



April 30, 2022

PCD File No.:

**LETTER OF INTENT
TRACT A, C and H ESTATES
BOARD OF ADJUSTMENT REQUEST**

Owners:

Douglas E. Hill and Katherine L. Hill
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Applicant:

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Site Location Size and Zoning:

The site of this Board of Adjustments request is Tract A, C and H Estates as recorded under Reception Number 206712276 of the records of El Paso County, Colorado. The site is located within the northwest one-quarter of Section 29, Township 11 South, Range 65 west of the 6th Principal Meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 51290-09-002. The current address of the site listed "Black Forest Road" with no assigned address number. The triangular shaped tract is currently vacant range land containing natural grass and a few sparse trees. There is 30' wide Ingress, Egress & Public Utility Easement located along the northerly property boundary. The area of the site is 1.783± acres and is zoned RR-5 (Residential Rural – 5 Acre).

The site is situated on the east side of existing Black Forest Road approximately one-quarter mile south of Hodgen Road in the Black Forest area of El Paso County, but the site is not located in forested terrain. Existing Black Forest Road, a paved public roadway, is adjacent to the western edge of the site. An unplatted parcel, zoned RR-5 and containing one single family residence, borders the site on the north side. Another unplatted parcel, zoned PUD with no existing structures, is located on the west side of existing Black Forest Road opposite the site. A vacant 100' wide right-of-way which is intended for the future realignment of Black Forest Road, is located along the east side of the site. Lot 1, C and H Estates (zoned RR-5) lies on the east side of the 100' wide vacant public right-of-way and contains a single family residence, barn, windmill and garage buildings. Said Lot 1 is owned by the same property owner as the subject Tract A. Lot 3, C and H Estates (Zoned RR-5), containing a single family residence, is located southeast of the site and just south of Lot 1.

Engineers • Surveyors
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The C and H Estates subdivision plat was recorded March 24, 2006 and established three (3) single family residential lots and one (1) tract. The plat provided for dedication of 30' of right-of-way for existing Black Forest Road adjacent to the west side of Tract A. The plat also established the 100' wide right-of-way for future realignment of Black Forest Road as required by El Paso County Development Services Department at the time of the original platting because the realignment was shown on the Major Transportation Corridors Plan (MTCP) in effect at the time in order to eliminate the existing jog in the road. The MTCP has been updated twice since the initial platting and the Black Forest Road realignment project is still included in the current 2016 MTCP. The dedicated road right-of-way is not utilized at this time.

Request:

Section 5.4.2, Table 5-4 of the El Paso County Land Development Code requires that residential lots in the RR-5 zone be 5.0 acres or more in area. However, Section 5.5.2(B)(2)(b) of the Land Development Code also provides that *“The Board of Adjustment is authorized to grant variances to those standards subject to appeal to the Board of Adjustment where strict compliance with this Code would result in peculiar or exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property”*. The request is for approval of an El Paso County Board of Adjustment action for the allowance of a single family residential lot size smaller than 5.0 acres in the RR-5 zone. The granting of the request would permit the development of the 1.783± acre Tract A, C and H Estates for single family residential use in the RR-5 zone. It is understood that if the Board of Adjustment request is granted, the existing tract would need to be re-platted into one (1) single family residential lot using the identical configuration, area and boundary as the existing Tract A.

Justification:

The hardship on the property was created by the requirement imposed by El Paso County Development Services Department (2006 terminology) and the MTCP for dedication of a 100' wide curvilinear right-of-way swath that separated the 1.783± acre tract from the remainder of the property, preventing use of the property for single family residential use in the RR-5 zone. The owner of the property was not compensated for the right-of-way and the loss of use of the remainder tract, except in that the platting of the remaining property was allowed by the department. In the absence of a subdivision plat, the property owner would have been compensated for the property handed over as right-of-way for a road realignment or expansion. Compensation aside, the land dedication significantly reduced the size of the property on the east side of Black Forest Road, reducing the number of potential 5.0 acre lots that would be allowed in the RR-5 zone. It also cut off the 1.783± acre tract from the main portion of the property, preventing the use of the property for single-family residential purposes and preventing efficient use of the remaining 14.692± acres of Lot 1 for any more than two potential single family residential units.

Development of existing Tract A as a single family residential lot is certainly possible while still observing all the remaining dimensional criteria contained in the Land Development Code including Width at Front Setback Line, Front, Rear and Side Building Setbacks, Maximum Lot Coverage and Maximum Building Height. The boundary dimension of the site are 333' on the north, 558' on the west and 659' along the southeast line. Furthermore, if Black Forest Road is ever realigned, it is highly likely that the land dedicated on the 2006 plat for existing Black Forest Road would be returned to the tract, adding 0.384± acre to the property for a total of 2.167± acres. Subtracting the setback and easement area from the total property area, leaves 0.99± acres available to place a residence. Discounting the unusable

areas at the south and northeast triangle points, the remaining usable area is still $0.90\pm$ acres, which is more than adequate for a single family residence. The area of the property will allow maximum lot coverage of 19,400 square feet, more than enough to place a single family residence on the site.

Although the resulting lot size will be smaller than allowed in the RR-5 zone, the Board of Adjustment request will still provide compatibility with the existing and future surrounding land uses. For the time being, the lot would remain on the east side of existing Black Forest Road, but be separated by the unused alignment right-of-way which will provide adequate open distance between Tract A and the residential lots to the east. In the case when Black Forest Road is realigned, Tract A will be separated from the existing lots on the east by the new roadway. Since the property to the west of Tract A is zoned PUD, nearby development densities could be higher than in the RR-5 zone. Recent Development discussions for Flying Horse North, which would contain the property west of the site and west of existing Black Forest Road, indicate that the adjacent property could be Landscape Buffer/Open Space with potential Commercial at the southwest corner of Hodgen Road and existing Black Forest Road. The $1.783\pm$ acre lot would serve as a transition between the nearby commercial and the lower density existing development.

The El Paso County Masterplan (2021) indicates that the site is designated as “Large Lot” Placetype with Single Family Detached housing as the Primary Land Use and Commercial Retail, Commercial Service and Parks and Open Space as Supporting Land Uses. The site is directly adjacent to the Key Are of Potential Annexation to the City of Colorado Springs. If such annexation occurs, higher development densities are likely.

The granting of the request will enable the site to be utilized for single family residential, thereby mitigating the hardship placed on the property by the previous public street right-of-way dedication. Granting the request will maintain compatibility with the surrounding properties in the current time frame and in future surrounding development scenarios.

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