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Board of County Commissioners
Holly Williams, District 1
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TO: El Paso County Board of Adjustment
Jay Carlson, Chair

FROM: Matthew Fitzsimmons, Senior Planner
Edward Schoenheit, Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: BOA-22-010
Project Name: 4355 Heizer St - Cascade
Parcel No.: 83262-00-082

OWNER:

REPRESENTATIVE:

James C. Jacobsen 4355 Heizer St. Cascade, CO 80809	James C. Jacobsen 4355 Heizer St. Cascade, CO 80809
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Commissioner District: 3

Board of Adjustment Hearing Date:	10/26/2022
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EXECUTIVE SUMMARY

A request by James C. Jacobsen for a dimensional variance to allow a 24-foot X 30-foot garage that will need the following alterations from the code:

1. Rear setback of approximately 18 feet for the primary structure where 25 feet is required
2. 0.35-acre lot where 5 acres is required
3. An approximate 110 feet lot width at the front yard setback where 200 feet is required

The 15,232 square foot (0.35 acre) property is zoned RT (Residential Topographic) and is located east of Highway 24 and south of Marriott Road and is within Section 16, Township 13 South, Range 68 West of the 6th P.M.

1. REQUEST

To allow a 24-foot X 30-foot garage that will need the following alterations from the code:

1. Rear setback of approximately 18 feet for the primary structure where 25 feet is required
2. 0.35-acre lot where 5 acres is required
3. An approximate 110 feet lot width at the front yard setback where 200 feet is required

2. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2022), 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:

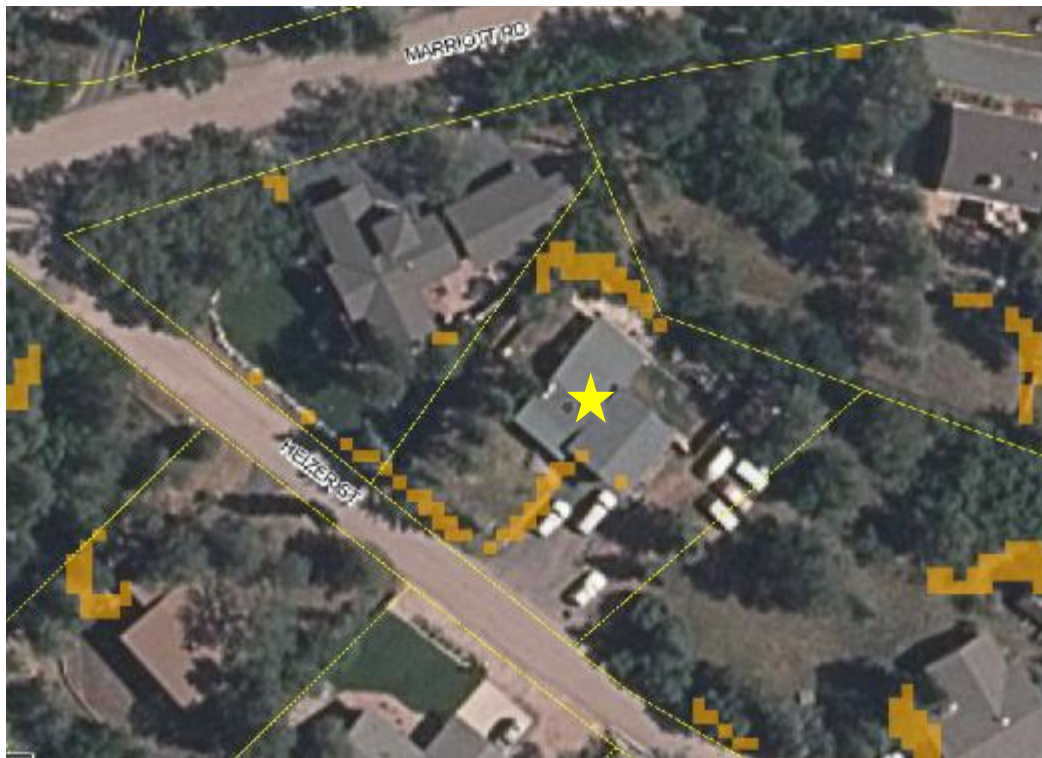
3. *The exceptional narrowness, shallowness, or shape of the specific piece of property.*

The RT dimensional standards are proportionate to the 5-acre minimum lot size that is required in this zone. In addition to the 5-acre minimum lot size, these include a minimum of 200-feet of width at the front setback line and 25-foot front, side and rear setbacks for the primary structure, a maximum building height of 30-feet, and the maximum lot coverage of 30%. For accessory structures in the RT zone, side yard setbacks are reduced to 5-feet and note 12 on the dimensional chart stipulates that: The side yard setback is 25-feet when the lot is 5 acres or larger, or 5-feet if the lot is less than 5 acres. As this lot is 0.35 acres, the 5-foot setback applies. The proposed accessory structure (garage) is within the required 5-foot rear and side setbacks.

As a result of the dimensional standards being designed for a larger lot, this project requires three variances to allow a 24-foot x 30-foot garage on the property. None of those variances are related to the placement or size of the proposed garage, but the size of the lot and the placement of the existing home.

4. *The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.*

Although this parcel is in a mountains area in Cascade, this area generally does not have many steep slopes. As a result, most of the property is buildable and the proposed garage is in an area that is more or less flat. The image below indicates where the slope is 30% or greater, making it difficult to build upon.



However, Section 5.5.2.B.2.a, Variance to Physical Requirements, 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;

i. The variance provides only reasonably brief, temporary relief; or

If approved, the variance would provide for permanent relief and would not meet this criterion.

ii. 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

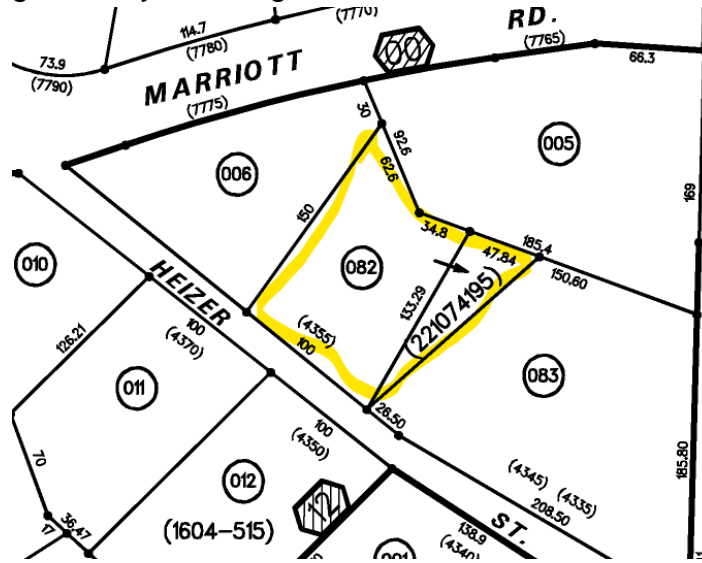
An alternative plan, standard, or condition was not submitted by the applicants with this application.

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

The area around Cascade is populated with RT zoned properties that do not meet the dimensional standards due to small and irregular shaped parcels. The Board of Adjustment has historically approved similar requests for properties in this area. It would be considered equitable if this application resulted in the same approval as those projects.

5. BACKGROUND

The original master parcel for 4355 Heizer St. (83262-00-007) was created on 5/13/1963. The property owners added a small pie shaped parcel bought from the neighboring property on 6/11/1963 to include (4335 Heizer St. - 83262-00-073 – currently 8326200083). Combined, the master parcel and the pie shaped addition created the current subject parcel (8326200082). The original RT (Residential Topographic) zone was established on April 27th, 1967, (reception no: 551985). The existing single-family dwelling was constructed in 1962.



6. ALTERNATIVES EXPLORED

There is no alternative that would not trigger a dimensional variance request:

Any building permit would trigger these variances to be approved before the permit could be issued.

7. APPLICABLE RESOLUTIONS

Approval: Resolution 3

Disapproval: Resolution 4

8. LOCATION

North: R-T (Residential Topographic)

Single Family Home

South: R-T (Residential Topographic)

Single Family Home

East: R-T (Residential Topographic)

Single Family Home

West: R-T (Residential Topographic)

Single Family Home

9. SERVICE

a. WATER

Water is provided by a well on this property.

b. WASTEWATER

Wastewater is provided by an existing permitted on-site wastewater treatment system (OWTS).

c. EMERGENCY SERVICES

The parcel is located within Cascade Fire Protection boundaries. No comments were received from this agency.

10. ENGINEERING

a. FLOODPLAIN

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0489G, which has an effective date of December 7, 2018, indicates the property is located within Zone X, an area of minimal flood hazard outside of the 100-500-year floodplain.

b. DRAINAGE AND EROSION

This property is located within the Williams Canyon drainage basin (FOFO7200). This is an unstudied basin that was closed pursuant to County Resolution 12-138 and has no current associated drainage basin fees. No platting action is being requested; therefore, drainage fees are not applicable. A drainage report was not required to be submitted with this application.

c. TRANSPORTATION

The 2016 El Paso County Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the development.

The parcel is located on Heizer Street, which is a rural local road currently maintained by the County. The Right of Way width was determined to be 30ft. No public improvements are required for this application. The parcel does not have an approved driveway access permit on file with the County.

The variance request is not subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended.

11. RECOMMENDED CONDITIONS OF APPROVAL

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a dimensional variance for the existing house, addition, and deck, and that the applicants has met the review and approval criteria for granting variances from the applicable standards, staff recommends the following conditions and notation of approval:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed 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 the garage by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department is required prior to an addition or expansion of a residential property.

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 administrative relief.

12. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 5 adjoining property owners before 10/26/2022, for the Board of Adjustment meeting. Responses will be provided at the hearing.

13. ATTACHMENTS

- Letter of Intent
- Vicinity Map
- Site Plan

Owner: James C. Jacobsen
4355 Heizer Street
Cascade, Co. 80809
719-640-0617
4flat4s@gmail.com
August 30, 2022
BOA-22-010
Detached Garage

Letter of Intent

To whom it may concern, I, James C. Jacobsen, am the owner of the residence located at 4355 Heizer Street, Cascade, Colorado, and would like to request to replace the existing storage structure sized at 12' x 12' with a detached garage sized at 24' x 30'. The current state of our structure is in sub par condition and has been severely neglected by previous owners and is overdue for an update. Due to the condition of this structure, it is unusable and unsafe for storage of valuable things.

Our intent is to remove this structure and construct a new, useable, single story garage in the same location for our vehicles and storage needs. All construction will follow all building codes and be finished to match our home, including roof slope and style. This new garage structure would enable us to keep our vehicles safe during severe weather events, provide much needed storage and, and improve the aesthetics of our neighborhood.

Our home was built in 1962, the lot size has changed a number of times throughout the years, but when we bought it it had .28 acres. Two years ago, we went through the proper channels to legally purchase a portion of the adjacent lot to increase our lot size to .35 acres with a garage in mind. Total lot square footage is 15232, total square footage of existing building and proposed building will be 2276 covering 14.94% of the lot. Current zoning is R-T (Residential Topographic). the current property boundaries include 100 feet along Heizer Street, which is less

than the minimum requirements by El Paso County of 200 feet for the construction of this structure and are requesting a “Dimensional Variance”. The applicable dimensional standards require 5 Acres or 200 feet of frontage road boundary. Due to the shape of our property, it is not possible to achieve this minimum dimensional standard which creates practical difficulties and hardships on us as homeowners, to provide the necessary components of a home owner to accommodate our young family and subsequent storage needs.

The unincorporated community of Cascade is historic, with lot sizes that average 1/3 acres and typically irregularly shaped due to the topography of the landscape. This requires a variance. There is no overlay zoning within this community. Also, due to the historic zoning lots, it is very difficult to make improvements on our properties while abiding by current zoning restrictions. That being said, we will also be asking for a variance to the side lot easement where 25 feet is required, but is only 18 feet, and the rear property line where the easement requires 25 feet, but is only 23 feet. In addition the structure will not allow an increase in number of dwelling units, or result in adverse impacts on the surrounding properties, thereby, preserving the intent of this code.

Should this request be approved, the use will be consistent with the applicable Master Plan and will preserve the character of the neighborhood and be compatible with the existing land uses within the area. The overall impact will not overburden or exceed the capacity of public facilities or services. The use will not create unmitigated traffic congestion, and currently has adequate legal access. The use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, and/or noise pollution, and will not be otherwise detrimental to public health, safety and/or welfare of the present or future residents of El Paso County, and conforms to all other other County rules, regulations or ordinances.

James Chadwick Jacobsen 8-30-2022

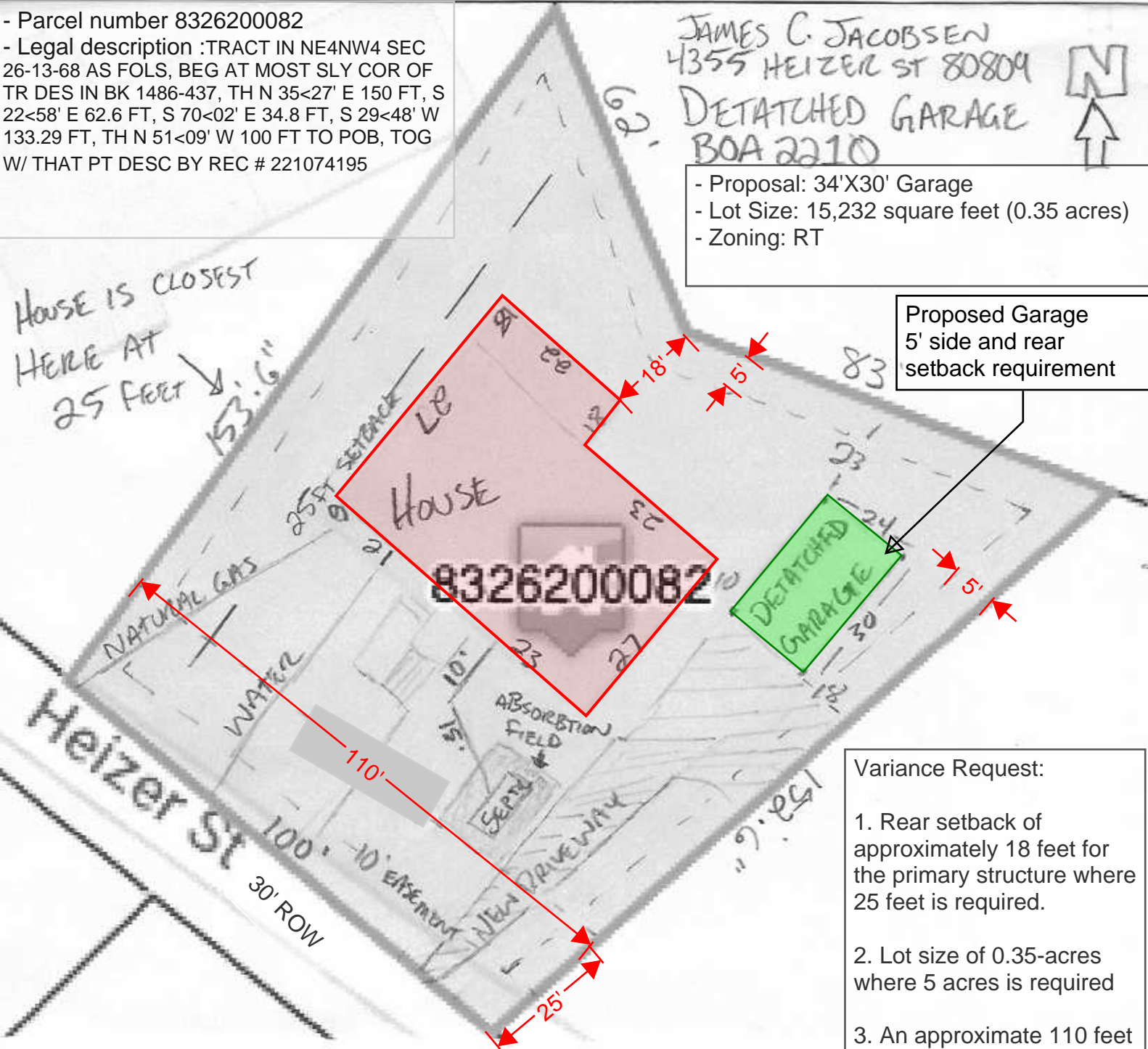
- Parcel number 8326200082
- Legal description :TRACT IN NE4NW4 SEC 26-13-68 AS FOLS, BEG AT MOST SLY COR OF TR DES IN BK 1486-437, TH N 35<27' E 150 FT, S 22<58' E 62.6 FT, S 70<02' E 34.8 FT, S 29<48' W 133.29 FT, TH N 51<09' W 100 FT TO POB, TOG W/ THAT PT DESC BY REC # 221074195

JAMES C. JACOBSEN
4355 HEIZER ST 80809
DETACHED GARAGE
BOA 2210



- Proposal: 34'X30' Garage
- Lot Size: 15,232 square feet (0.35 acres)
- Zoning: RT

HOUSE IS CLOSEST
HERE AT
25 FEET



Proposed Garage
5' side and rear
setback requirement

- Variance Request:
1. Rear setback of approximately 18 feet for the primary structure where 25 feet is required.
 2. Lot size of 0.35-acres where 5 acres is required
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