

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

TO: El Paso County Board of Adjustment
Carrie Geitner, Chair

FROM: Lacey Dean, Associate Planner
Joseph Sandstrom, Associate Engineer

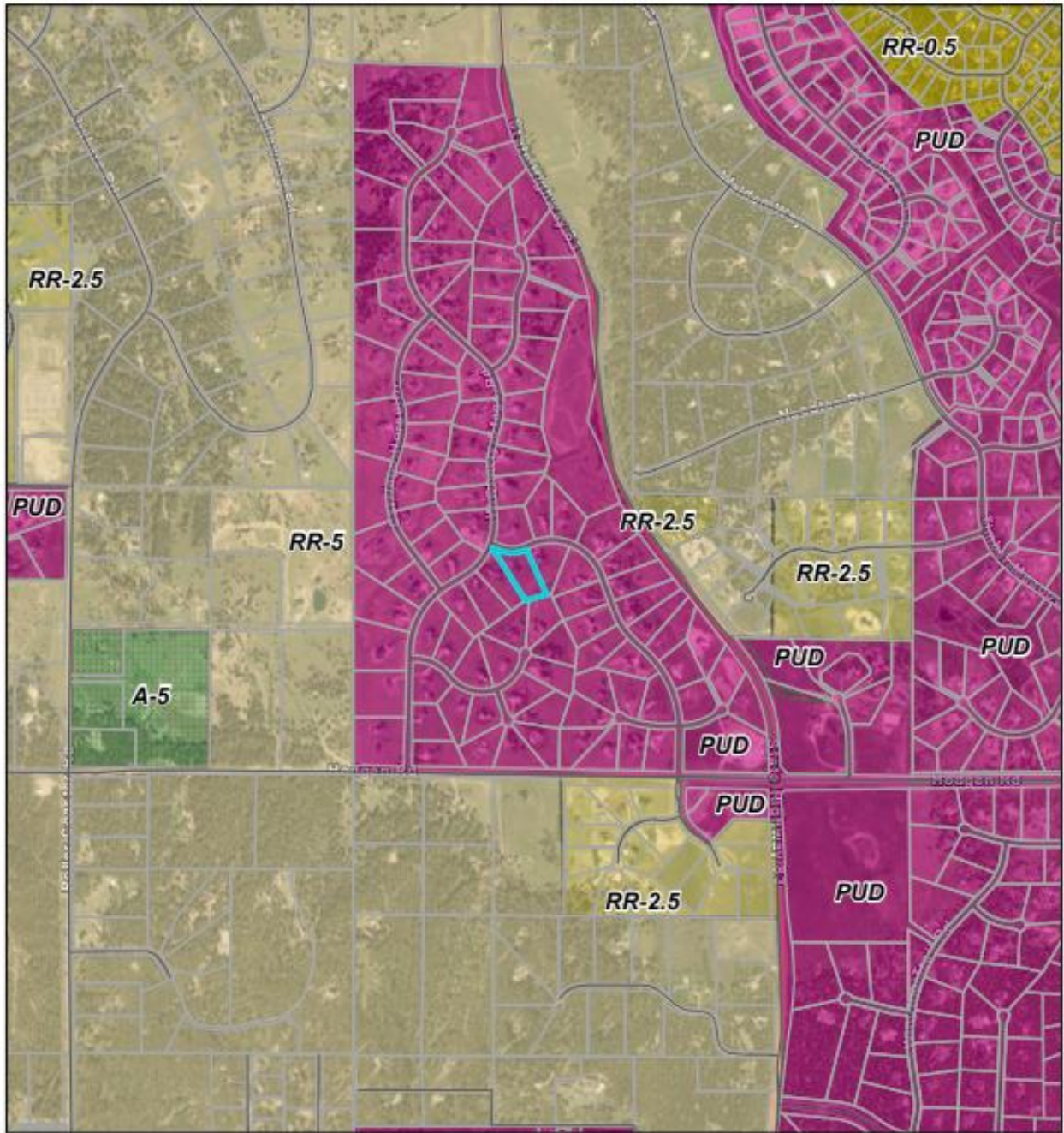
RE: Project File Number: BOA265
Project Name: 16990 Cherry Crossing Drive – Side Setback relief
Parcel Number: 6122008022
Commissioner District: 1

OWNER:	REPRESENTATIVE:
James Lucas 16990 Cherry Crossing Drive Colorado Springs, CO 80921	N/A
Board of Adjustment Hearing Date: 9/10/2026	

EXECUTIVE SUMMARY

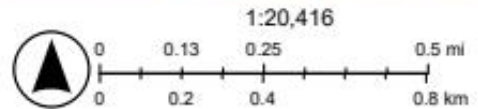
A request by James Lucas for approval of a dimensional variance to allow a 10-foot side setback where 35-feet is required in the Cherry Creek Crossing PUD (Planned Unit Development) zoning district for the proposed placement of a detached garage. The 2.66-acre property is located at 16990 Cherry Creek Crossing Drive, Colorado Springs, Colorado which is approximately 3000 feet northwest of the intersection of Hodgen Road and Highway 83.

Zoning Map



8/11/2026, 12:13:15 PM

- | | |
|---------------------------------------|------------------------------|
| Override 1 | Initial Zoning |
| County Roads | Special Use |
| Parcels | World Imagery |
| County Zoning | Low Resolution 15m Imagery |
| A-5: Agricultural (5 acres) | High Resolution 60cm Imagery |
| PUD: Planned Unit Development | High Resolution 30cm Imagery |
| RR-0.5: Residential Rural (0.5 acres) | Citations |
| RR-2.5: Residential Rural (2.5 acres) | 4.8m Resolution Metadata |
| RR-5: Residential Rural (5 acres) | |



El Paso/Teller E-011, El Paso County Development Services, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Vantor

APPROVAL CRITERIA

Section 5.5.2.B.2.a (Variances to Physical Requirements) of the Land Development Code (as amended), 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 exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.*

Section 5.5.2.B.2.a 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*
- *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*
- *Some other unique or equitable consideration compels that strict compliance not be required.*

A. BACKGROUND

The property was formally platted as Lot 22 in Cherry Creek Crossing Filing No 1 in 1999, (PCD Fil No SF98023) following the establishment of the Planned Unit Development zoning district for Cherry Creek Crossing which was approved in 1997 (PCD Fil No PUD97003). The Ranch-style, 2,644 square-foot, single-family dwelling was built on the property in 2004. The property is approximately 260 feet at its widest point, with a significant “no build” area along the southern half. The owner proposes to construct a detached garage at the end of the existing driveway, along the southwestern boundary line. The

- Minimum lot size: 2.5 acres
- Setbacks, for principal and accessory structures:
 - Minimum front yard setback: 90 feet
 - Minimum side setback: 35 feet
 - Minimum rear setback: 35 feet
- Maximum height: 30 feet
- Lot coverage: 25%

The property and proposed project meet all other design standards of the PUD zoning district, except for the subject setback relief request. Any proposed structures shall meet all requirements of the PUD zoning district and shall obtain approval of a Residential Site Plan prior to construction.

The request meets the criteria of Section 5.5.2.B.2. due to the shape of the lot, the configuration of the existing principal structure, topography, location of utilities lines, septic and leach field, along with the large no-build area on the southern half of the property limiting placement of the garage. The most level area of the property is where the existing driveway ends. The property slopes downward on the eastern half, which provides natural drainage for the property but does not lend itself as an alternative location of a detached garage.

Regarding the placement of the existing principal structure and whether a better configuration could have been designed, Article IV, Section A of the PUD Development Guidelines states the following:

2. The natural features of the site have been identified and incorporated into the development plan. The plan utilizes the flood plains, drainage structures, slopes and existing vegetation to their best advantage and further enhances these elements to create a quality environment in which to live.

3. Buildings should be located on lots in such a way as to minimize damage to existing vegetation. The lots shall be maintained in the natural state as nearly as possible, except that a reasonably sized lawn and/or garden, not to exceed 3,000 square feet, may be planted around the house.

C. ALTERNATIVES EXPLORED

The current placement of the house, topography, drainage, septic, and leach field, and no build areas on the property significantly restrict the available buildable areas towards the west side and rear of the existing principal structure. Placing the detached garage over existing natural gas and water lines is not a desirable alternative for the owners. The natural slope of the land on the east side of the property is not a viable option as it would not meet the zoning requirements of the PUD Development Guidelines stated above. The proposed structure could not be placed in front of the home due to Article IV, Section B of the PUD Development Guidelines, which states:

4. Garages or other accessory buildings shall not be erected to dominate the streetscape. Further, accessory buildings should not be located closer to the street frontage than the main buildings.

D. LOCATION

North:	PUD (Planned Unit Development)	Residential
South:	PUD (Planned Unit Development)	Residential
East:	PUD (Planned Unit Development)	Residential
West:	PUD (Planned Unit Development)	Residential

E. SERVICES

1. WATER

Water is provided by an individual well permit. The capacity of this system is based on use type, and no additional residential units nor additional uses are proposed. Therefore, no additional capacity is expected for either of these systems.

2. WASTEWATER

Wastewater is provided by individual on-site wastewater treatment systems (OWTS). The capacity of this residential system is based on bedrooms, and no additional bedrooms are proposed.

3. EMERGENCY SERVICES

The property is located within the Tri-Lakes Monument Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and had no comments on the proposal.

F. ENGINEERING

1. FLOODPLAIN

The FEMA FIRM map number for this site is 08041C0285G, effective on 12/7/2018. This property is in Zone X, an Area of Minimal Flood Hazard. No floodplain regulations apply to Zone X.

2. DRAINAGE AND EROSION

This property is in the West Cherry Creek (CYCY0400) drainage basin, which is unstudied with no basin or bridge fees. Neither a drainage report nor a grading and erosion control plan were required due to the negligible increase in imperviousness and disturbance. The letter of intent states that drainage from the proposed structure will not adversely impact neighboring or downstream properties.

3. TRANSPORTATION

The proposed structure will not generate any additional trips to the property. No Traffic Impact Study was required pursuant to Engineering Criteria Manual Appendix B.1.2.D. The El Paso County Road Impact Fee program (BoCC Resolution 25-337, as amended) does not apply to this application.

G. RECOMMENDED CONDITIONS OF APPROVAL AND NOTATIONS

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a Dimensional Variance for a 10-foot side setback where 35 feet is required in the Cherry Creek Crossing PUD zoning district, and that the applicant has met the review and approval criteria for granting Variances from the applicable standards, staff recommends the following conditions and notations:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed detached garage 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 detached garage.

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.

H. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 21 adjoining property owners on August 25, 2026, for the Board of Adjustment meeting. Responses will be provided at the hearing.

I. ATTACHMENTS

Letter of Intent

Elevation Drawings

Draft Resolution

James B. and Jennifer A. Lucas
16990 Cherry Crossing Drive
Colorado Springs, CO 80921
(719)246-0774
Jblucas9394@gmail.com

Letter of Intent for a Detached Garage

July 29, 2026

To The Board of Variance:

We (James B. and Jennifer A. Lucas, owners) are respectfully submitting a request for a side setback variance for 16990 Cherry Crossing Dr, Colorado Springs, CO 80921, zoned PUD to build a detached garage. Below is the Letter of Intent answering all questions put forth in the Board of Adjustment Checklist Packet I received from Lacy Dean, Associate Planner of Planning and Community Development for El Paso County.

I have personally met with all our neighbors based on the El Paso County “notification of neighbors diagram” to share the proposed detached garage plan with the side setback variance all have endorsed the plan. I have also personally met with the Cherry Creek Crossing POA Design Review Committee, and they too endorse the side setback variance. I explained to my neighbors and the Cherry Creek Crossing POA that I will go in front of the Board of Adjustment to discuss the proposed side setback variance and the Board will decide to approve or deny the request. (Attachments – Neighbors endorsement signatures, Cherry Creek Crossing POA approval email, Overhead photo of proposed detached garage shared with neighbors and Cherry Creek Crossing POA Design Review Committee)

Letter of Intent:

Owner Name: James B. and Jennifer A. Lucas, email: jblucas9394@gmail.com Contact Phone: 719-246-0774,

Applicant: Same as above

Property Address: 16990 Cherry Crossing Drive, Colorado Springs, CO 80921

Property Tax Schedule Number: R6122008022

Current Zoning of Property: PUD

The PUD requirement is 35 ft side setbacks. We are requesting a side setback from 35 ft to 10 ft side setback for the detached garage in one specific location of our property and the rest of the side setback would remain at 35 feet.

The reason for the request for a side setback variance for a detached garage is the shape of the lot combined with all setbacks, topography, utilities lines and septic and leach field all play into location for a detached garage which limits placement of the garage. The most level area of our lot is where the requested placement of the garage with the side set back variance. There is a rapid decent in topography combined with natural drainage does not lend itself for an alternative location of a detached garage.

The placement of the house on the property combined with setbacks, utilities, topography has created a hardship to build a detached garage in a practical spot on property within the confines of the current PUD requirements.

BOA Staff Report

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The burden of trying to place a detached garage on a different area of the property is prohibitive because of the topography, septic and leaching field, utilities, front easements.

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

The requested dimensional variance is justified under the review criteria that some other unique or equitable consideration compels that strict compliance not be required. In this case, the configuration of existing home and site layout creates practical limitations on where a detached garage can be reasonably constructed. Specifically, the current placement of the house significantly restricts the available buildable areas towards the side and rear of the home because of topography and drainage, septic, and leach field and current setbacks. We do not want to build and place the detached garage over existing natural gas and water line with a full 35' side setback requirement and also impede ingress and egress with current attached garage into home.

The Cherry Creek Crossing Covenants require that vehicles are always garaged when not in use and vehicles will be parked in the garage and out of the elements protecting our vehicles.

Furthermore, the orientation of the driveway with the house and the steep drop-off in topography to the east and southeast constrain feasible placement options. As a result, compliance would force placement of detached garage in an impractical or incompatible position on the property. The proposed reduced side setback allows for cohesive and practical design that works with existing home and driveway configuration, thereby addressing these site-specific constraints while maintaining overall compatibility with the surrounding community.

The Variance provides only reasonably brief, temporary relief; or:

The proposed variance is for a permanent structure; therefore, this criterion does not apply.

There will be no applicable zoning overlays

The detached garage will fit in the Cherry Creek Crossing HOA/POA. Many homes have detached garages on their property. The detached garage will be stucco and roofed in same colors as the main home to blend naturally with the community properties. There will not be any potential impacts to the neighborhood or surrounding area.

SITE PLAN – Attached with all requested information additional information below-

Location and height of all fences, walls, retaining walls or berms – non-applicable for this project – home has existing 3 split rail fence – 4' tall.

Traffic circulation on site including all points of ingress/egress on the property: We have one driveway that only can be used for ingress/egress – other driveways are prohibited in our community.

Location and dimensions of all existing and proposed signage – Non-Applicable

Location of ADA parking spaces, ramps, pathways, signs – Non-Applicable

Standard details of parking – Non-Applicable

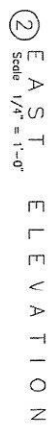
Location and screening of all dumpsters and loading dock areas – Non-Applicable

Erosion Control/Revegetation Plan:

If the proposed variance is approved and a detached garage is built, disturbed areas not being built on will be mulched and revegetated within 45 days (or asap after if weather doesn't allow) of disturbance using plant/grass species native and/or naturalized to El Paso County. Disturbed areas be either: mulched after seeding with weed-free hay or straw mulch at approximately 5,000 lbs per acre; Or areas that are not suitable for revegetation such as driveway/parking areas (if not going to be paved), or safety areas around buildings should have a 1-2" thick layer of crushed rock, road base, gravel, or other ornamental rock based material to assist in preventing having exposed soil that would cause erosion issues for adjacent neighbors or the immediate watershed.

If the proposed variance is approved, prior to and during construction, silt fencing needs to be would be put in place around the downhill sides of the construction in order to prevent water erosion issues beyond the immediate construction site in the event of heavy precipitation events. For areas being replanted with natural grass, consider using the El Paso County Conservation District's Native Shotgun Mix (available at EPCCD.org) for reseeding, which is well suited to soils present on this site and is comprised of 100% native and naturalized grass species. Percent of open space, landscaping, and lot coverage – besides the house and proposed detached garage all areas are landscaped with trees, shrubs, and native grass.

Stormwater runoff from the proposed structure will not adversely impact neighboring or downstream properties.



RESOLUTION NO. 26-
BOARD OF ADJUSTMENT
COUNTY OF EL PASO, STATE OF COLORADO

**RESOLUTION TO APPROVE A DIMENSIONAL VARIANCE FOR
16990 CHERRY CROSSING DRIVE**

WHEREAS, James Lucas has requested a Variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 16990 Cherry Crossing Drive in the PUD (Planned Unit Development) zone district, which property is identified by El Paso County Tax Schedule No. 6122008022 and is legally described as follows:

LOT 22 CHERRY CREEK CROSSING FIL NO 1

WHEREAS, the subject property is within the unincorporated area of El Paso County, Colorado; and

WHEREAS, James Lucas has requested the approval of a Dimensional Variance to allow a 10-foot side setback where 35 feet is required in the Cherry Creek Crossing Planned Unit Development guidelines.; and

WHEREAS, the Board of Adjustment is vested with the power to grant or deny such variances by virtue of Section 5.5.2 of the El Paso County Land Development Code and Sections §30-28-117 and §30-28-118, C.R.S.; and

WHEREAS, based on the evidence presented, the Board of Adjustment makes the following findings:

1. Proper notice procedures, including the notification of all adjoining property owners, have been completed by the El Paso County Planning and Community Development Department.
2. The Variance will permit only those uses specifically enumerated as permitted uses for the zoning district in which the property is located.
3. The burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the subject property.
4. A unique or equitable consideration compels that strict compliance not be required; namely the size of the existing principal use prohibitively limits the applicant's desired use of an accessory structure.
5. The variance will not significantly impair the intent and purpose of the zoning regulations.
6. The variance will not cause a substantial detriment to the public good.

7. The variance will conform with all applicable federal, state, or other local laws or regulations.

NOW, THEREFORE, BE IT RESOLVED that the request for a Variance from the El Paso County zoning regulations as more fully described above is hereby approved with the following conditions and notation:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed accessory structure may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Issuance of a building permit from the Pikes Peak Regional Building Department is required prior to the construction of the proposed accessory structure.

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.
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.

WARNING: Any violation of the terms of this resolution may result in rehearing and possible revocation.

DONE THIS 10th day of September 2026, at Colorado Springs, Colorado.

ATTEST:

BOARD OF ADJUSTMENT
OF EL PASO COUNTY, COLORADO

Steve Schleiker
County Clerk & Recorder

By: _____

Carrie Geitner, Chair