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**COLORADO** 

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# PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of Adjustment Kevin Curry, Chair

- FROM: Lacey Dean, Associate Planner Ed Schoenheit, Associate Engineer Meggan Herington, AICP, Executive Director
- RE: Project File Number: BOA244 Project Name: 1410 Trumpeters Court – Setback relief Parcel Number: 6109006010

OWNER:	REPRESENTATIVE:
Mark & Jerry Grissom	Mark & Jerry Grissom
1410 Trumpeters Court	1410 Trumpeters Court
Monument, CO 80132	Monument, CO 80132

#### **Commissioner District: 1**

Board of Adjustment Hearing Date:

11/18/2024

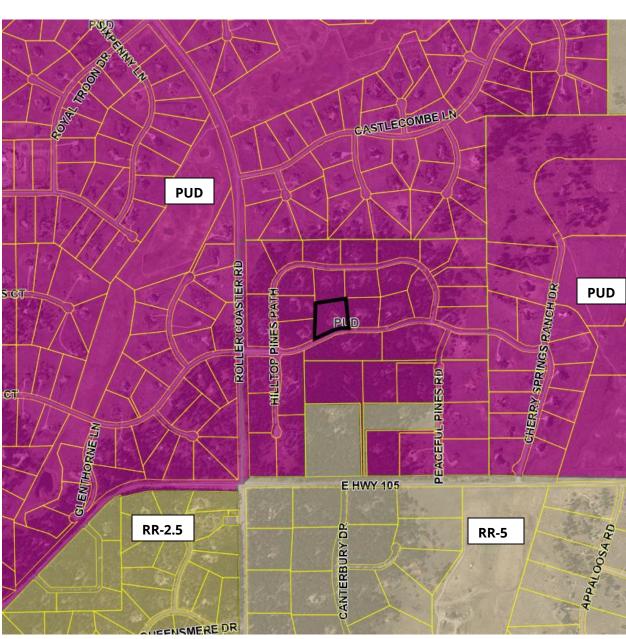
#### **EXECUTIVE SUMMARY**

A request by Mark and Jerry Grissom for approval of a Dimensional Variance to allow 62 feet on the westerly side setback on Lot 29 where 100 feet is required in the Hilltop Pines Planned Unit Development (PUD) zoning district. The 2.56-acre property is located at 1410 Trumpeters Court in Monument, Colorado, approximately 1 mile Northwest of the intersection of Highway 105 and Highway 83. (Parcel No. 6109006010)

> 2880 INTERNATIONAL CIRCLE OFFICE: (719) 520 – 6300



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**ZONING MAP** 

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# A. APPROVAL CRITERIA

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

- The exceptional narrowness, shallowness, or shape of the specific piece of property. *The subject property is not exceptionally narrow, shallow, or shaped.*
- The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.

The subject property does not have exceptional topographic conditions. However, the applicant's Letter of Intent states that the house could only be constructed on the highest point of the lot to accommodate the architectural design of the walkout lower level. The topographic condition of the highest point existing on the western side of the lot resulted in the western edge of the house being just 10' from the developer-imposed 100' setback.

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;

- The Variance provides only reasonably brief, temporary relief; or *The Variance would provide permanent relief.*
- The Variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impact or serve as a reasonably equivalent substitute for current zoning requirements; or

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The variance does not include an alternative plan that substantially and satisfactorily mitigates the anticipated impacts or serves as a reasonably equivalent substitute for current zoning requirements.

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

The specific setback requirements of this Planned Unit Development are unique to each individual lot. This particular lot has a side setback on the western boundary of 100 feet which is 4 times larger than the dimensional standards of other zoning districts with the similar lot sizes. The area of the proposed garage is already graded whereas the rest of the buildable area around the house is heavily forested and would require grading.

# **B. BACKGROUND**

Zoning on the subject property was established in 1955, presumably as A-5, Farming on 5 acre lots. In the 1980's zoning changed to A-6, Rural Residential on 2.5 acre lots. In the 1990's, it changed again to RR-3 and was rezoned to the Hilltop Pines PUD in 2004 by Resolution No. 04-497 recorded at Reception No. 204202029. The property was formally platted in June of 2007 as Lot 29 of the Hilltop Pines Filing No. 1 subdivision (Plat No. 12603, Reception No. 207712603). The 5-bedroom, 4.5-bathroom home was built in 2019 as a 2600 square foot ranch-style home with a 1936 square foot finished basement and 1132 sq ft attached garage.

The applicant is proposing a detached garage next to the existing attached garage for the purpose of parking a car and convenient access to tools and equipment required to maintain the 2.5-acre property. Currently, the homeowner stores tools and equipment in a detached shed over 150' from the back door of the home. The proposed detached garage to be built next to the existing garage would allow all tools and equipment to be closely accessible. Due to the existing garage being on the current 100-foot setback, a setback of 62 feet is being requested to accommodate the proposed structure.

## C. LAND DEVELOPMENT CODE AND ZONING ANALYSIS

Zoning on the property was established in 1955 and changed several times over the following 50 years until its most recent Rezone in 2004 to a Planned Unit Development (PUD). The Planned Unit Development (PUD) district is a versatile zoning mechanism to encourage innovative and creative design and to facilitate a mix of uses including

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residential, business, commercial, and industrial, recreation, open space, and other selected secondary uses. The Hilltop Pines PUD design standards state that the only allowed uses are single family homes and accessory buildings. The density and dimensional standards for the Hilltop Pines PUD zoning district are as follows:

- Minimum lot size: 2.5 acres
- Setbacks: Each lot has specific setbacks as indicated on the plan. Setbacks for Lot 29 of the Hilltop Pines PUD are as follows:
  - Minimum front yard setback: 40 feet
  - Minimum side setback (West): 100 feet
  - Minimum side setback (East): 50 feet
  - Minimum rear setback: 75 feet
- Maximum height: 35 feet

Apart from the encroachment of the structure in question on the side setback, the property meets all other design standards of the Hilltop Pines PUD. Any future proposed structures shall meet all requirements of the Hilltop Pines PUD zoning district and shall obtain approval of a Residential Site Plan prior to construction.

# D. ALTERNATIVES EXPLORED

There are two alternatives that would not require a Dimensional Variance request:

- 1. The applicant could propose to build the structure elsewhere on the property; however, as mentioned in their Letter of Intent, three alternative locations were thoroughly investigated as discussed in the attached documents labeled "Alternate Locations" and "Elevation Drawings". None of these alternate locations are considered viable according to the applicant due to blocking the views of neighboring Lots 20 and 21, excessive fill dirt and additional asphalt driveway requirements, blocking of drainage from back yard, and unacceptable aesthetics of a two-car garage blocking one-half to one-third of the home from street view.
- **2.** Staff explored the possibility of a Map Amendment (Rezoning) request to accommodate a less strict side setback. However, staff has determined that this option is not possible due to the preservation of consistency of the design standards for all lots under the development guidelines of the specific PUD.

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# E. LOCATION

North:	PUD (Planned Unit Development)	Residential
South:	PUD (Planned Unit Development)	Residential
East:	PUD (Planned Unit Development)	Residential
West:	PUD (Planned Unit Development)	Residential

# F. SERVICES

## 1. WATER

Water is provided by an existing individual on-site well.

## 2. WASTEWATER

Wastewater is provided by individual on-site wastewater treatment systems (OWTS). El Paso County Public Health Department was sent a referral and has no outstanding comments.

## 3. EMERGENCY SERVICES

The property is located within the Tri-Lakes Monument Fire Protection District. The District was sent a referral and has no outstanding comments

## G. ENGINEERING

## 1. FLOODPLAIN

The property is not located within a floodplain as determined by a review of the FEMA Flood Insurance Rate Map number 08041C0285G, effective December 7<sup>th</sup>, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside of the 500-year flood zone.

## 2. DRAINAGE AND EROSION

The property is in the West Cherry Creek drainage basin. This is an unstudied basin with no applicable drainage basin or bridge fees. Drainage on the property generally flows to the east. A drainage report and grading plan were not required due to minimal disturbance and low imperviousness of the lot. No public drainage improvements are required. The proposed detached garage will not adversely impact downstream or adjacent properties from stormwater runoff.

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# 3. TRANSPORTATION

The property is located a quarter mile north of Highway 105 on Trumpeters Court, a County-maintained paved local road. A traffic study was not required in accordance with Engineer Criteria Manual Section B.1.2.D exemption. No additional trips are expected to be generated with the proposed detached garage. The property has a current County Driveway Access permit. El Paso County Road Impact fees are not applicable with this request.

# H. RECOMMENDED CONDITIONS OF APPROVAL AND NOTATIONS

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a Dimensional Variance for a side setback on the western boundary of 62 feet where 100 feet is required, and that the applicant has met the review and approval criteria for granting Variances from the applicable standards, staff recommends the following conditions of approval and notations:

# CONDITIONS

- **1.** The approval applies only to the plans as submitted. Any expansion or additions to the proposed detached 2-car 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 a Residential Site Plan by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department are required prior to construction of the proposed detached 2-car garage.

# NOTATIONS

- **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 Dimensional Variance.

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# I. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 20 adjoining property owners on 10/30/2024, for the Board of Adjustment meeting. Responses will be provided at the hearing.

# J. ATTACHMENTS

Letter of Intent Site Plan Alternate Locations Elevation Drawings

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## Letter of Intent

Owner name: Mark P. and Jerry L. Grissom, (719) 651-0927, <u>airtoyz@aol.com</u> Property address: 1410 Trumpeters Ct., Monument, CO 80132-3089

Property tax schedule: 6109006010

Current zoning: PUD 04008

Proposed variance: Requesting a 62' setback (38' variance) where 100' is required within the Hilltop Pines PUD zoning district for the purpose of building a detached two car garage. The detached garage is needed by the homeowners for the purpose of parking a car and convenient access to tools and large equipment required to maintain the 2.5 acre property. Currently, the homeowner stores tools and equipment in a detached shed over 150' from the back door of the home. The proposed detached garage to be built next to the existing garage would allow all tools and equipment to be closely accessible. The proposed garage would be identical to the existing garage in stucco, stucco color, garage door color/design, window and shutters, roof pitch, shingles and light fixtures. The closest surrounding zoning district that is not included in the same PUD zoning district is Peaceful Pines, zoned RR-5, where the minimum setback along all lot lines is 25'. The Hilltop Pines Board of Directors approved this variance request on September 17, 2024 (ARC/Variance approval.doc).

Difficulties that exist: Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2019), 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

(1) the exceptional narrowness, shallowness or shape of the specific piece of property,

The lot is not restricted due to natural features, however, it is restricted due to the required setbacks of the Hilltop Pines PUD (Planned Unit Development) development plan.

2) The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.

The architectural design of the existing home includes a walkout lower level. The house had to be constructed on the highest point of the lot in order to accommodate this design. The topographic condition of the highest point being on the western side of the lot resulted in the western edge of the house to be just 10' from the developer-imposed 100' setback.

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;

• The variance provides only reasonably brief, temporary relief; or

This variance would provide permanent relief.

• 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

The variance request does not include an alternative plan, standards or conditions that mitigate impacts or serve as a reasonably equivalent substitute for current zoning requirements. Three alternative locations were thoroughly investigated as discussed in the attached documents "Alternate locations" and "Elevations/Slopes". None of these alternate locations are viable due to blocking the views of the Werschkys (Lot 20) and Peppers (Lot 21), excessive fill dirt requirements, additional asphalt driveways required, blockage of drainage from back yard and unacceptable aesthetics of a two car garage blocking one half to one third of the home from street view.

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

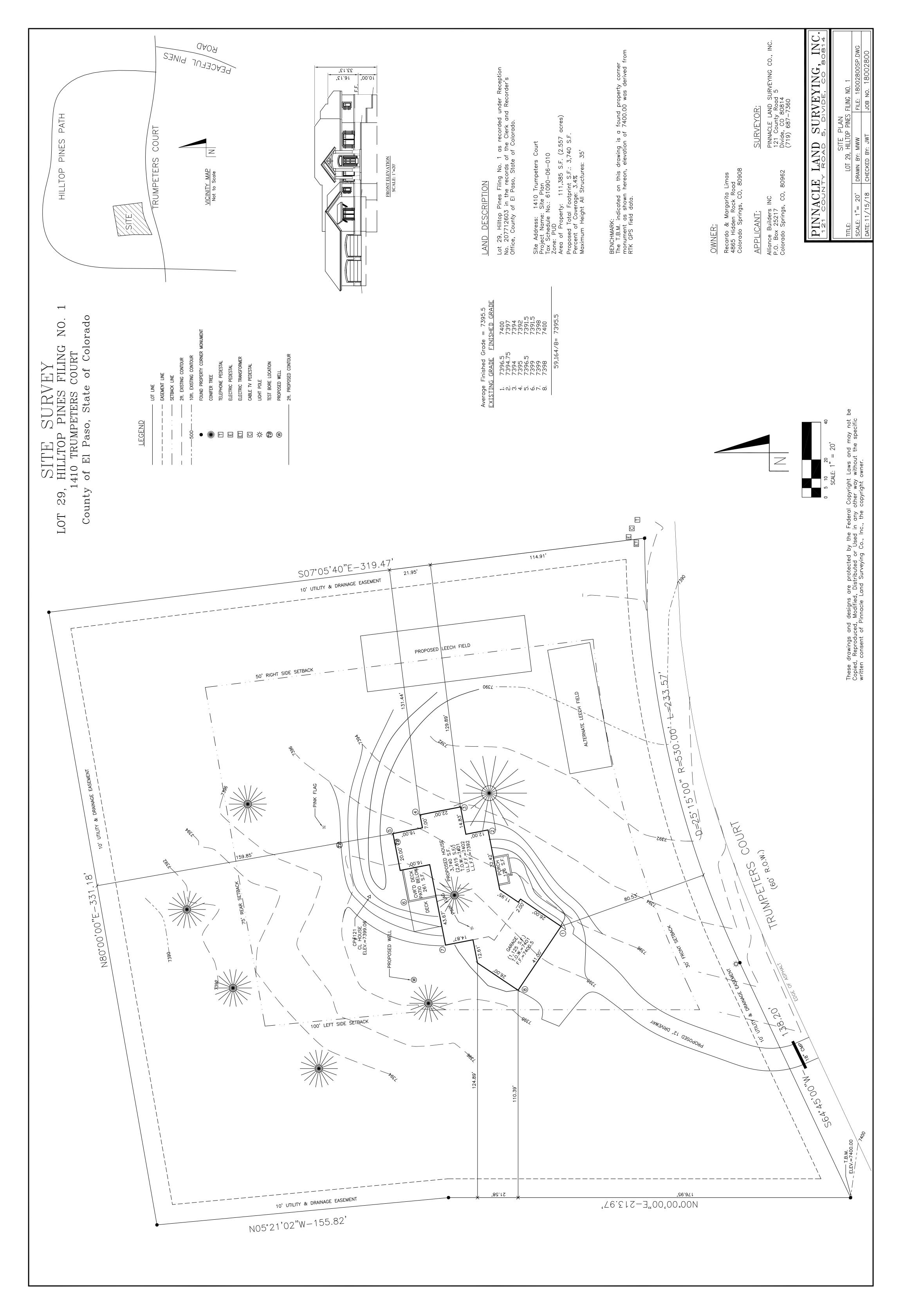
The intention of the property owner is to have reasonable access for storage of a car, tools and equipment. As noted above, alternative locations for the addition were reviewed and discounted for the reasons stated.

• Drainage.

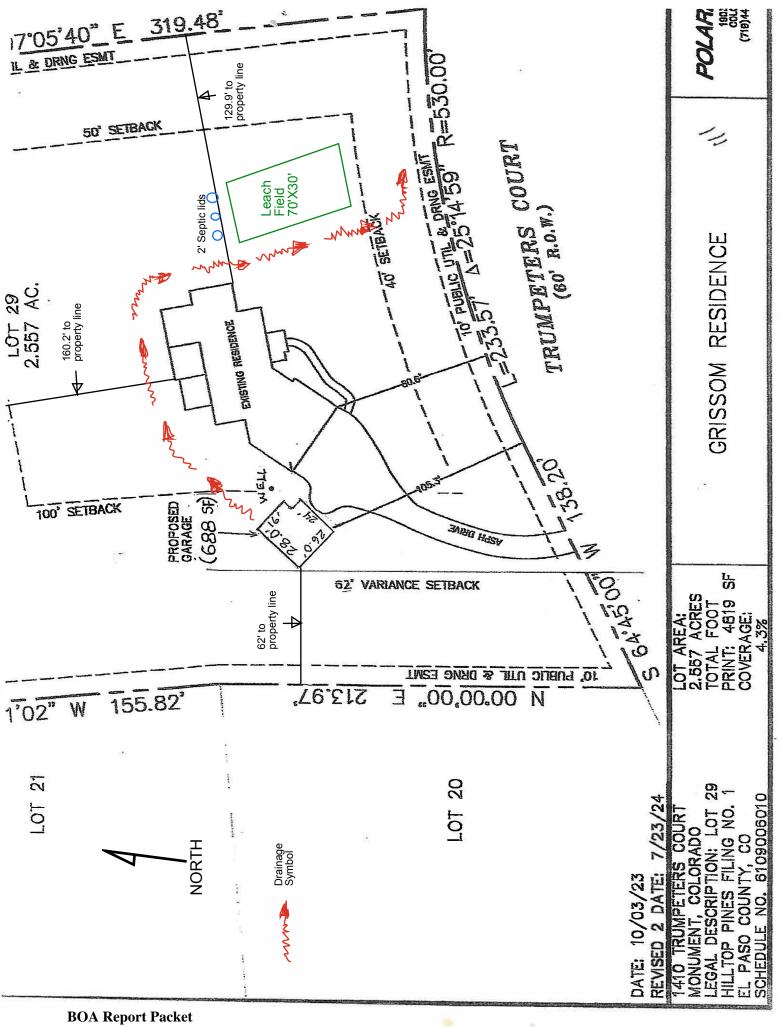
Drainage from the proposed garage will not adversely impact downstream or adjacent properties. (See "Garage Site Plan.pdf")

## Justification:

Per the PUD, subdivision guidelines use both 50' and 100' side setbacks at each lot. If our home on Lot 29 was built on the 100' setback and the home on Lot 20 was built on their 50' setback, they would both be in compliance with the PUD zoning and there would be 150' between structures, which satisfies the developer's desire for privacy and curb appeal. If this variance is approved, the proposed garage would be built at the 38' variance to the 100' setback on the west side of Lot 29. This location results in the west side of the detached garage being 70 yards (210') from the Werschky's house and would include over 100 trees in the sightline. See "Properties/Sight Lines.doc" file. As such, this variance request is in keeping with the subdivision's guidelines and the developer's overall intent for the development. Two other variances have been approved in the past in Hilltop Pines for detached two car garages. These approvals were for a 50' variance (resulting in a setback of 50' where a 100' setback is required) for 1510 Trumpeters Court (BOA-19-005) and a 20' variance (resulting in a setback of 30' where a 50' setback is required) for 19004 Hilltop Pines Path (File ADR-21-009).



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"Behind" house on west side:

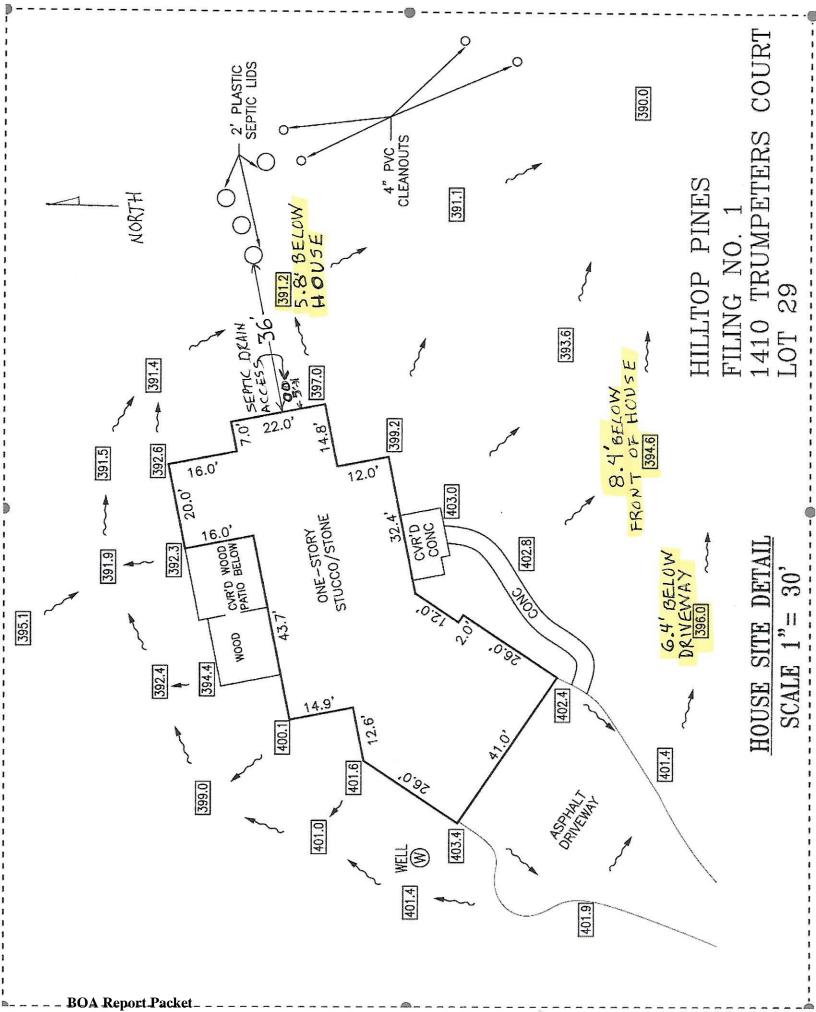
- This location blocks Werschky's and Pepper's views of trees and houses to the east. Whereas the proposed location is <u>completely</u> within Werschky's view of west side of existing garage and house (in other words, the proposed location blocks <u>nothing</u> east of house) and is not a factor for Peppers. (See "Properties/Sight Lines.doc" drawing).
- Requires additional 40' of asphalt to extend the driveway and 4' of fill dirt the entire length.
- 18 more trees would be removed.
- Harder to access than our desired location.
- Input from builder: "All of those are definitely less than ideal and not really options in my opinion."

East side:

- Totally blocks the two windows of the two bedrooms on the east side.
- 11.8' drop from front of house to entry of garage; much harder to access.
- 5.8' drop from east side of house, only 33' between septic drain access near house and septic tank access. Not enough room for garage.
- Front of garage would be over 90' from existing garage; this is unacceptable as the purpose of the proposed garage is reasonable access to tools and equipment in the garage.
- Any location on the east side of existing home would require a new driveway from the street and would block drainage from rear of house to street (See "Elevations/Slopes document). Lastly, the aesthetics of a garage in front of our home and over 90' from the existing garage is unacceptable to us.
- Input from builder: "All of those are definitely less than ideal and not really options in my opinion."

Front of house east of driveway:

- The front yard is 8.4' below the front of the house; this location would require excessive fill dirt for entirety of 688 sq. ft. of footprint of garage.
- Blocks 1/3 to ½ of front of house from street view.
- Nearer to driveway: The front yard is 6.4' below driveway; this location would require excessive fill dirt and would block a third of front of house from street view. See "Elevations/Slopes.pdf".
- Given the PUD 50' setback from Trumpeters Ct., the NW corner of the garage would be 2' from the corner of the existing garage and block view of the existing home.
- With a 10' variance from PUD 50' setback from Trumpeters Ct., NW corner of garage would still be 12' from corner of existing garage and block view of the existing home.
- The aesthetics of a detached 2 car garage in the front yard of the home and blocking much of the home from street view are unacceptable to us.
- Input from builder: "All of those are definitely less than ideal and not really options in my opinion."



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From:	Thierry Paquay <thierryp@outlook.com></thierryp@outlook.com>
Sent:	Monday, November 4, 2024 11:59 AM
То:	Lacey Dean2
Subject:	Support for Grissom's request for dimensional variance

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Hello,

The Grissoms live in our neighborhood (Hilltop Pines) and I wanted to express my support for their request for dimensional variance to add a detached 2-car garage to their property.

**Thierry Paquay** 

From: Sent: To: Cc: Subject: tramsey <tramsey@westmarkdc.com> Monday, November 4, 2024 3:35 PM Lacey Dean2 airtoyz@aol.com Grissom variance request

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Hi Lacey,

I would like to voice my support for the variance that Gus and Jeri Grissom applied for so they can build a detached garage on their property. I have been a building contractor for 30 years and believe a structure should appear as if it fits the property. A couple of considerations for a structure to fit the property include the design and placement of the structure. The Grissom's have addressed the design aspect to fit the property by incorporating the same design elements that were used on the primary residence. The second consideration is the detached structure placement. I think without a doubt that placing the garage in the proposed location, just southwest of the house and primary garage is the best location. It will look like it belongs, has easy access off the existing driveway, requires minimal tree removal and is not disruptive to the surrounding topography. The three other proposed locations fall short of meeting these criteria. The proposed site directly west of the existing residence will require many more trees to be removed, more asphalt driveway and will be in the view out the back and west side of the Grissom's house. The location directly in front of their house will look terribly out of place. A detached garage should not be in the front yard of a custom home. The location to the east will require significant excavation, look out of place due to the disruption of the topography of the property and place the garage in an existing drainage path.

For these reasons I support the variance that the Grissom's applied for.

Sincerely,

Thomas Ramsey WestMark Design & Construction 303-882-9220

From:	Elden Kocourek <ejk79usafa@gmail.com></ejk79usafa@gmail.com>
Sent:	Thursday, November 7, 2024 1:42 PM
То:	Lacey Dean2
Cc:	Gus and Jeri Grissom
Subject:	Support for dimensional variance request by Mark and Jerry Grissom

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Lacey,

My wife and I are neighbors of the Grissoms and walk by their home regularly so we are very familiar with the property location and request for construction. I provided comments supporting this request at our recent HOA meeting and I believe this request should be approved by the county. At the HOA meeting, discussion was strongly in favor of the exemption to HOA setbacks in this case. There are also a number of other properties with construction within the 100' setback from adjacent properties so this is not anything unique. In fact, the neighbor has construction within the setback area!

The 38-foot variance is minor, has no impact on neighbor's views or use of their lot, and would help community property values. I believe the variance should be granted.

Elden Kocourek 19125 Hilltop Pines Path Monument, CO 80132 719-352-6867

From:	Clifton Pepper <clifton.pepper@gmail.com></clifton.pepper@gmail.com>
Sent:	Tuesday, November 12, 2024 7:42 AM
То:	Lacey Dean2
Cc:	airtoyz@aol.com; Stacia Pepper
Subject:	1410 Trumpeters Court - setback relief

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Lacey,

My name is Cliff Pepper. My property adjoins the Grissom's property.

My wife and I support the Grissom's request for a setback variance to build their garage.

Several other Hilltop Pines owners have built detached garages. Denying the Grissom's petition for setback relief for this garage addition would be unfair.

Again, we support the Grissom's variance relief request.

Take care,

Clifton Pepper, MBA 720-224-5808

From:	airtoyz@aol.com
Sent:	Tuesday, November 12, 2024 12:03 PM
То:	Lacey Dean2
Subject:	Fw: BOA244-1410 TRUMPETERS COURT SETBACK RELIEF

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Lacey, Here is their email; they had your address wrong. Regards, Mark ----- Forwarded Message -----From: Jeanie COOK <themcdawg@aol.com> To: "laceydean2@elpaso.com" <laceydean2@elpaso.com>; "megganherington@elpasoco.com" <megganherington@elpasoco.com> Sent: Monday, November 11, 2024 at 03:33:30 PM MST Subject: Re: BOA244-1410 TRUMPETERS COURT SETBACK RELIEF El Paso County Planning & Community Development, Thank you for the opportunity to give our opinion on this matter! Please include our correspondence during BOA244 hearing on 11/18/24. We live at 1510 Trumpeter's Court, just two doors down from 1410 Trumpeter's Court where there is a request for a dimensional variance, setback relief. We whole heartedly support the setback relief request from Mark and Jerri Grissom. We feel that the garage they want to build will be tastefully done and add value to their property since it will be built with the same materials as their beautiful home. The location they have selected will be in close proximity of their home which will be very convenient for this Veteran household, especially when we get over 2' of snow like we did a few days ago and they need to get to their snowblower. The side entry to the proposed garage will add to the upscale vibe of this neighborhood as well as their planned windows and window boxes full of flowers to match what is on their house. We believe that the majority of the homes in Hilltop Pines have additional garage space than the usual 2 car garage. They are all tastefully done and blend in well with the homes and neighborhood. We feel that the setback requirements that the developer of Hilltop Pines established is more in line with 5-10 acres parcels (or more), not 2 1/2 acre parcels such as what we have here in Hilltop Pines. We also think it is very odd that there are different setbacks for the east and west side of these parcels, 100' for the west side and 50' for the east side. Usually on a 2-5 acre parcel there is a 25'-50' setback around the property line. We understand that El Paso County also has a 25' set back normally.

We appreciate the opportunity to support our neighbors the Grissoms and our only regret is that they could not get started on this garage before the snowy season.

Sincerely,

David and Jeanie Cook 1510 Trumpeter's Court Monument, CO 80132

940-453-5029