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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name :	Mayberry Phase 1
Schedule No.(s) :	PUDSP219, including SF1825 (Filing 1), VR2113 (Filing 1A)
Legal Description :	NE1/4 of Sect 15 & N1/2 of Sect 14, Township 14 S, Range 63 W of 6th P.M., El Paso County, Colorado

APPLICANT INFORMATION

Company :	Mayberry Communities, LLC
Name :	Scott Souders
	☒ Owner ☐ Consultant ☐ Contractor
Mailing Address :	3296 Divine Heights #208 Colorado Springs, CO 80922
Phone Number :	(719) 922-2181
FAX Number :	n/a
Email Address :	scottsouders@mayberrycoloradosprings.com

ENGINEER INFORMATION

Company :	Same as above
Name :	Colorado P.E. Number : 61025
Mailing Address :	
Phone Number :	
FAX Number :	
Email Address :	

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 until corrections are made, 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) — 03/15/2023 Date

Engineer's Seal, Signature And Date of Signature

COLORADO LICENSED DANIEL SCOTT SOUDERS 61025 PROFESSIONAL ENGINEER

Please add PCD File No. DEV233

PCD File No. _____

DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **2.4.1.E-1** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.4.1.E-1: Roadway Access Design Criteria – Residential Access Width (i.e. width of driveway)

Currently, ECM Section 2.4.1.E-1 limits residential driveway widths to a maximum of 24-feet. Mayberry Communities is requesting a deviation to this width limitation in order to accommodate safe and efficient vehicular access to driveway and garage space.

for Filings 1 & 3

State the reason for the requested deviation:

Mayberry Communities requests to construct driveways to a width compatible with the garage opening offered per home plan type. Our home plans provide 26 different options for buyer consideration, many of which require a driveway width exceeding the ECM maximum of 24-feet in order for vehicles to safely access perpendicular to the abutting roadway.

at lot frontage

delete the crossed out text

Explain the proposed alternative and compare to the ECM standards (May provide applicable regional or national standards used as basis):

Mayberry Communities requests to deviate the standard by allowing driveways to be constructed per the following proposed alternative criteria:

- Maximum width of 24-feet for all lots narrower than 48-feet (per current ECM standard), or
- Maximum width of 35-feet ~~for all lots exceeding 48 feet, limited as otherwise noted, and~~
- Maximum width no wider than 50% of lot width as measured at face of garage door opening, and
- Maximum width up to 48" (24" each side) of out-to-out opening of total garage door width
- Driveway access at intersections shall be located a minimum of 10' from the point of curvature or point of tangency of the curb line at the intersection (per current ECM standard)

revise to face of curb

The above proposed alternative criteria meet or exceed the per lot minimum on-street curb length and/or pedestrian safe zone resulting from a standard 24-foot driveway located on lots equal to or less than 45-feet in width. See attached worksheet comparing the minimum lot widths per home plan/garage configuration currently offered by Mayberry (Exhibit 'A').

Exhibit 'A' identifies:

- 26 plan type options
- Minimum Lot Width – lots must be at least this width in order for plan type to be sited
- Garage Configuration – opening width(s) and size(s) of each garage door offered per plan type (includes intermediate wall length)
- Driveway Width Limitation 1 – calculates driveway width 2' wider each side than out-to-out opening of garage doors
- Driveway Width Limitation 2 – calculates max driveway width equal to 50% of lot width
- Deviation – controlling width in excess of 24' per proposed plan type driveway
- Min. LS Buffer to Lot Line – all driveways are set a minimum of 5' from property line, this space is to be landscaped
- LS Buffer to Opposite Lot Line – remaining lot frontage after subtracting proposed driveway plus 5' side yard buffer
- On-street Curb Length – Total curb length remaining per lot beyond driveway frontage

please clarify that the smallest dimension of the two limitations is to govern the driveway width

PCD File No. _____

LIMITS OF CONSIDERATION
(At least one of the conditions listed below must be met for this deviation request to be considered.)

☐ The ECM standard is inapplicable to the particular situation.
☐ Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship 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.

Provide justification:

Mayberry offers each home with a standard 3-car garage, with upgrade options available for 5-car and RV garage accommodations. Currently, the ECM limits driveway access to only 24-feet. While this width adequately accommodates homes with a standard 16' garage door, it does not reasonably accommodate homes with multiple garage doors. Due to the garage face proximity to the front of lot, when the driveway width is limited to something narrower than the out-to-out width of total garage door opening, it is common for homeowners to either drive through front yard landscaping or later widen driveways without authorization. Each of these conditions yield negative aesthetic outcomes for the community and can increase hazards for other users of the sidewalk or roadway due to need for driver to focus on tight vehicle maneuvers while attempting to negotiate a driveway narrower than the perpendicular access to the abutting roadway.

Exhibit 'D' provides photograph examples of inferior driveway designs that do not extend perpendicular to the fronting roadway. These photos demonstrate the negative aesthetic and driver challenges that result when the driveway is not constructed to the full width of the garage door opening.

CRITERIA FOR APPROVAL

Per ECM section 5.8.7 the request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

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

Financial considerations are not the intent of this deviation request. The purpose of this deviation is to provide an improved neighborhood aesthetic while also improving pedestrian safety by reducing unnecessary driver distractions associated with tight vehicle maneuvering. Please see the attached Exhibits 'D' & 'E' for representative photos.

- Exhibit 'D' provides photograph examples of inferior driveway designs that do not extend perpendicular to the fronting roadway.
- Exhibit 'E' provides example photos of superior driveway designs that do extend perpendicular to the fronting roadway.

These photos demonstrate how the aesthetic appearance and vehicle maneuvering safety will benefit by this deviation.

The deviation will not adversely affect safety or operations.

Under the current ECM maximum driveway width limitation, when the driveway is constructed narrower than the width of garage door, drivers are required to focus their attention towards negotiating a narrow driveway. This attention distracts driver focus on other surrounding obstructions such as pedestrians and/or passing vehicles in the roadway. By allowing a wider driveway, drivers are able to safely access perpendicularly onto the abutting roadway.

There is no increase or decrease to the general operational demands of the road system with this deviation request.

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

This deviation request has no impact on road system maintenance or associated cost.

The deviation will not adversely affect aesthetic appearance.

This deviation request will increase the probability of an ongoing positive aesthetic appearance. Under current ECM limitations, there is increased chance that drivers will operate vehicles within the landscape planter strip between sidewalk and back of curb. This regularly results in either the homeowner ignoring the aesthetics of the landscaping, ultimately killing the landscape and tracking sediment into roadway, or the homeowner widens the driveway without permit and often times not of appropriate surfacing material (i.e. crushed rock and not concrete).

The attached Exhibit 'D' provides photograph examples of inferior driveway designs that do not extend perpendicular to the fronting roadway, while Exhibit 'E' provides example photos of superior driveway designs that do extend perpendicular to the fronting roadway. These photos demonstrate how the aesthetic appearance of the development will benefit by this deviation.

The deviation meets the design intent and purpose of the ECM standards.

The purpose of the ECM standard is to maintain adequate on-street curb line free of driveway obstruction to accommodate parked vehicles and opportunity for interim snow storage. The standard further promotes development opportunities for positive aesthetic appearance. Each of these standards are maintained and/or provide improved opportunities for success under this deviation request.

The Exhibit 'B' provides a schematic illustration of lots 45' in width with ECM maximum 24' wide driveways, all evenly spaced, while Exhibit 'C' illustrates a sample block layout of actual Mayberry homes designed with driveway layouts conforming to the criteria requested through this deviation request. These exhibits demonstrate that this deviation meets the design intent and purpose of the ECM standards.

The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

identify that the site meets the County MS4 requirements and that full spectrum detention pond(s) are provided for the two filings that this deviation request affects.

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REVIEW AND RECOMMENDATION:

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

Denied by the ECM Administrator
This request has been determined not to have met criteria for approval. A deviation from Section _____ of the ECM is hereby denied.

ECM ADMINISTRATOR COMMENTS/CONDITIONS:

PCD File No. _____

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. 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.

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 5.8 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. LIMITS OF APPROVAL

Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

1.7. REVIEW FEES

A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.

Exhibit 'A'

Mayberry Filings 1, 1A & 3 Driveway Width Evaluation Matrix

Plan Type	1 Std	1 XL	1XXL	1 Std MG	1XL MG	1XXL MG	1.5 Std	Control 2 Std	2XL	2.5 Std
Min Lot Width	50	60	65	50	60	65	60	45	54	50
Garage Configuration	16	16-3-8	16-3-12	16	16-3-8	16-3-12	16	16	16-3-8	16
Out-to-Out Garage Door Jambs	16	27	31	16	27	31	16	16	27	16
Driveway Width (O-O jamb +2' each side)	20	31	35	20	31	35	20	20	31	20
Driveway Width (50% of Lot Width)	25	30	32.5	25	30	32.5	30	22.5	27	25
Deviation (>24')	--	5	8.5	--	6	8.5	--	--	3	--
Min LS Buffer to Lot Line	5	5	5	5	5	5	5	5	5	5
LS Buffer to Opp Lot Line	25	25	27.5	25	25	27.5	35	20	22	25
On-street Curb Length	**30**	**30**	**32.5**	**30**	**30**	**32.5**	**40**	**25**	**27**	**30**

Plan Type	3 Std	3 XL	3XXL	3 Std MG	3 XL MG	3XXL MG	4 Std	4 XL	4 Std MG	4 XL MG
Min Lot Width	50	60	65	50	60	65	50	60	50	60
Garage Configuration	16	16-3-8	16-3-12	16	16-3-8	16-3-12	16	16-3-9	16	16-3-9
Out-to-Out Garage Door Jambs	16	27	31	16	27	31	16	28	16	28
Driveway Width (O-O jamb +2' each side)	20	31	35	20	31	35	20	32	20	32
Driveway Width (50% of Lot Width)	25	30	32.5	25	30	32.5	25	30	25	30
Deviation (>24')	--	6	8.5	--	5	8.5	--	6	--	6
Min LS Buffer to Lot Line	5	5	5	5	5	5	5	5	5	5
LS Buffer to Opp Lot Line	25	25	27.5	25	25	27.5	25	25	25	25
On-street Curb Length	**30**	**30**	**32.5**	**30**	**30**	**32.5**	**30**	**30**	**30**	**30**

Plan Type	5 Std	5 XL	5XXL	5 Std MG	5 XL MG	5XXL MG
Min Lot Width	70	70	70	70	70	70
Garage Configuration	16-3-9	16-3-9	16-3-12	16-3-9	16-3-9	16-3-12
Out-to-Out Garage Door Jambs	28	28	31	28	28	31
Driveway Width (O-O jamb +2' each side)	32	32	35	32	32	35
Driveway Width (50% of Lot Width)	35	35	35	35	35	35
Deviation (>24')	8	8	11	8	8	11
Min LS Buffer to Lot Line	5	5	5	5	5	5
LS Buffer to Opp Lot Line	33	33	30	33	33	30
On-street Curb Length	**38**	**38**	**35**	**38**	**38**	**35**

INDIAN GRASS STREET

11'-6" | 24'-0" | 20'-9" | 24'-0" | 21'-0" | 24'-0" | 21'-0" | 24'-0" | 21'-0" | 24'-0" | 21'-0" | 24'-0" | 21'-0" | 24'-0" | 27'-6"

65'-10" | 45'-0" | 45'-0" | 45'-0" | 45'-0" | 45'-0" | 45'-0" | 65'-10"

VILLAGE MAIN STREET

CATTLEMEN RUN

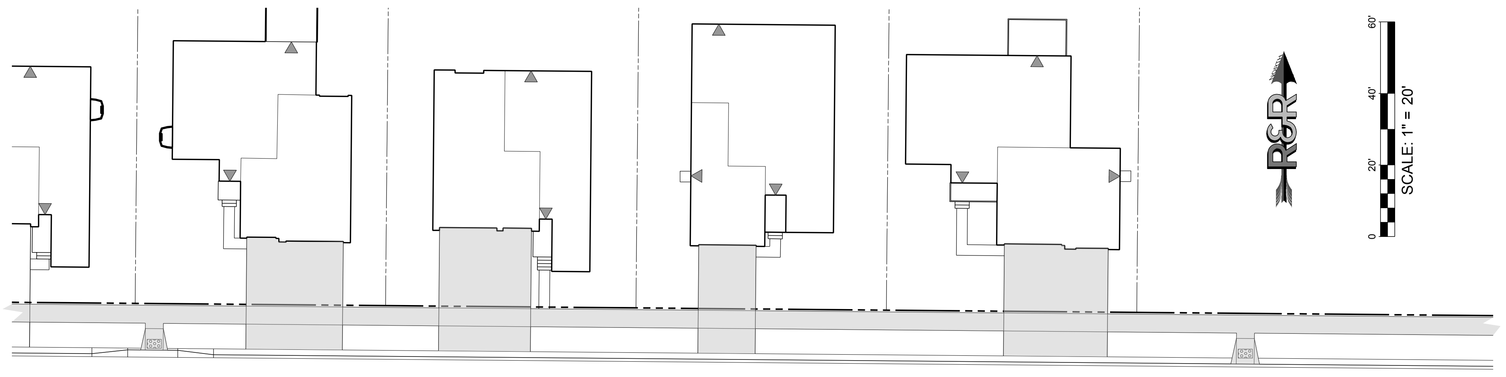
GARDEN PARK AVENUE

EXHIBIT 'B'
Example ECM Compliant Driveway Block Layout

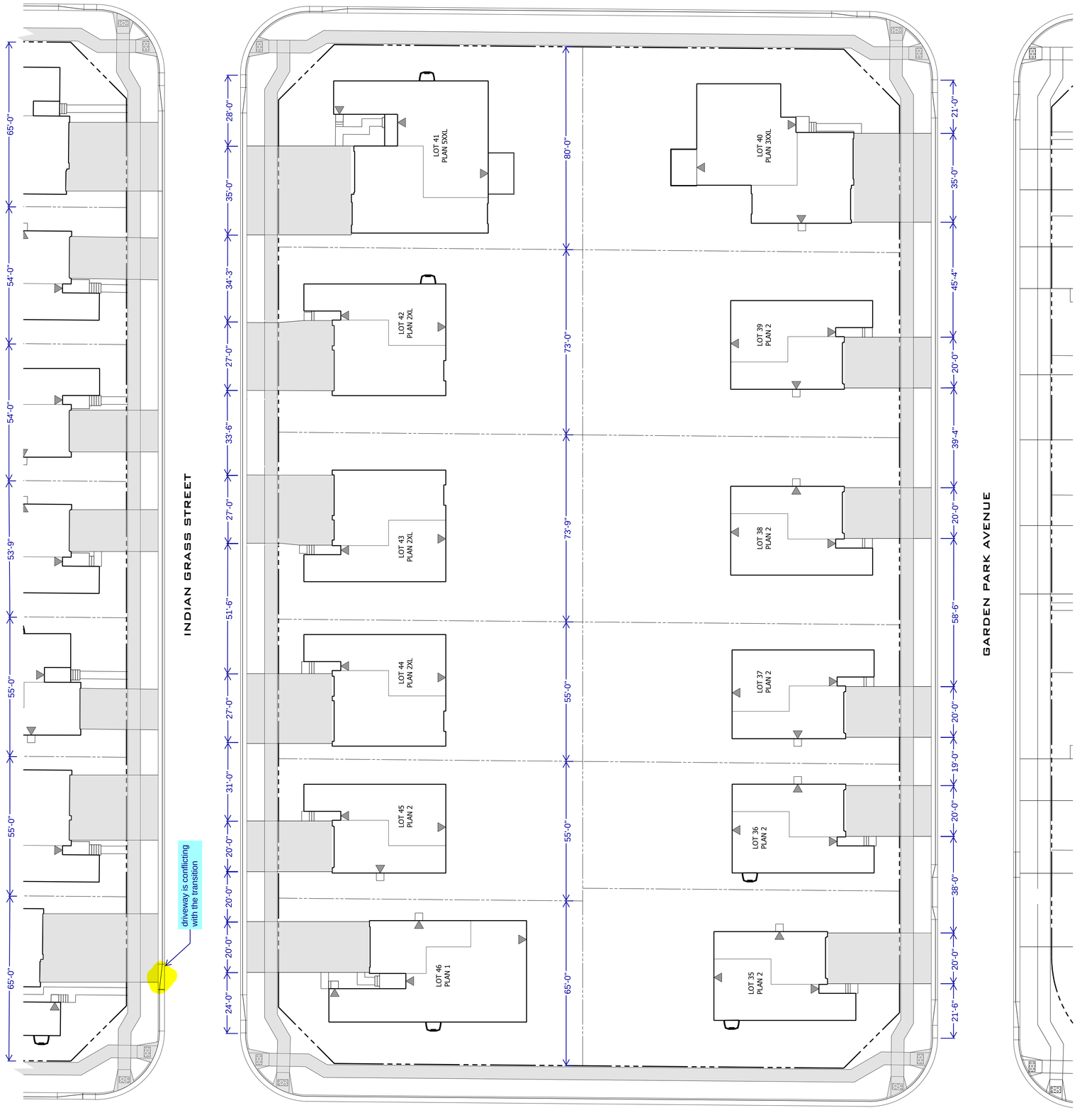
R&R

0 20' 40' 60'

SCALE: 1" = 20'



CATTLEMEN RUN



VILLAGE MAIN STREET

EXHIBIT 'C'
Example Deviation Compliant
Driveway Block Layout
(Actual As-Sold Configuration)

Exhibit 'D'

Example Driveways per ECM Standard

Exhibit 'E'

Example Driveways per Deviation Request