



Planning and Community
 Development Department
 2880 International Circle
 Colorado Springs, Colorado 80910
 Phone: 719.520.6300
 Fax: 719.520.6695
 Website www.elpasoco.com

DEVIATION REQUEST AND DECISION FORM

Updated: 6/26

PPR 19-032

PROJECT INFORMATION

Project Name :	Eldorado Springs Apartments
Schedule No.(s) :	6433301049
Legal Description :	Lot 1 Independence Place at Cheyenne Mountain Filing No. 1

APPLICANT INFORMATION

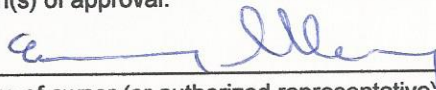
Company Name :	ESH Development LLC
Name :	Emery Chukly
Owner	
Mailing Address :	5671 N. Oracle Road Suite 1102
Phone Number :	(520) 907 2807
FAX Number :	(520) 797 2648
Email Address :	echukly@gmail.com

ENGINEER INFORMATION

Company :	WestWorks Engineering	Colorado P.E. Number :	35751
Name :	Chad Kuzbek, PE		
Mailing Address :	1023 W. Colorado Avenue Colorado Springs, CO 80904		
Phone Number :	719-685-1670 x20		
FAX Number :	N/A		
Email Address :	chad@westworksenineering.com		

OWNER, APPLICANT, AND ENGINEER DECLARATION

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, fact 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 condition(s) of approval.



Signature of owner (or authorized representative)

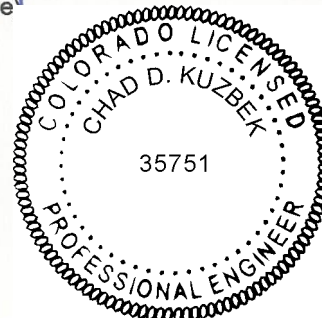
APRIL 9 2021

Date

Engineer's Seal, Signature
 And Date of Signature

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4/9/21

(ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Construction of a sidewalk along Westmark Avenue.

ECM 2.3.1 and 6.2

State the reason for the requested deviation:

1. The adjacent neighbor does not want it installed (Adam Jurado - City Public Works Inspector 719-424-8499).
2. The sidewalk does not tie to any other pedestrian access route leaving pedestrians stranded.
3. The grades along Westmark Avenue do not meet ADA standards for longitudinal grade - up to 11+%. The maximum longitudinal slope for an ADA accessible route is 5%. 11% creates a potential hazard for wheelchairs rolling backwards or tipping over. This is a potential liability issue for the County.

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

Leave Westmark Avenue with no sidewalk as is the current condition.

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:

1. The adjacent neighbor does not want it installed (Adam Jurado - City Public Works Inspector 719-424-8499).
2. The sidewalk does not tie to any other pedestrian access route leaving pedestrians stranded.
3. The grades along Westmark Avenue do not meet ADA standards for longitudinal grade - up to 11+%. The maximum longitudinal slope for an ADA accessible route is 5%. 11% creates a potential hazard for wheelchairs rolling backwards or tipping over. This is a potential liability issue for the County.

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.

Westmark Avenue currently exists with no sidewalk. We request this condition remain unchanged.

The deviation will not adversely affect safety or operations.

Safety and liability concerns regarding pedestrian ADA accessibility and steep grades will be mitigated as this roadway cannot not have an ADA accessible pedestrian route.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section 2.3.1/6.2 of the ECM is hereby granted based on the justification provided.

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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.

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DISAPPROVED
Engineering Department

05/10/2021 11:13:26 AM

dsdnijkamp

EPC Planning & Community
Development Department

ECM ADMINISTRATOR COMMENTS/CONDITIONS:

The criteria requires an accessible route to be constructed with all new development.

While there is a small section of sidewalk that would be missing along Westmark Ave, the County has a program that will fill in that gap. PCD will place a request into DPW for the balance of this sidewalk to be constructed when the development has been completed.

The ADA accessibility requirements allow for a grade steeper than 12:1 where the existing street exceeds the maximum allowed slope of the path.

- **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.

- **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.

- **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.

- **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.

- **TECHNICAL GUIDANCE**

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

- **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.

- **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.