

Procedures Manual

Subject: DEVIATION REVIEW AND DECISION FORM

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Date Issued: 12/31/07
Revision Issued: N/A
Rescinded: N/A

1.1. PURPOSE

The purpose of this resource is to provide a form for documenting the findings and decision by the ECM Administrator concerning a deviation request.

1.2. BACKGROUND

A deviation is a critical aspect of the review process and needs to be documented to ensure that the deviations granted are applied to a specific development application in conformance with the criteria for approval and that the action is documented as such requests can point to potential needed revisions to the ECM.

1.3. APPLICABLE STATUTES AND REGULATIONS

Section 5.9 of the ECM establishes a mechanism whereby an engineering design standard can be modified when if strictly adhered to, would cause unnecessary hardship or unsafe design because of topographical or other conditions particular to the site, and that a departure may be made without destroying the intent of such provision.

1.4. APPLICABILITY

All provisions of the ECM are subject to deviation by the ECM Administrator provided that one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

1.5. TECHNICAL GUIDANCE

The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

1.6. RELATED PROCEDURES

1.6.1. Governing Procedures

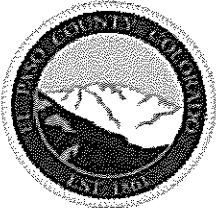
P-AR-063-07 Deviation

1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

1.7. RESOURCE

Attached is the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. The form is used to document the review and decision concerning a requested deviation. The request and decision concerning each deviation from a specific section of the ECM shall be recorded on a separate form.



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Revision Issued: 00/00/00
DSD FILE NO.:

Also include a separate deviation for the cul-de-sac length being greater than 1600 ft.

Please use new deviation form.
See attached.



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PCD File No. MS194

General Property Information:

Address of Subject Property (Street Number/Name): 3980 Walker Road

Tax Schedule ID(s) #: 6111000019

Legal Description of Property: Unplatted

Subdivision or Project Name:

Walker Reserve

Section of ECM from Which Deviation is Sought: : 2.2.4 Design Standards for Transportation Facilities Figure 2-8 (Typical Rural Local Cross Section)

Existing

Specific Criteria from Which a Deviation is Sought:

Rural cross section (Figure 2-8) w/60-foot Row w/12-foot pavement, 4-foot shoulders and 30" ditches.

Proposed Nature and Extent of Deviation:

Allow Private 20' gravel roadway to remain

wide

Applicant Information:

Applicant: Associated Design Professionals, Inc

Email Address: mbartusek@adpcivil.com

Applicant is: _____ Owner ☒ Consultant _____ Contractor

Mailing Address: 3520 Austin Bluffs Pkwy, #102, Colo Spgs

State: CO

Postal Code: 80918

Telephone Number: 719-266-5212

Fax Number: _____

Engineer Information:

Engineer: Michael A. Bartusek, PE

Email Address: mbartusek@adpcivil.com

Company Name: Associated Design Professionals, Inc.

Mailing Address: 3520 Austin Bluffs Pkwy., Suite 102

State: CO

Postal Code: 80918

Colorado Springs

Registration Number: 23329

State of Registration: Colorado

Telephone Number: (719) 266-5212

Fax Number: (719) 266-5341

Explanation of Request (Attached diagrams, figures and other documentation to clarify request):

Section of ECM from Which Deviation is Sought: 2.2.4 Design Standards for Transportation Facilities w/ Figure 2-17 Figure 2-8 (Typical Rural Local Cross Section)

Specific Criteria from Which a Deviation is Sought: Rural cross section (Figure 2-8) w/60-foot Row w/12-foot pavement, 4-foot shoulders and 30" ditches.

Proposed Nature and Extent of Deviation:

Reason for the Requested Deviation: The platting of three (3) lots with one existing residence does not warrant the road upgrade.

Comparison of Proposed Deviation to ECM Standard: To conform with the other adjacent Private roadways within the area.

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This statement does not compare the ECM standard to what is proposed. This appears to be one of your reasons why you are requesting the deviation. Please revise.

Applicable Regional or National Standards used as Basis: _____

Application Consideration:

CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION

☐ The ECM standard is inapplicable to a particular situation.

☒ Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.

☐ A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

JUSTIFICATION

Please provide justification for the undue hardship.

The existing Private gravel roadway is 20' wide and extends approximately 1800' beyond the Public portion of Kerry Drive. The current Private road services approximately 10 single family residences. 30' Right of Way will be dedicated will be dedicated with this platting.

Is the existing private road adequate?

If at least one of the criteria listed above is not met, this application for deviation cannot be considered.

Criteria for Approval:

PLEASE EXPLAIN HOW EACH OF THE FOLLOWING CRITERIA HAVE BEEN SATISFIED BY THIS REQUEST

The request for a deviation is not based exclusively on financial considerations.

The request is based on current functionality.

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

The proposed deviation for the private roadway to continue which has functioned without problems.

The deviation will not adversely affect safety or operations.

The addition of two residences will not adversely affect the function or safety of the existing roadway.

please explain why this deviation request will not adversely affect safety or operation

The deviation will not adversely affect maintenance and its associated cost.

There will be no additional cost associated with this request.

The deviation will not adversely affect aesthetic appearance.

Deviation will match surrounding roadways.

private

Identify that the private road will not be maintained by the county.

Owner, Applicant and Engineer Declaration:

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. 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 will be cause to have the project removed from the agenda of the Planning Commission, Board of County Commissioners and/or Board of Adjustment or delay review,

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Please include an exhibit attached to the deviation form.

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.

Signature of owner (or authorized representative)

Date

Signature of applicant (if different from owner)

Date

Signature of Engineer

Date

Engineer's Seal

Review and Recommendation:
APPROVED by the ECM Administrator

Date

This request has been determined to have met the criteria for approval. A deviation from Section _____ of ECM is hereby granted based on the justification provided. Comments:

____ Additional comments or information are attached.

DENIED by the ECM Administrator

Date

This request has been determined not to have met criteria for approval. A deviation from Section _____ of ECM is hereby denied. Comments:

____ Additional comments or information are attached.