

El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Opposition to Variance of Use Application – [Project Number / Property Address]

Dear Commissioners,

We respectfully submit this letter in opposition to the requested variance of use for the property owned by Sterling Providence, LLC and operated by Z Ministries, Inc.

The requested variance is inconsistent with the RR-5 zoning designation, incompatible with the surrounding rural residential area, and fails to meet multiple required criteria under the El Paso County Land Development Code according to 5.3.4. Variance of Use (C) Criteria.

1. Incompatibility with RR-5 Zoning

The subject property is located within an RR-5 zoning designation intended to support rural residential and limited agricultural uses. The current and proposed activities on the property are commercial in nature and include:

- Regular employee and volunteer traffic (approximately 40 individuals);
- Commercial shipping and receiving operations;
- Office and administrative functions;
- Storage and warehouse-type use;
- Ongoing broadcast and production activities.

These uses are not incidental to residential use and are fundamentally inconsistent with the intent and character of RR-5 zoning.

2. Intensification of Use and Impact on Shared Infrastructure

The property relies entirely on a shared access easement located on neighboring property for ingress and egress. There is no alternative access route.

The current and proposed use has resulted in:

- Increased frequency and intensity of traffic;
- Regular use by commercial vehicles, including delivery and service trucks;
- Accelerated deterioration and physical damage to the roadway;
- Increased noise, disruption, and interference with neighboring property owners.

The easement and roadway were not designed or intended to support this level or type of use.

3. History of Noncompliance

This property has a documented history of zoning violations related to non-residential and commercial use.

The current owner acquired the property with knowledge of these issues and has continued—and expanded—the same types of activities that previously resulted in enforcement action.

Granting a variance under these circumstances would effectively reward continued noncompliance.

4. Mischaracterization of Use

Public statements made by the operator of the property describe the facility as including:

- Shipping and receiving operations;
- Offices and conference space;
- Storage and operational infrastructure;
- Staffing levels far exceeding typical residential use.

These admissions confirm that the use is commercial in scope and scale, regardless of how it may be characterized in the application.

5. Adverse Impact on Neighboring Properties

The continued commercial use of the property has resulted in:

- Loss of quiet enjoyment;
- Increased traffic and safety concerns;
- Physical damage to shared infrastructure;
- Diminution in neighboring property values.

These impacts are ongoing and will increase if the variance is granted.

6. Failure to Meet Required Variance Criteria

The application does not satisfy the required criteria for approval:

A. Does not meet 5.3.4. (C) “The strict application of the provisions of this code would result in peculiar and exceptional practical difficulties or undue hardship”

Any hardship is self-imposed. The applicant’s lack of due diligence or willful defiance of zoning regulations does not create a hardship. The inability to conduct commercial operations is not a hardship but a function of the zoning designation.

B. Inconsistency with the Master Plan

The proposed use is inconsistent with the El Paso County Master Plan, which designates the area for large-lot residential use.

C. Incompatibility with Surrounding Area

The proposed use is not harmonious with the surrounding rural residential neighborhood and is detrimental to adjacent properties.

D. Adverse Impact on Health, Safety, and Welfare

Increased traffic, including commercial vehicles, creates safety risks on a shared access roadway not designed for such use and adversely affects neighboring residents.

E. Failure to Address Off-Site Impacts

The applicant has not adequately addressed:

- Damage to the shared easement;
 - Increased traffic burden on neighboring property;
 - Lack of alternative access;
 - Impacts imposed on surrounding property owners.
 - Decrease in Property values
 - Lack of proper required emergency access for Commercial usage
-

F. Inadequate Infrastructure

The existing roadway and infrastructure are insufficient to support the intensity of commercial use proposed. The easement driveways are not adequate for commercial usage, large trucks and employee traffic.

G. Noncompliance with Applicable Regulations

The property is currently subject to code numerous enforcement actions. Granting a variance would undermine enforcement and legitimize ongoing violations.

H. Cumulative Impacts

The combined effects of traffic, noise, structural damage, and operational intensity are incompatible with the zoning designation and surrounding area.

Failure to meet any one of these criteria is sufficient grounds for denial. Here, multiple criteria are not satisfied.

CONCLUSION

The requested variance is inconsistent with the zoning designation, incompatible with the surrounding area, and fails to meet required approval criteria.

Approval would legitimize ongoing commercial operations in a rural residential zone and impose continued and increasing burdens on neighboring properties.

As per 5.3.4. (B) “The power to grant variances shall be exercised sparingly.”

For these reasons, we respectfully request that the variance application be denied.

Sincerely,

Dennis Roberts
Grace Roberts