R.S. – Checklist and Certification

An examination of the records of the Clerk and Recorder's Office established the following:

Checklist

____ identity of the owner(s) of mineral estate
____ the mineral estate owner(s) has filed a proper notification form
____ the mineral estate owner(s) has recorded an instrument satisfying an applicable dormant mineral
____ interest act
____ no mineral estate owner(s) was found
____ mineral owner(s) waived the right to notice in writing to the Applicant.

If a mineral estate owner(s) exists, a Notice shall be sent to the mineral estate owner no less than thirty (30) days prior to the initial public hearing. The Notice shall include:

____ time and place of initial public hearing
____ nature of hearing
____ location of property/subject of hearing
____ name of applicant
____ notice was sent to mineral estate owner(s) no less than thirty (30) days prior to initial public
____ hearing (do not count day of mailing in thirty (30) day calculation).

If a mineral estate owner(s) exists, a copy of the Notice shall be sent to the local government at the same time as notice s mailed to the mineral owner(s) and no less than thirty (30) days prior to the initial public hearing. The Notice shall include:

____ time and place of initial public hearing
____ nature of hearing
____ location of property/subject of hearing
____ name of applicant
____ name and address of mineral estate owner
____ notice was sent to El Paso County Planning Department no less than thirty (30) days prior to
____ initial public hearing (do not count day of mailing in thirty (30) day calculation).

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 _____.

An initial public hearing/administrative decision on the request for approval of _____, which is the subject of the hearing/administrative decision, is scheduled for _____, 20____.

Pursuant to §24-65.5-103(4), C.R.S., I certify that a Notice of an initial public hearing/administrative decision was mailed to the mineral estate owner(s) (if established above) and a copy was mailed to the El Paso County Development Services Department on _____, 20____, which was 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