

# EL PASO COUNTY



COMMISSIONERS:  
 CAMI BREMER (CHAIR)  
 CARRIE GEITNER (VICE-CHAIR)

**COLORADO**

HOLLY WILLIAMS  
 STAN VANDERWERF  
 LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
 Thomas Bailey, Chair

**FROM:** Ashlyn Mathy, Planner II  
 Ed Schoenheit, Engineer I  
 Meggan Herington, AICP, Executive Director

**RE:** Project File Number: VA235  
 Project Name: 1185 N Curtis Rd Variance of Land Use  
 Parcel Number: 4410000052

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
ANDRII VARKO andriivarko@gmail.com (786) 394-0094	ANDRII VARKO andriivarko@gmail.com (786) 394-0094

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>6/20/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>7/25/2024</b>

### EXECUTIVE SUMMARY

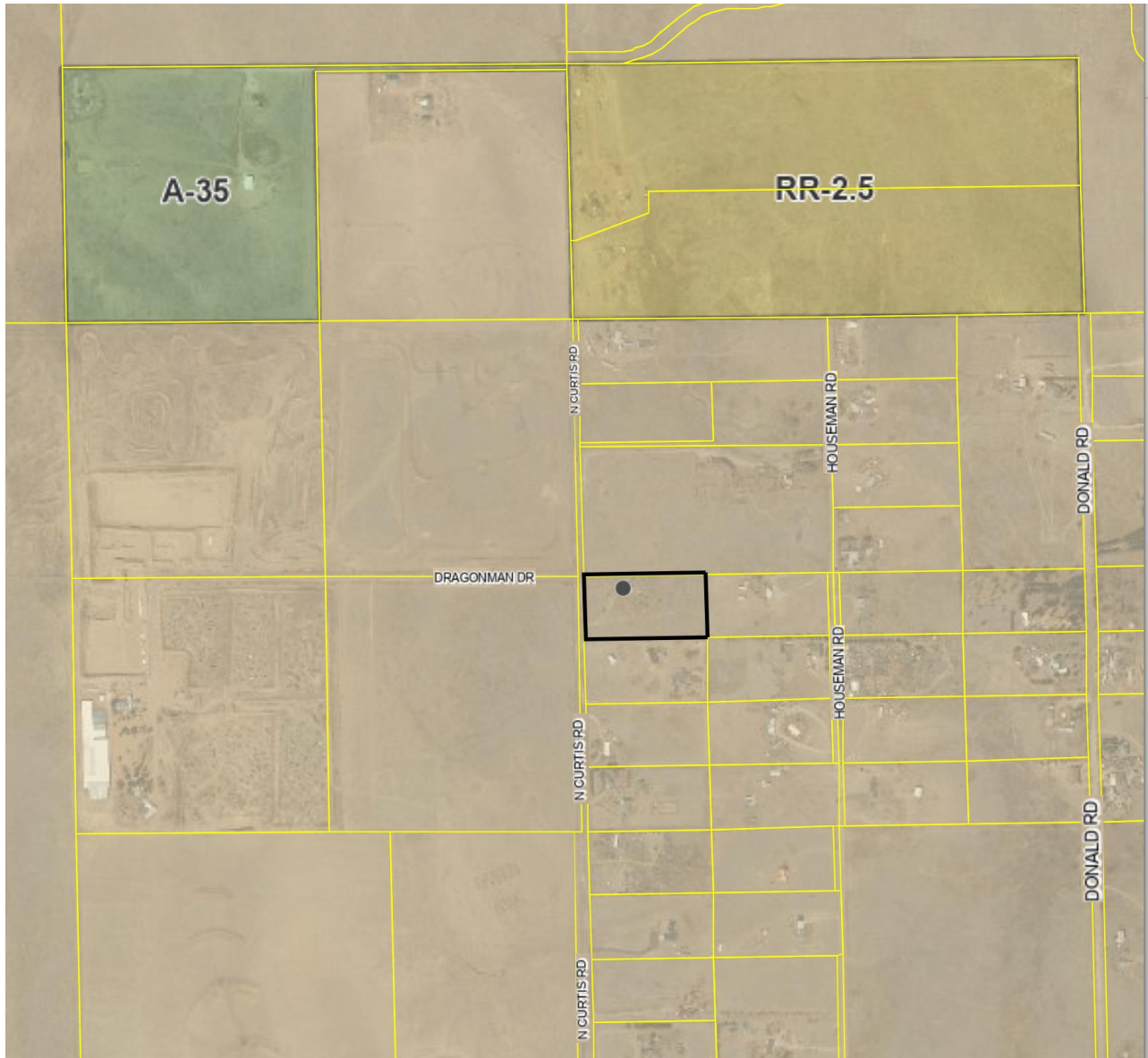
A request by Andrii Varko for approval of a Variance of Use on 5 acres to allow Recreational Vehicle/Boat Storage, and mini-warehouse storage utilizing shipping containers in the RR-5 (Residential Rural) district. The property is located at 1185 North Curtis Road, at the intersection of Dragonman Drive and North Curtis Road.

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## Zoning Context Map



### A. WAIVERS AND AUTHORIZATION

**Waiver(s):** There are no waivers associated with this request.

**Authorization to Sign:** There are no documents associated with this application that require signing.

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## B. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code (As Amended), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a Variance of Use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor, or noise standards established by County, State, or federal regulations during construction and upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed Variance of Use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

## C. LOCATION

North:	RR-5 (Residential Rural)	Single Family Residential
South:	RR-5 (Residential Rural)	Single Family Residential
East:	RR-5 (Residential Rural)	Single Family Residential
West:	RR-5 (Residential Rural)	Grazing Land

## D. BACKGROUND

The property and those in the surrounding area were zoned RR-5 on April 13, 1983. The subject property is considered a legal division of land based on an old file number within EDARP, EX73003.



The applicant is proposing Recreational Vehicle/Boat storage and mini-warehouse storage utilizing shipping containers. The Variance of Use is required because Recreational Vehicle and Boat Storage and Mini-warehouses are not allowed in the RR-5 zone district.

An Early Assistance meeting was held in 2023 discussing rezoning versus variance of use. The applicant chose to move forward with the Variance of Use option. While there are other commercially zoned properties in the area, the Variance of Use is specific to the uses proposed by the applicant versus a rezone which would allow for additional commercial uses by right.

If the Variance of Use is approved, the applicant will be required to submit and receive approval of a Site Development Plan. The Site Development Plan will need to be substantially consistent with the site plan provided with the Variance of Use application and provide a more detailed depiction of the proposed use, including landscaping, parking, and lighting.

## E. ANALYSIS

### 1. Land Development Code and Zoning Analysis

Pursuant to Table 5-1 of the Land Development Code, Recreational Vehicle and Boat Storage is not a permitted use in the RR-5 zoning district. The requested use is not consistent with the use allowances of the RR-5 zoning district without approval of a Variance of Use. The proposed shipping containers are allowed; however, Recreational Vehicle/Boat Storage and mini-warehouse storage utilizing shipping containers are not allowed in the RR-5 zoning district. The intent, as explained in the applicant's Letter of Intent, is for self-storage to customers and can be short or long term. A Site Development Plan is required if the Variance of Use application is approved. At the Site Development Plan stage, staff will review landscaping, parking, and lighting plans, to ensure the use will not negatively impact the surrounding neighbors.

The Land Development Code (as amended) defines Mini-Warehouse and Recreational Vehicle as the following:

***Mini-Warehouse*** — *Buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided*



*except for the service of a manager's apartment and for lighting and climate control of individual storage units.*

**Recreational Vehicle** — *A vehicle used for temporary habitation and used for travel, vacation or recreation purposes. The term shall include travel trailers, campers, motor homes, truck campers and similar terms.*

The RR-5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: 5 acres +
- Minimum front yard setback: 25 feet \*
- Minimum side yard setback: 25 feet \*
- Minimum rear yard setback: 25 feet \*
- Maximum lot coverage: 25%
- Maximum height: 30 feet

+ In the event that the land to be partitioned, platted, sold, or zoned abuts a section line County Road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

\* Agricultural stands shall be setback a minimum of 35 feet from all property lines.

## **F. MASTER PLAN ANALYSIS**

### **1. Your El Paso County Master Plan**

#### **a. Placetype Character:** Large-Lot Residential

*The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for*

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*development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

*Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.*

**Recommended Land Uses:**

*Primary*

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

*Supporting*

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

**Analysis:**

The lot size exceeds the minimum requirement of 2.5 acres for this placetype. A supporting use is Commercial Service and Retail, the proposed use of Recreational Vehicle and Boat storage, in addition to shipping containers and mini warehouse storage could fall within these supporting uses and be considered a use that services the surrounding area. The area has a low impact wildlife potential and concerns about wildlife are at a minimum. At the Site Development Plan stage, staff can capture the parking, lighting, and landscaping/buffering measures at the property to ensure that the uses do not negatively impact neighbors adjacent to the property. At the Variance of Use stage, staff can add conditions of approval to ensure that there is adequate landscaping and buffering at the subject property.

**b. Area of Change Designation: Minimal Change: Undeveloped**

*The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select*



*underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments.*

**Analysis:**

While there are large areas without development, and vacant properties, there still is development seen in the area. For example, Dragon Arms, Inc., which includes motocross rentals, gun range, and paintball fields. The area of change expects development, but to be done in a responsible way that ensures natural and rural areas are preserved. To ensure this use is compatible, the Site Development Plan will capture the landscaping and screening to neighbors.

**c. Key Area Influences:** The property is not located within a key area.

**d. Other Implications (Priority Development, Housing, etc.)**

There are no other implications associated with the project.

**2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

**Goal 1.1** – *Ensure an adequate water supply in terms of quantity, dependability, and quality for existing and future development.*

**Policy 1.1.1** – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency, and conservation.*

**Goal 1.2** – *Integrate water and land use planning.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth





by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

Findings of sufficiency with respect to water quality, quantity, and dependability are not required with consideration of a Variance of Use.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Services were sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

There are no hazards associated with the project.

### **2. Floodplain**

There property is not located within a floodplain as determined by a review of the Federal Insurance Rate Map number 08041C0785G, effective December 7, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-year flood zone area.

### **3. Drainage and Erosion**

The property is in the Livestock Company drainage basin. No drainage basin or bridge fees are applicable with the Variance of Use application. A drainage report

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was not required with the Variance of Use application but will be reviewed with the site development plan submission.

#### **4. Transportation**

The property is located along Curtis Road, which is a County maintained paved road, and classified as a rural arterial roadway. The property is accessed via Curtis Road. The development is expected to add approximately six daily trips to the surrounding road network. No public road improvements are proposed or required with the development. The property is subject to the El Paso County Road Impact Fee program. The applicant will be required to obtain a County commercial driveway access permit.

### **H. SERVICES**

#### **1. Water**

Water is provided by a well.

#### **2. Sanitation**

Wastewater is provided by an onsite wastewater system.

#### **3. Emergency Services**

The property is within the Ellicott Fire Protection District.

#### **4. Utilities**

Colorado Springs Utilities provides electricity and Black Hills Energy- Aquila provides gas, these utilities were notified for this project and did not have any outstanding comments.

#### **5. Metropolitan Districts**

The associated Metropolitan District for the subject property is Ellicott Metropolitan.

#### **6. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a Variance of Use application.

#### **7. Schools**

Land dedication and fees in lieu of school land dedication are not required for a Variance of Use application.

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**I. APPLICABLE RESOLUTIONS**

See attached resolution.

**J. STATUS OF MAJOR ISSUES**

There are no major issues associated with the project.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.4 of the El Paso County Land Development Code (As Amended), staff recommends the following conditions and notations:

**CONDITIONS**

1. Approval is limited to the use of a Recreational Vehicle/Boat storage in addition to shipping containers as mini warehouse storage, as described and depicted in the applicant’s letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant’s letter of intent and as shown on the site plan shall be subject to approval of a new Variance of Use request.
2. A site development plan shall be applied for and approved to legalize the existing use on the site within six (6) months of the date of Variance of Use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
3. The applicant shall on behalf of himself or herself and any successors and assignees that applicant and or successors and assignees shall pay the required road impact fee in accordance with Resolution 19-471, at time of site development plan approval.
4. Landscaping and screening will be provided and reviewed at the Site Development Plan stage and shall meet Sections of the Land Development Code more specifically, sections 5.2.40, 5.2.50, and 6.2.2.

**NOTATIONS**

1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement,



intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.

2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 7 adjoining property owners on June 4, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

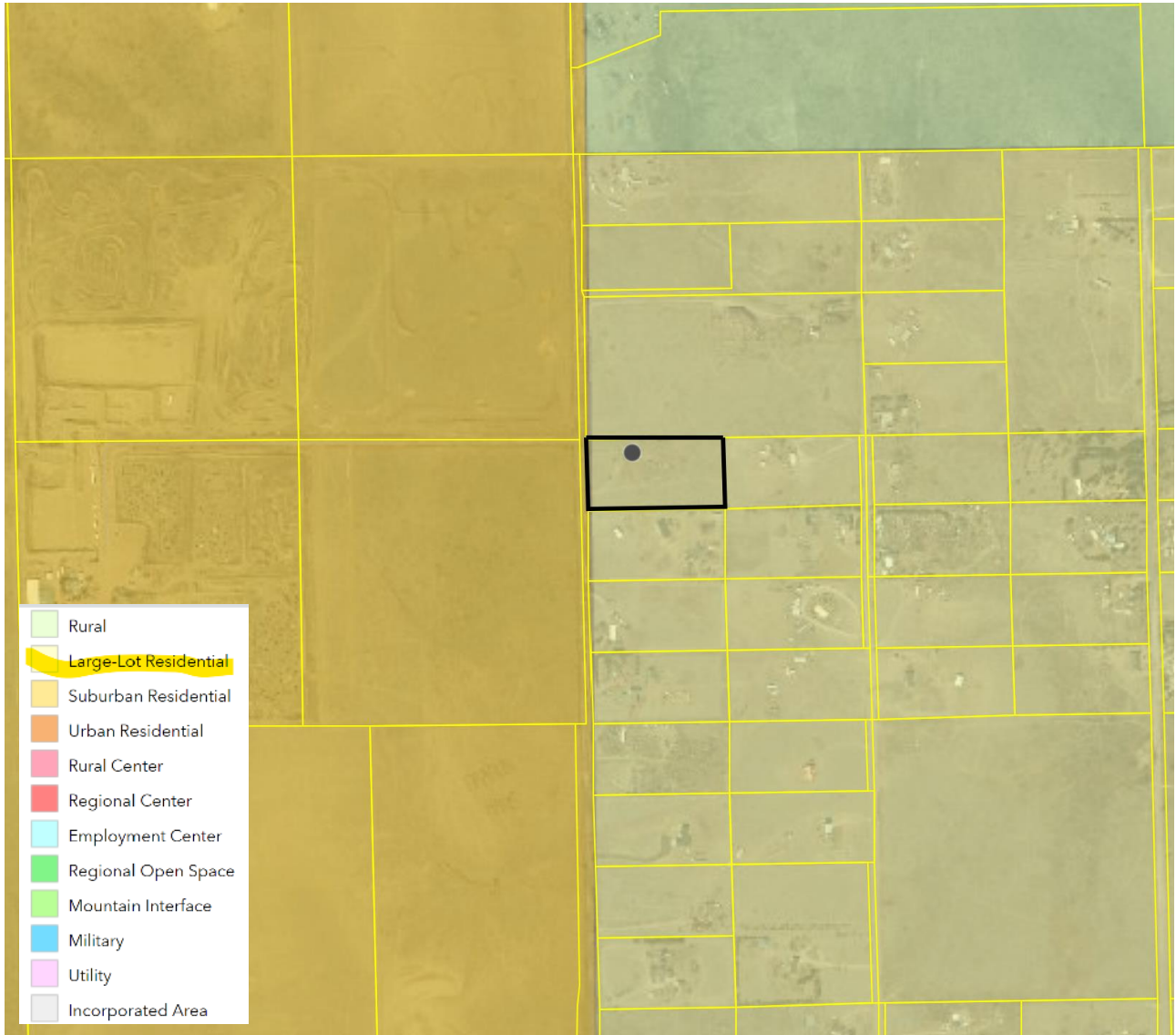
Map Series  
Letter of Intent  
Site Plan  
Public Comment  
Draft Resolution



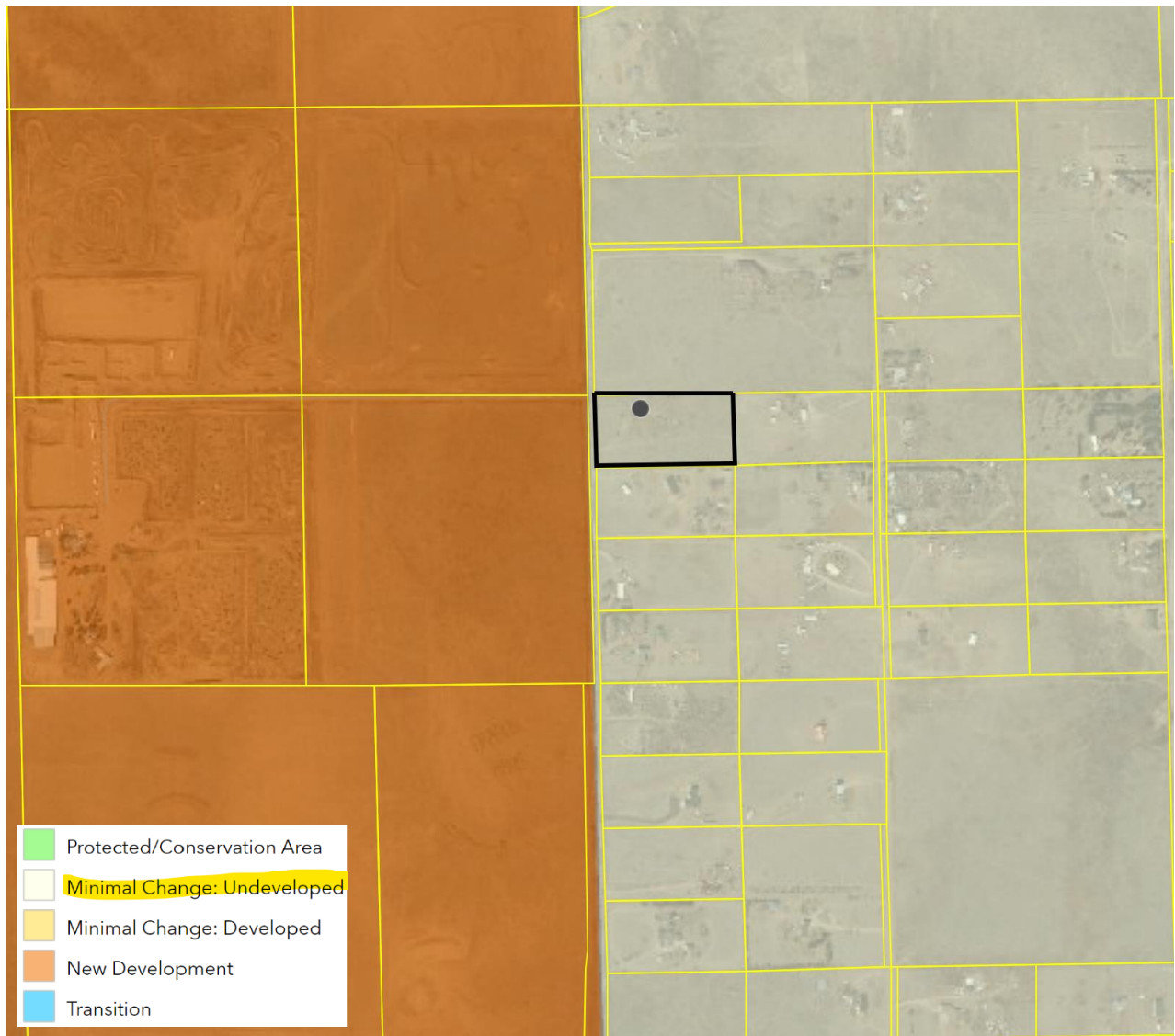
# Map Series

VA235

Placetype Map:



Area of Change Map:



**To:  
2023**

**November 16,**

**Ashlyn Mathy  
El Paso Planning & Community Development  
2880 International Circle  
Colorado Springs, CO 80910  
(719) 520-7943**

## **STORAGE AREA PROJECT DESCRIPTION**

**➤ Owner Name:**

**Andrii Varko  
(786) 394-0094  
andriivarko@gmail.com**

**➤ Address of the project:**

**1185 N Curtis Rd  
Colorado Springs, CO 80930**

**➤ Legal description:**

**N2NW4SW4NW4 EX W 30 FT FOR CURTIS ROAD SEC  
10-14-64**

**➤ Tax Schedule Number: 4410000052**

**➤ Current Zoning: RR-5, Residential Rural District**

**▣ To ensure the proposed use of a storage facility is compatible with the surrounding area, a research is conducted on the neighborhood's current land uses, zoning regulations, and community needs. The design of the facility should complement existing structures in terms of height, scale, and style. Additionally,**

**integrating landscaping and buffer zones can help the facility blend seamlessly with its surroundings.**

▫ **Maintaining the character of the neighborhood is about respecting its visual aspects. This means using building materials and colors that are prevalent in the area, or incorporating local art and design elements. It's also important to consider the impact of lighting and signage on the neighborhood's ambiance.**

▫ **To ensure the facility is not detrimental to the surrounding area, traffic and environmental impacts are assessed and conducted. This includes managing traffic flow to avoid congestion, ensuring adequate parking, and implementing noise reduction strategies. Environmental considerations might include sustainable building practices, efficient waste management, and measures to protect local nature.**

▫ **Aligning the self-storage facility with the area's future development plans is key. This requires understanding the long-term vision for the community and ensuring that the facility can adapt to future changes or demands. For example, designing the facility with flexible spaces that can be repurposed as the neighborhood evolves.**

▫ **The health and safety aspects are paramount. This includes ensuring the facility has proper fire safety measures, secure storage units, and well-lit, safe access areas.**



- **The proposed land use will be a gravel covered outdoor area intended for RV / boat trailer storage and enclosed CONNEX type containers that will be encircled by a solid fence as shown in a development plan.**
- **The storage area, as proposed, will cover approximately 2.5 acres.**
- **The currently vacant portion of the lot will be lightly graded to smooth out the surface and create a gradual slope. In order to achieve a flatter storage area, dirt will be brought in and compacted to bring the grade up to match the existing entrance driveway grade in order to be able to make an entrance from the Curtis road.**
- **Two water detention ponds will be built on north and south of the property lot as shows on the site development plan.**
- **Non-woven geotextile underlayment or porous rock will be installed under the gravel area to stabilize the gravel and prevent erosion at the edges.**
- **The entire storage area will be encircled by a 7-foot galvanized chain link fence that has gates at the entrance and exit. The fence will be topped with 3 strands of barbed wire on extended posts and barbed wire arms.**
- **RV, boat and storage container placement is proposed on the premises. The proposed area encircled by the fence will be the storage area.**
- **The gravel area will be marked out and spots will be offered for rent to prospective customers on a month**

**to month basis. Customers will store their own RVs and boats with trailers within the storage area that will be opened to the public – 10-15 such spaces will be offered according to the plan. Storage containers will be placed alongside north, south and east property edges. About 20-30 CONNEX type storage containers sized 20'x8' will be offered as an enclosed storage to store customer's personal belongings.**

- No utilities are to be disturbed during the construction process.**
- No traffic will be disturbed during the construction process, as the normal flow of traffic will not be impeded or altered in any way during the construction process.**
- Existing one story single family residence will remain locked and unoccupied until brought back to good condition in coming years and then offered as a residence to a full-time premises caretaker. Until then, the access to storage facilities will be controlled via automatic key code gate on a 24/7 basis.**

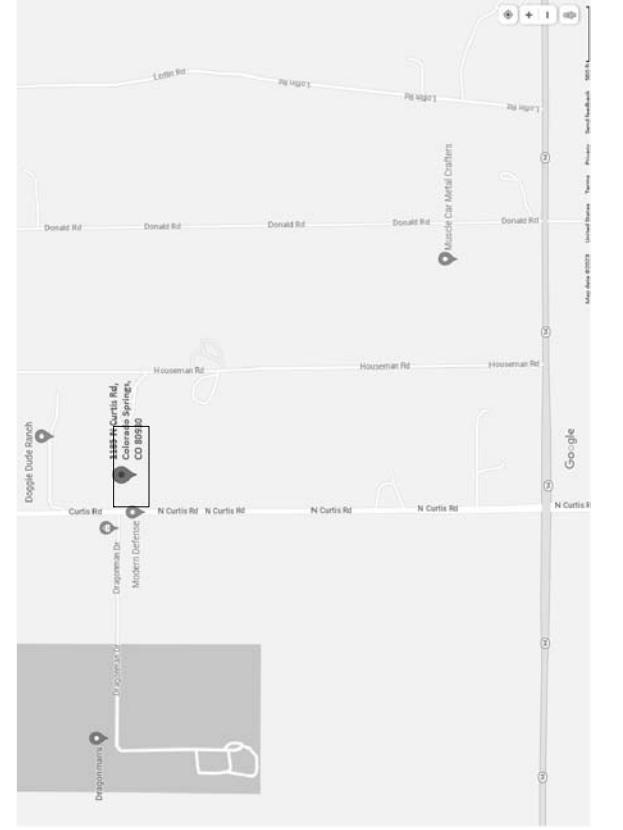
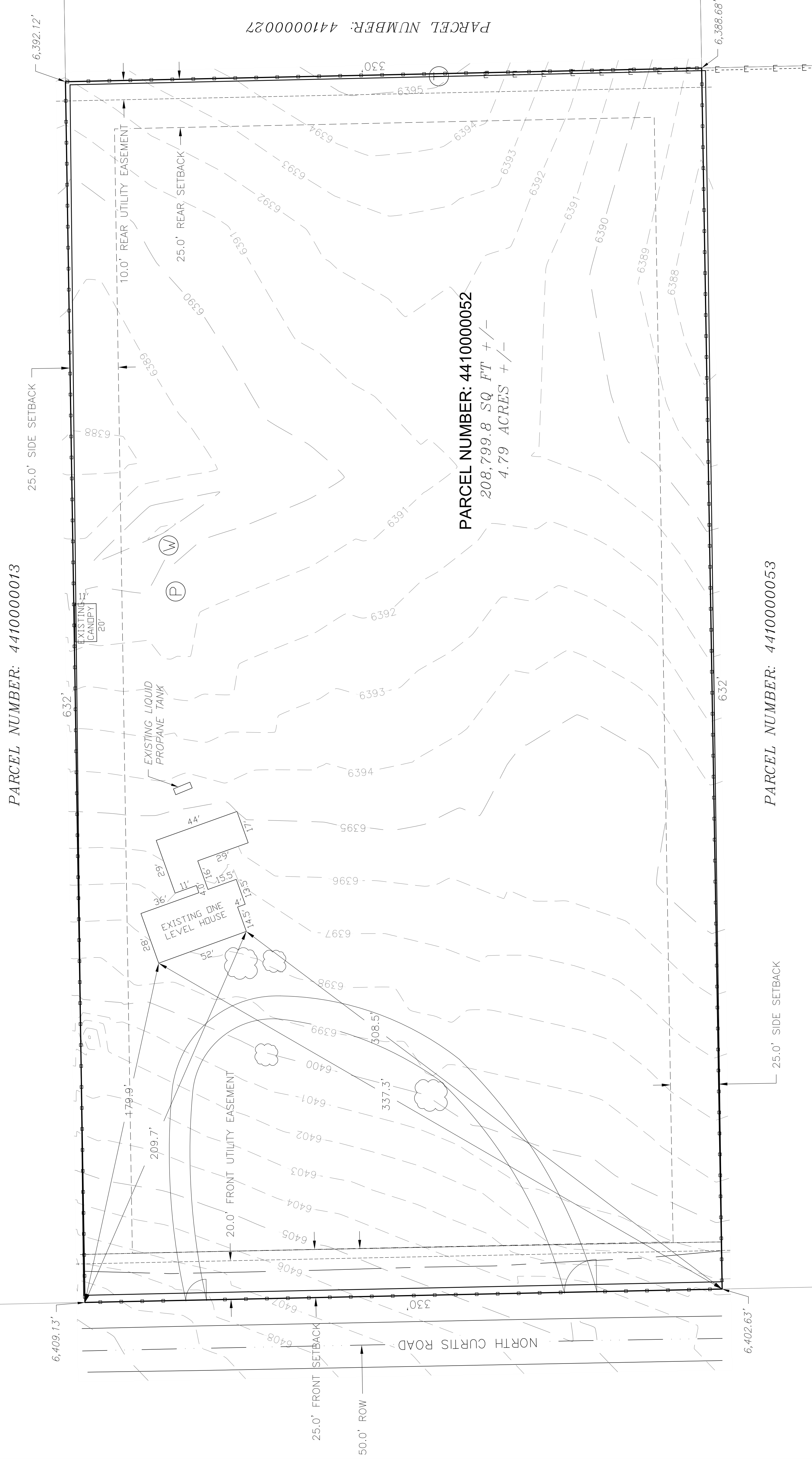
**Respectfully,  
Andrii Varko  
265 Harris Dr  
Idaho Springs, CO 80452  
Phone: 786-394-0094  
Email: andriivarko@gmail.com**

# SITE PLAN - EXISTING CONDITION

## 1185 N Curtis Rd, Colorado Springs, CO 80930

THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10,  
TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
EXCEPTING THEREFROM THE WESTERLY 30 FEET FOR CURTIS ROAD, IN EL PASO COUNTY, COLORADO.

Property tax schedule number: 4410000052



LOCATION MAP

DESIGNED BY:  
**FLS Engineering**  
9235 W EUCLID AVE  
LITTLETON, CO 80123  
(720) 325-6876  
MJ@MILOSHENG.COM

FILE NUMBER:  
**VA235**

JOB NUMBER:  
**2023-8-1-Vark**

PRINTED DATE:  
**4/21/2024**

No.	Date	Revised By	City Comments
1	10/31/23	FL PASSO	A.Mahy & E. Schoenherr
2	12/20/23	FL PASSO	A.Mahy & E. Schoenherr
3	04/05/24	FL PASSO	E. Schoenherr

CLIENT:  
**ANDRII VARKO**  
1185 N CURTIS RD,  
COLORADO SPRINGS, CO 80930  
(786) 394-0094  
ANDRIIVARKO@GMAIL.COM

TITLE:  
**SITE PLAN EXISTING CONDITION**

PROJECT NAME:  
**VARIANCE OF LAND USE**

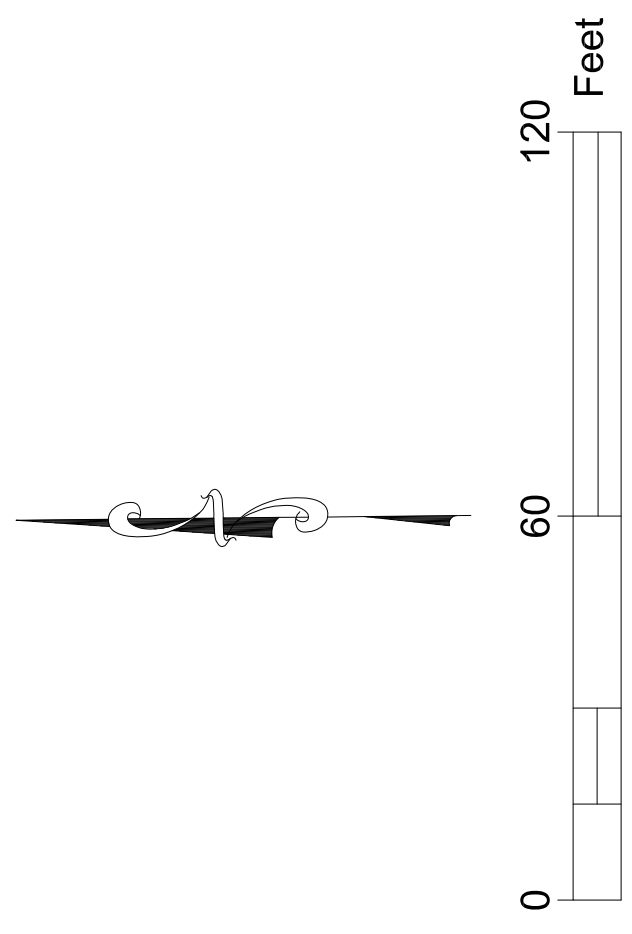
PROJECT ADDRESS:  
1185 N Curtis Rd,  
Colorado Springs, CO  
80930

PARCEL NUMBER:  
**4410000052**

SHEET NUMBER:  
**S-1**

LEGEND

—	PROPERTY LINE
- - -	NEIGHBORING PROPERTY LINE
- - -	SETBACK
- - -	EXISTING FENCE
- - -	EXISTING GATE
- - -	EXISTING FIBER OPTIC LINE
- - - E - - -	EXISTING OVERHEAD ELECTRIC LINE
⊖	EXISTING ELECTRIC TRANSFORMER
⊖	EXISTING LIQUID PROPANE TANK
⊖	EXISTING WATER WELL
⊖	EXISTING MANHOLE TO WATER PRESSURE TANK
⊖	EXISTING TREE
⊖	EXISTING MAJOR CONTOUR
⊖	EXISTING MINOR CONTOUR



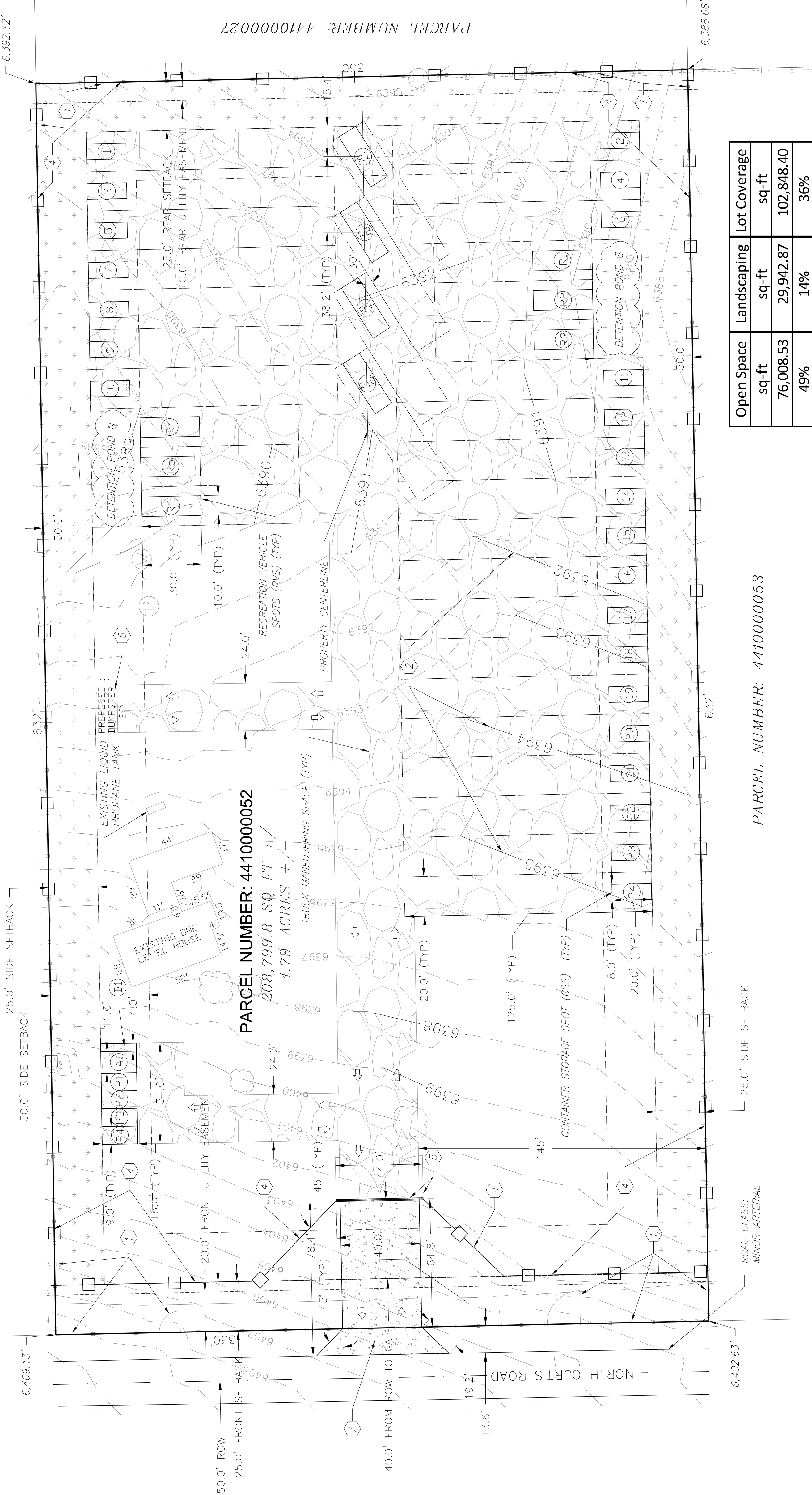
# SITE PLAN - PROPOSED CONDITION

## 1185 N Curtis Rd, Colorado Springs, CO 80930

THE NORTH ONE-HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10,  
TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
EXCEPTING THEREFROM THE WESTERLY 30 FEET FOR CURTIS ROAD, IN EL PASO COUNTY, COLORADO.

Property tax schedule number: 4410000052

PARCEL NUMBER: 4410000013



PARCEL NUMBER: 4410000027

Open Space	Landscaping	Lot Coverage
sq-ft	sq-ft	sq-ft
76,008.53	29,942.87	102,848.40
49%	14%	36%

Required Parking			Provided Parking		
Bicycle	Regular	ADA	Bicycle	Regular	ADA
1	3	1	1	4	1
			B1	P1 to P4	A1

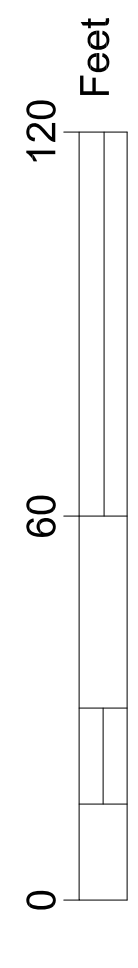
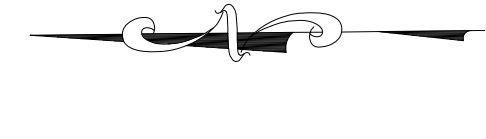
Container Storage Spots (CSS)			Recreational Vehicle Spots (RVS)		
Labeled	Total Spaces	Total Area	Labeled	Total Spaces	Total Area
1 to 24	24	sq-ft	R1 to R10	10	sq-ft
Dimension	Dimension	Dimension	Dimension	Dimension	Dimension
20' x 8'	3,840	30' x 10'	30' x 10'	3,000	3,000

### SCHEDULE

- ① DEMOLISH EXISTING FENCE AND GATES.
- ② PERFORM GRADING TO FLATTEN SURFACE.
- ③ PLACE AND COMPACT PROPOSED MIN. 6" DEPTH GRAVEL COVER (ROAD BASE) IMPROVEMENTS.
- ④ INSTALL PROPOSED 6' OR HIGHER CHAIN LINK FENCE WITH VINYL SLATS IMPROVEMENTS.
- ⑤ INSTALL PROPOSED 6' OR HIGHER CHAIN LINK GATE WITH VINYL SLATS IMPROVEMENTS.
- ⑥ MOVE EXISTING CANOPY AND USE TO SCREEN AND COVER DUMPSTER (RIBBED METAL FOR SIDING AND ROOFING)
- ⑦ BUILD PROPOSED CONCRETE (OR ASPHALT PAVED) DRIVEWAY



LOCATION MAP



1 inch = 30 feet  
Contour Interval = 1 ft

### LEGEND

- PROPERTY LINE
- - - NEIGHBORING PROPERTY LINE
- - - SETBACK
- - - EXISTING FENCE
- - - EXISTING GATE
- - - EXISTING FIBER OPTIC LINE
- - - EXISTING OVERHEAD ELECTRIC LINE
- - - EXISTING ELECTRIC TRANSFORMER
- - - EXISTING LIQUID PROPANE TANK
- - - EXISTING WATER WELL
- - - EXISTING MANHOLE TO WATER PRESSURE TANK
- - - EXISTING TREE
- - - EXISTING MAJOR CONTOUR
- - - EXISTING MINOR CONTOUR
- - - PROPOSED MAJOR CONTOUR
- - - PROPOSED MINOR CONTOUR
- - - PROPOSED FENCE
- - - PROPOSED GATE
- - - PROPOSED GRAVEL COVER (ROAD BASE)
- - - PROPOSED LANDSCAPING AREA
- - - PROPOSED CONCRETE OR ASPHALT DRIVEWAY
- ☁ DETENTION POND

**SITE PLAN**  
**PROPOSED CONDITION**

PROJECT NAME:  
**VARIANCE OF LAND USE**

PROJECT ADDRESS:  
1185 N Curtis Rd,  
Colorado Springs,  
CO 80930

PARCEL NUMBER:  
**4410000052**

SHEET NUMBER:  
**S-2**



DESIGNED BY:  
**Engineering**  
9235 W EUCLID AVE  
LITTLETON, CO 80123  
MJ@MILOSHENG.COM  
(720) 325-6876

FILE NUMBER:  
**VA235**

JOB NUMBER:  
**2023-8-1-Varko**

PRINTED DATE:  
**4/21/2024**

No.	Date	Revised By	City Comments
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2	04/05/24	EL PASSO	E.Schoenherr

CLIENT:  
**ANDRII VARKO**  
1185 N CURTIS RD,  
COLORADO SPRINGS, CO 80930  
ANDRIIVARKO@GMAIL.COM





DESIGNED BY:  
**Engineering**  
 9235 W EUCLID AVE  
 LITTLETON, CO 80123  
 (720) 325-6876  
 MJ@MILOSHENG.COM

FILE NUMBER:  
**VA235**

JOB NUMBER:  
**2023-8-1-Vark**

PRINTED DATE:  
**4/21/2024**

No.	Date	Revision By	City Comments
1	12/31/23	AM	
2	12/20/23	AM	
3	04/05/24	EV	

CLIENT:  
**ANDRII VARKO**  
 1185 N CURTIS RD,  
 COLORADO SPRINGS, CO 80930  
 ANDRIIVARKO@GMAIL.COM

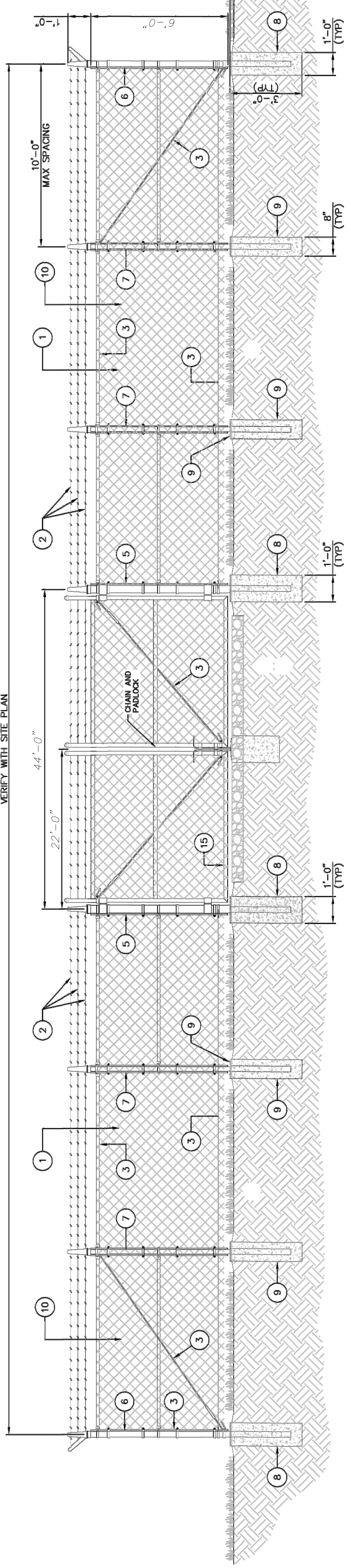
TITLE:  
**DETAILS**

PROJECT NAME:  
**VARIANCE OF LAND USE**

PARCEL NUMBER:  
**4410000052**

SHEET NUMBER:  
**S-3**

~~~~~  
 ALL FENCING TO BE INSTALLED PER  
 MANUFACTURER'S DESIGN,  
 RECOMMENDATION AND  
 SPECIFICATIONS.  
 ~~~~~



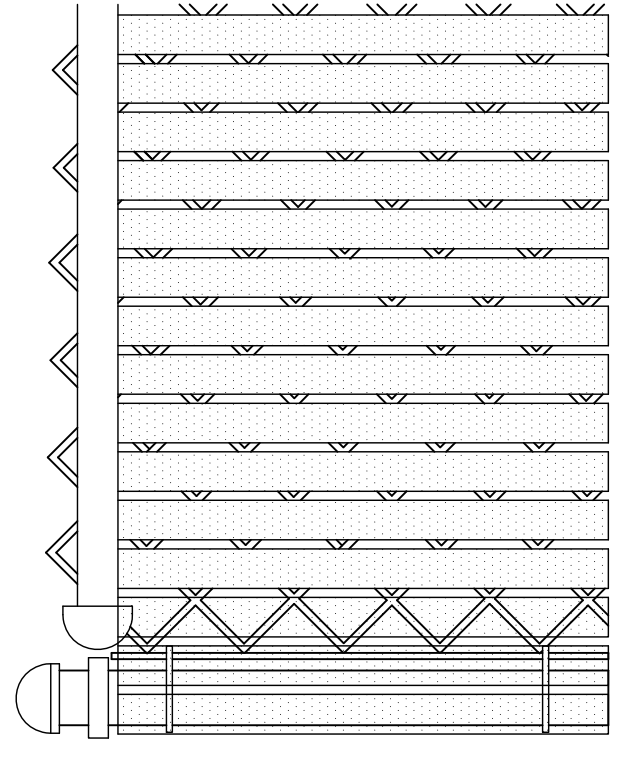
NOTE:

1. CALL 811 AND MARK ALL UTILITIES PRIOR TO COMMENCING WORK
2. DEMOLISH EXISTING FENCE AND GATES
3. CONSTRUCT CHAIN LINK FENCE AND GATES OR SIMILAR
4. MINIMUM GATE POST EMBEDMENT: 3 FT

SCALE: NTS

**CODE REQUIREMENTS:**

1. MATERIALS SCREENED BY SOLID FENCE OR VEGETATION. OUTSIDE STORAGE SHALL BE ENCLOSED AND CONCEALED BY A SOLID FENCE OR WALL AT LEAST 6 FEET IN HEIGHT OR ANY COMBINATION OF BERMING, SHRUBS, TREES FENCING OR WALLS WHICH WILL PROVIDE AT MATURITY A MINIMUM OF 6 FEET OF HEIGHT AND 100% OPAQUE SCREENING FOR THE AREA UTILIZED FOR OUTSIDE STORAGE.
2. OUTSIDE STORAGE NOT TO EXCEED HEIGHT OF SCREENING. OUTSIDE STORAGE OR STACKED MATERIALS SHALL NOT EXCEED THE HEIGHT OF THE SCREENING FENCE EXCEPT FOR OPERABLE VEHICLES, TRAILERS, OR OTHER EQUIPMENT DESIGNED TO BE TOWED OR LIFTED AS SINGLE COMPONENT.



**4 VISUAL SCREENING**

NOTE:

1. The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications and the proposed plan reflects all site elements required by the applicable ADA design standards and guidelines as published by the United States Department of Justice. Approval of this plan by El Paso County does not assure compliance with the ADA or any regulations or guidelines enacted or promulgated under or with respect to such laws.

**REFERENCE NOTES**

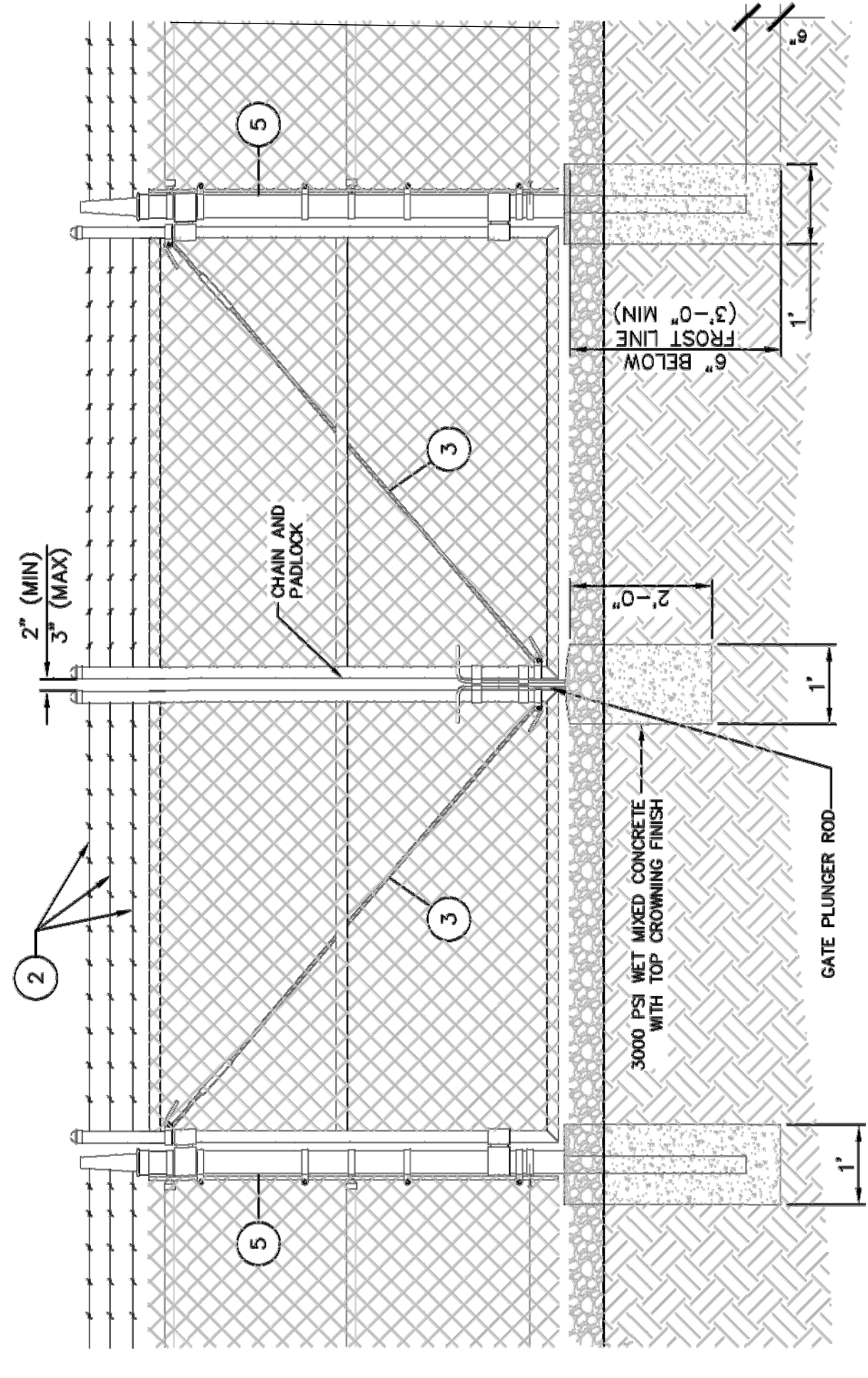
1. 6 FOOT TALL, 2 INCH, 9 GAUGE, 1.2 OZ. COATING, GALVANIZED CHAIN LINK FENCE
2. 3 STRANDS OF BARBED WIRE ON EXTENDED POSTS AND BARBED WIRE ARMS
3. 1-1/2" O.D. TOP RAIL AND CORNER BRACING WITH DOUBLE TRUSS RODS AND BOTTOM 7 GAUGE COIL TENSION WIRE
4. 24 FOOT OPENING DOUBLE SWING GATES WITH 1.9 INCH O.D. FRAMES AND INDUSTRIAL GATE HARDWARE
5. 4 INCH DQ-40 GATE POSTS
6. 6 FOOT TALL, 2-1/2" O.D. DQ-40 TERMINAL POSTS
7. 6 FOOT LONG, 2" O.D. DQ-40 LINE POSTS
8. 12"x36", 3000 PSI WET MIXED FOOTING WITH TOP CROWNING FINISH
9. 8"x30", 3000 PSI WET MIXED FOOTING WITH TOP CROWNING FINISH
10. 7 CHAIN LINK FENCE FABRIC (9 GAUGE, 2" MESH)

**GENERAL NOTES**

1. INSTALL FENCING PER ASTM F-567.
2. INSTALL SWING GATES PER ASTM F-900.
3. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALVANIZED (HOT DIP, ASTM A100 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (2) COATS OF X-O RUST PROFESSIONAL ALUMINUM PAINT.
4. ALL OPEN POSTS SHALL HAVE END-CAPS.
5. USE GALVANIZED HOO-RING WIRE TO MOUNT ALL SIGNS.
6. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.
7. MISROOM ANCHOR & FLUNGER REQUIRED FOR GATE.
8. G.C. RESPONSIBLE FOR GATE LOCK.

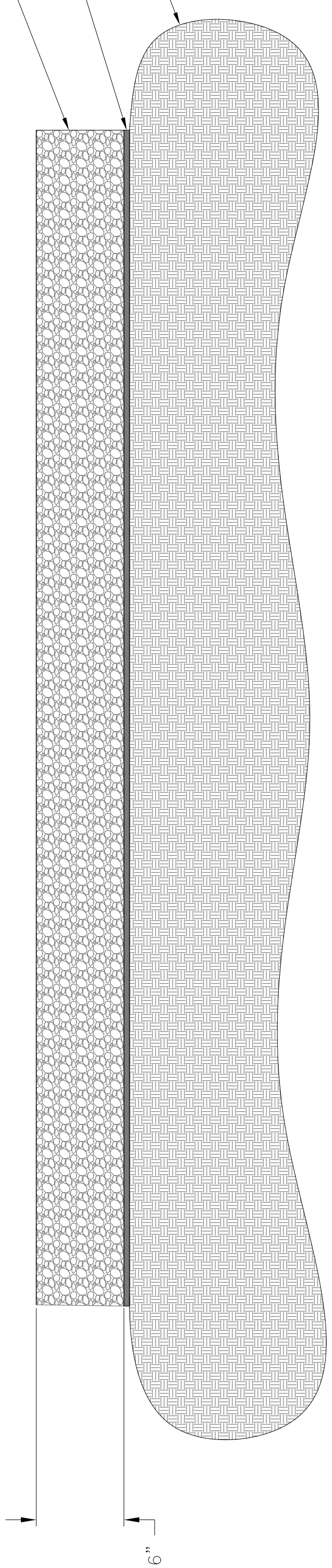
**3 NOTES**

SCALE: NTS



**2 DOUBLE SWING GATE DETAIL**

- 6" GRAVEL COVER (ROAD BASE), VIBRATORY ROLLER COMPACTED (TYP)
- CLASS 1 NON-WOVEN GEOTEXTILE UNDERLAYMENT (TYP)
- UNDISTURBED EXISTING SOIL OR COMPACTED SUBGRADE



GRAVEL COVER DETAIL



October 13, 2023

Ashlyn Mathy  
El Paso County Planning and  
Community Development Department  
2880 International Circle  
Colorado Springs, CO 80910

RE: 1185 N. Curtis Road Variance of Land Use

Dear Ms. Mathy,

My client, Kelli O'Neil, is the landowner of the property located at 1135 North Curtis Road (Parcel No. 44100-00-053), which is located immediately adjacent to the south of the property located at 1185 North Curtis Road, which is owned by Andrii Varko. My client is in receipt of a notice from Andrii Varko dated September 25, 2023 requesting approval from the County to allow for "commercial outdoor boat, trailer, and RV storage together with cargo containers for enclosed storage."

The letter accurately identifies that the property is zoned RR-5 (Residential Rural). Having said that, the letter is very confusing with regard to the actual land use process being followed by the applicant. In various sentences in the letter the applicant states the request is for "special land use project" and "a special use." However, upon review of Table 5-1" Principal Uses of the El Paso County Land Development Code, the RR-5 zoning district does not allow Recreational Vehicle and Boat Storage as either an allowed or special use. Instead, an applicant seeking to operate a Recreational Vehicle and Boat Storage in the RR-5 zoning district would be required to submit and receive approval of a Variance of Use. This egregious error in the neighbor notice causes the notice to be misleading, particularly given the fact that special use applications can be approved administratively by the Planning and Community Development Director and variance of use applications require two full public hearings, one before the El Paso County Planning Commission and one before the El Paso County Board of County Commissioners. In addition, the criteria for approval of a variance of use are considerably more difficult to meet than the criteria for approval of a special use. Again, this is misleading to all neighbors who received the notice from the applicant and is likely to create confusion throughout the public response and hearing processes.

Upon researching the project on EDARP, we discovered that the applicant has, in fact, submitted a variance of use application under PCD File No. VA235. The EDARP file includes documents titled as follows:

- Adjacent Property Owner Notification
- Application/Petition Form
- Legal Description
- Letter of Intent
- Title Commitment
- Vicinity/Location Map
- Mineral Rights Certification

- Site Plan Drawing
- Traffic Memo

Our review of the documents has resulted in identification of a number of issues and concerns with the application as submitted to the County for review, including, but not limited to, the following:

- Adjacent Property Owner Notification – erroneously presented information as discussed above regarding a “special use” application as opposed to the required and submitted variance of use application.
- Application/Petition Form – the application form submitted to the County identifies that is for a Site Development Plan, Major. This application should be denied outright by the County since the proposed use is not allowed under the RR-5 zoning. Without prior approval of the required variance of use application, a site development plan cannot be approved. Approval of the site development plan application as proposed would be a violation of the Land Development Code pursuant to the RR-5 (Residential Rural) zoning district under Section 3.1 and Table 5-1 of the Code.
- Letter of Intent – the applicant’s letter of intent is woefully deficient in describing the proposed variance of use. The letter neglects the need to address the criteria for approval of a variance of use found in Section 5.3.4 of the Code. Further, we do not believe that even with revisions of the letter of intent that the applicant could provide any reasonable justification in support of there being “peculiar and exceptional practical difficulties or undue hardship” necessary to approve the variance of use application outside of an argument against the RR-5 zoning district, which is not a basis for establishing a difficulty or hardship.

Under the El Paso County Land Development Code, the only zoning districts that allow a Recreational Vehicle and Boat Storage facility by right are the CR (Commercial Regional) and CS (Commercial Service) zoning districts and all three industrial zoning districts. The CC (Commercial Community) zoning district only allows such facilities with approval of a special use application. This means that in adopting the Land Development Code, the Board of County Commissioners has already determined that Recreational Vehicle and Boat Storage facilities are not compatible with any of the residential or agricultural zoning districts, including the applicable RR-5 (Residential Rural) zoning district. There are a number of nearby commercially and industrially zoned properties that would allow for the applicant to initial the use without encroaching into a rural residential neighborhood.

- Mineral Rights Certification – Exceptions 10 and 11 of the Title Commitment provided by the applicant with the variance of use application indicate that the mineral rights associated with the property have been halved and separated from the surface estate. The mineral rights certification submitted by the applicant identifies that “there are no mineral estate owners”, as certified by notarized signature of the applicant’s legal counsel. We request that the applicant provide chain of title documentation proving that such severed mineral rights have been obtained by the owner of the property sufficient to re-combine the surface and mineral estate ownerships and that notice to a separate mineral estate owner, as required under state statute, is not necessary.
- Site Plan Drawing – the applicant’s site plan drawing in support of the variance of use only provides the “Existing Condition” of the site, as labeled on the drawing. This document in no way meets the requirements of the El Paso County Land Development Code and associated



Procedures Manual Checklists and should be wholly rejected by the Planning and Community Development Department. Without a site plan that shows the intended layout of the proposed use, it is impossible to determine any potential impacts to the neighborhood and to County-owned infrastructure. In addition, the County would be totally unable to enforce against any future violation of the facility pursuant to the any approved variance of use request without accurate and proper site planning of the use on the property.

The proposed variance of use request does not meet numerous requirements of the Land Development Code and fails to provide reasonable justification for approval. For these reasons, my client is opposed to the use and requests the Planning Commission and Board of County Commissioners deny the request.

Please feel free to contact me with any questions and please continue to provide all courtesy and legal notices to my client at the address on file with the County Assessor's office and provide copy of such notices to myself at the address below as the variance of use application proceeds through the staff review and public hearing processes.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Dossey". The signature is stylized and cursive.

Craig Dossey  
President

Vertex Consulting Services  
P.O. Box 1385  
Colorado Springs, CO 80901

VARIANCE OF USE (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VA235  
1185 NORTH CURTIS ROAD VARIANCE OF USE

WHEREAS, Andrii Varko did file an application with the El Paso County Planning and Community Development Department for approval of a Variance of Use to allow RV/Boat Storage, shipping containers, and mini warehouse storage within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on June 20, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County subdivision regulations; and
7. For the above-stated and other reasons, the proposed Variance of Use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Variance of Use, the Planning Commission and Board of County Commissioners may consider criteria found in Section 5.3.4.C of the El Paso County Land Development Code ("Code") (as amended):

1. The strict application of any of the provisions of the Code would result in peculiar and exceptional practical difficulties or undue hardship;
2. The Variance of Use is generally consistent with the applicable Master Plan;
3. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
4. The proposed use will be able to meet air, water, odor or noise standards established by County, State, or Federal regulations during construction and upon completion of the project;
5. The proposed use will comply with all applicable requirements of the Code and all applicable County, State, and Federal regulations except those portions varied by this action;
6. The proposed use will not adversely affect wildlife or wetlands;
7. The applicant has addressed all off-site impacts;
8. The site plan for the proposed Variance of Use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
9. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Andrii Varko for approval of a Variance of Use to allow RV/Boat Storage, shipping containers, and mini warehouse storage within the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a Recreational Vehicle/Boat storage in addition to shipping containers as mini warehouse storage, as described and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new Variance of Use request.
2. A site development plan shall be applied for and approved to legalize the existing use on the site within six (6) months of the date of Variance of Use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
3. The applicant shall on behalf of himself or herself and any successors and assignees that applicant and or successors and assignees shall pay the required road impact fee in accordance with Resolution 19-471, at time of site development plan approval.
4. Landscaping and screening will be provided and reviewed at the Site Development Plan stage and shall meet Sections of the Land Development Code more specifically, sections 5.2.40, 5.2.50, and 6.2.2.

NOTATIONS

1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent

Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of \_\_\_\_ to \_\_\_\_ by the El Paso County Planning Commission, State of Colorado.

DONE THIS 20th day of June 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Thomas Bailey, Chair

EXHIBIT A

N2NW4SW4NW4 EX W 30 FT FOR CURTIS ROAD SEC 10-14-64