

EL PASO  **COUNTY**
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of Adjustment
Jay Carlson, Chair

FROM: Mercedes Rivas, Planner II
Lupe Packman, Engineer I
Craig Dossey, Executive Director

RE: Project File #: BOA-21-005
Project Name: 11390 Valle Verde Drive- Accessory Structure
Parcel No.: 76100-01-010

OWNER: **REPRESENTATIVE:**

Jody and Sylvia Hakala 21121 Goldeneagle Drive Calhan, CO 80808	Jody Senia 21121 Goldeneagle Drive Calhan, CO 80808
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Commissioner District: 3

Board of Adjustment Hearing Date:	9/8/2021
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EXECUTIVE SUMMARY

A request by Jody and Sylvia Hakala for approval of two (2) dimensional variances to allow:

1. A side setback of five (5) feet where 25 feet is required for an accessory structure.
2. A lot size of 3.3 acres where five (5) acres is required.

The proposed accessory structure would be used to be used for maintaining personal vintage cars. The 3.3-acre property is zoned A-5 (Agricultural District) and is located on the west side of Valle Verde Drive, approximately 500 feet southwest of the intersection of Valle Verde Drive and Calle Corvo, and approximately one-half (1/2) mile northwest



of the Highway 115 and Paso Corto intersection and is within Section 10, Township 16 South, Range 67 West of the 6th P.M.

A. REQUEST

A request by Jody and Sylvia Hakala for approval of two (2) dimensional variances to allow:

1. A side setback of five (5) feet where twenty-five (25) feet is required for an accessory structure.
2. A lot size of 3.3 acres where five (5) acres is required.

B. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2021), 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 subject property is not exceptionally narrow or shallow. The lot is 3.3 acres in size and does not conform to the minimum lot size requirements of five (5) acres in the A-5 zoning district.

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

According to the Letter of Intent, there are constraints consisting of a rock formation west of the proposed building area, a steep slope north of the requested building area, and a seasonal drainage west of the proposed building area. Upon site inspection staff did not observe excessive slope or seasonal drainage that would prevent the applicant from placing the accessory structure within the required setbacks, but did observe a rock formation on the site (see photographs attached).

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*

If approved, the variance would provide for permanent relief and would not meet this criterion.

- *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*

An alternative plan, standard, or condition was not submitted by the applicant with this application.

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

Per the applicants' letter of intent, they purchased the platted property under the assumption that the lot met the lot size requirement. It was not until the applicants requested an Early Assistance meeting with Planning and Community Development staff that they became aware that the lot does not meet the minimum lot size requirement of five (5) acres in the A-5 (Agricultural District) zoning district. According to the applicants, the placement of the proposed accessory structure is further impeded by the substandard size of the lot and increased slopes existing throughout the property. The proposed accessory structure would be used to be used for maintaining vintage cars.

C. BACKGROUND

The property was originally platted as Lots 17, 18, and 19 of the Red Rock Valley Estates Subdivision. The land was then replatted and Lots 17, 18, and 19 were combined to create what is now known as Lots 18 and 19, Vacation and Replat of Lots 17, 18, and 19, Block 2, Red Rock Valley Estates El Paso County, Colorado on October 25, 1979. The subject lot is 3.3 acres in size. The property was initially zoned A-2 (Farming District) on December 1, 1962, which had a minimum lot size of five (5) acres. Due to

nomenclature changes of the Land Development Code, this district has been renamed as the A-5 (Agricultural District) zoning district. The existing single-family dwelling was constructed in 1972. The applicants are requesting a side setback of five (5) feet where 25 feet is required to allow a proposed accessory structure. The proposed accessory structure would be used to be used for maintaining vintage cars.

D. ALTERNATIVES EXPLORED

There are two alternatives that would not require a dimensional variance request:

1. The applicant could construct an accessory structure in a location that meets the setback requirements.
2. The applicant could rezone the property to meet the minimum lot size requirement.
3. The applicant could apply for Administrative Relief which would allow for a side setback of twenty (20) feet where twenty-five (25) feet is required.

E. APPLICABLE RESOLUTIONS

Approval: Resolution 3

Disapproval: Resolution 4

F. LOCATION

North: A-5 (Agricultural)	Single-Family Dwelling
South: A-5 (Agricultural)	Single-Family Dwelling
East: A-5 (Agricultural)	Single-Family Dwelling
West: A-5 (Agricultural)	Single-Family Dwelling

G. SERVICE

1. WATER

Water is provided by the Red Rock Valley Estates Water District.

2. WASTEWATER

Wastewater is provided by an existing permitted onsite wastewater treatment system (OWTS) (Permit No. 04786).

3. EMERGENCY SERVICES

The parcel is located within the Southwester Highway 115 Fire Protection District. The District was sent a referral and has no outstanding comments

H. ENGINEERING

1. FLOODPLAIN

This parcel is located within FEMA Flood Insurance Rate Map Panel No. 08041C0950G) Zone X, dated December 7, 2018, which is outside the 100-year floodplain.

2. DRAINAGE AND EROSION

This parcel is located within the Little Fountain Creek drainage basin (FOFO1800). This is an interim basin with associated drainage basin fees. No platting action is being requested; therefore, no drainage fees will be due for this application.

3. TRANSPORTATION

The 2016 El Paso County Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the development.

The parcel is located on Valle Verde Drive, which is a rural local road currently maintained by the County.

No public improvements are required for this application. The variance request is not subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. The applicant is required to obtain a driveway access permit for this application.

I. RECOMMENDED CONDITIONS OF APPROVAL

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a dimensional variances for the proposed accessory structure, and that the applicant has met the review and approval criteria for granting variances from the applicable standards, staff recommends the following conditions and notation of approval:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions beyond those depicted on the associated site plan 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 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 accessory structure.

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 administrative relief.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on August 17, 2021, for the Board of Adjustment meeting. Responses will be provided at the hearing.

K. ATTACHMENTS

Letter of Intent

Vicinity Map

Site Plan

Site Photographs

Jody and Sylvia Hakala
11390 Valle Verde Dr.
Colorado Springs, CO. 80926
jdhak10@yahoo.com
719-649-5575 (BOA215)

**Planning and Community Development
Department**
Board of Adjustment
2880 International Circle Colorado
Springs, CO 80910

Board of Adjustment Members,

1. I am Jody Dean Hakala. I am requesting a relief to allow a 5' setback on my south (side) property line boundary where a 25' setback is typically required. This will allow us to build a 30'x40' pole barn with an attached 30'x10' carport for a total structure size of 30'x50'. After serving for 38 years in the United States Army this shop will be used for our personal enjoyment as vintage car enthusiasts. There are no objections from any immediate neighboring property owners.
2. I am requesting this under Land Development Code Chapter 5, Section 5.52, para 2 a. which states "property is severely restricted due to (1) exceptional narrowness, shallowness or shape of the specific piece of property, or (2) the exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property".
3. Our property is very restricted due its narrow plot layout, solid rock formations directly to the west of our home, a seasonal runoff stream bed directly to the west of our requested building area, and a steep drop-off on the north side of our requested building area which will impact the driveway location of our request. If approved, we will apply for a driveway permit through El Paso County. I have been given an approved Letter of No Objection from Colorado Springs Utilities which will have no impact on the current utility pole location based on where we are requesting to build. If this variance is granted our structure will be aesthetically appealing and fit well into the surrounding landscape with no loss to existing vegetation. All ground work, which in requested location is minimal, will be done so as to ensure that there are no runoff issues for adjacent properties or runoff patterns.
4. When we purchased our property we were not aware of any minimal lot size variance and assumed that our property met all requirements. Our property (3.3 acres) does not meet the minimum lot size of 5 acres which further impedes our flexibility for the location so I am also requesting a variance for the minimum size requirement. It was not until I submitted for our building variance with the PCD that we were made aware of this requirement. If this administrative relief is granted there would be no adverse impact on surrounding properties, vegetation and landscape. This will not allow any increases in dwellings and will see minimal site grading and disturbance.

Jody Dean Hakala

Phone: 719-649-5575

E-mail: jdhak10@yahoo.com

BOA 215 (cont.)

5. In closing I want to thank you for your consideration of these variances. The hardship we now face due to unforeseen lot size and requested setback will basically eliminate our dream of having a facility that will allow us to follow our passion for vintage car restoration if not granted. After serving 38 years in the United States Army this is our next chapter. Thank you.

Jody and Sylvia Hakala

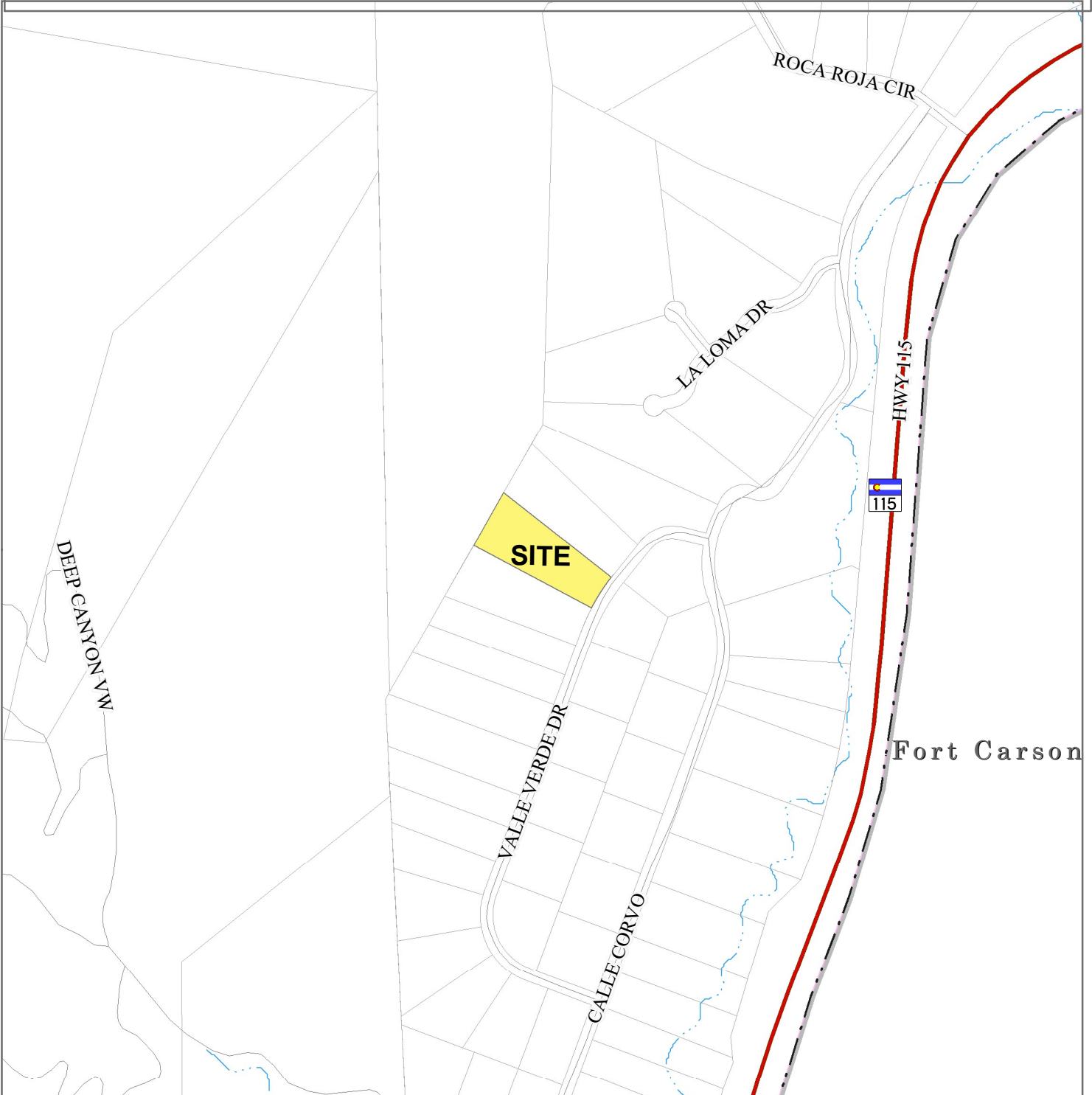
El Paso County Parcel Information

PARCEL	NAME
7610001	HAKALA JODY DEAN

File Name: BOA-21-005

Zone Map No. --

Date: August 13, 2021



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
9 (719) 520-6600



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Hudnall Custom Builders, LLC

rick@hudnallhomes.com
3226 Hearthridge Circle

(719) 331-0286
Colo Spgs, CO 80918

OWNERS: JODY D & SYLVIA L HAKALA

719-649-5575

ADDRESS: 11390 VALLE VERDE DR
COLO SPGS, CO 80926

jdhak10@yahoo.com

LEGAL: LOT 19, VACATION & REPLAT OF LOTS 17,
18 & 19, BLK 2, RED ROCK VALLEY ESTATES

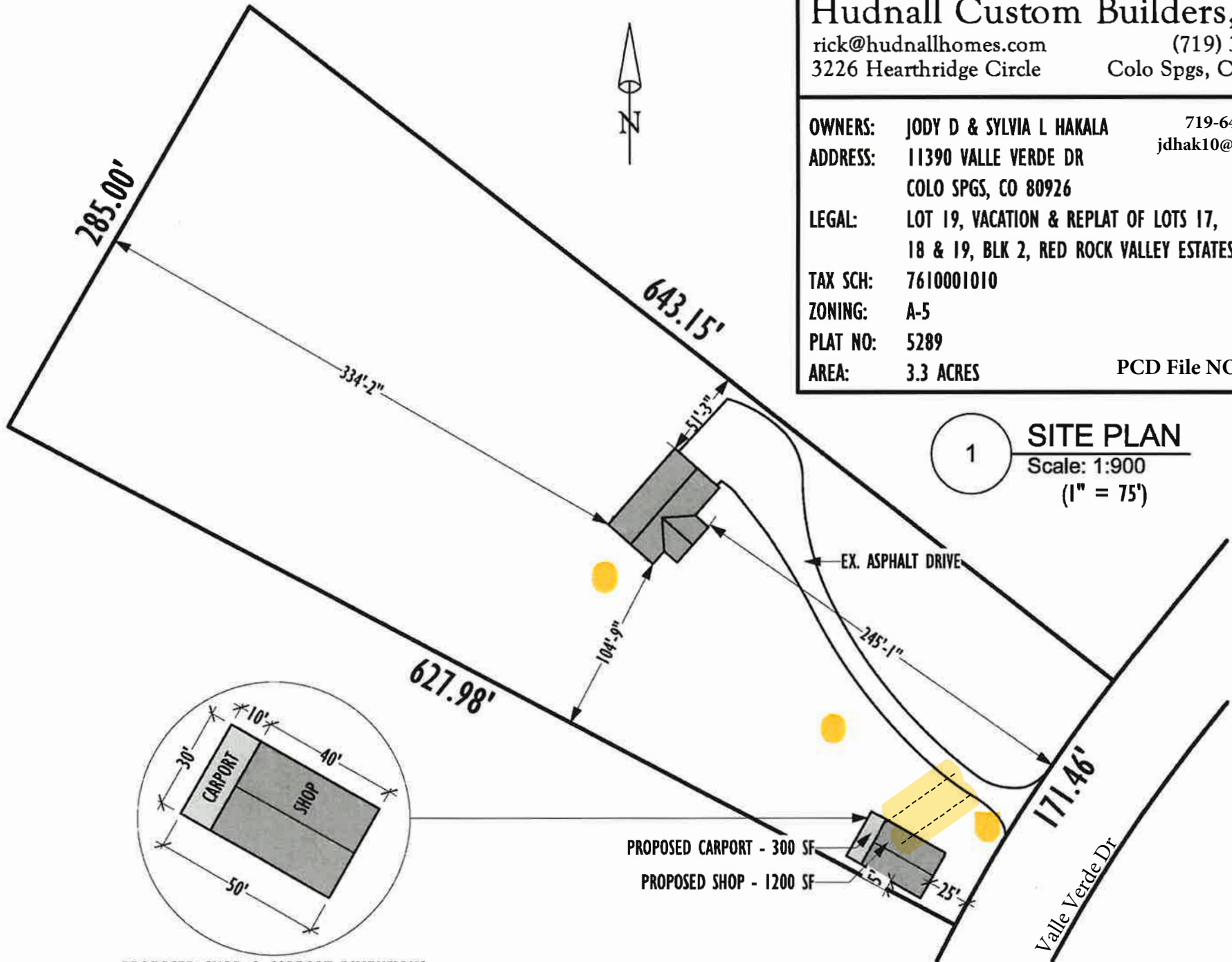
TAX SCH: 7610001010

ZONING: A-5

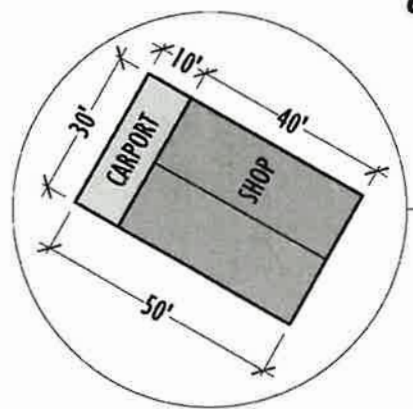
PLAT NO: 5289

AREA: 3.3 ACRES

PCD File NO. BOA215



1 **SITE PLAN**
Scale: 1:900
(1" = 75')



PROPOSED SHOP & CARPORT DIMENSIONS

PROPOSED CARPORT - 300 SF
PROPOSED SHOP - 1200 SF

SITE PLAN DRAWING CHECKLIST

PROJECT NAME: 11390 Valle Verde Drive Colo Spgs Co 80926
 SUBMITTAL DATE: 7/15/21
 SUBMITTED BY: JODY HAKALA
 SUBMITTAL REVIEWED BY: _____

Site Plan

Site plans, to satisfy the submission requirements of a Board of Adjustment, shall be of a minimum size of 8½" x 11", drawn at a scale adequate to provide the required information clearly, and containing at a minimum the following:

- a. **Boundary Dimensions and size**
- b. **Adjoining property owners, uses and zoning**
- c. **All existing and proposed buildings and structures, easements, setbacks and roads, fully dimensioned**

STANDARDS OF SECTION 35.2 SITE MAP
DRAWING CHECKLIST

PROJECT NAME: 11390 Valle Verde DR. Co Spgs Co 80926
SUBMITTAL DATE: 7/15/21
SUBMITTED BY: JODY HAKALA
SUBMITTAL REVIEWED BY: _____

Site Plan

Site plans, to satisfy the submission requirements of nonconforming buildings, uses, lots or parcels, shall be of a minimum size of 8½" x 11", drawn at a scale adequate to provide the required information clearly, and containing at a minimum the following:

- a. Boundary dimensions and size and related graphic information
- b. Well and septic locations fully dimensioned. *NA*
- c. 100-foot radius of well entirely within the boundaries of the property. *NA*
- d. location of all wells and septic within 200 feet *NA*
- e. The location, if any 100-year floodplains and or slopes which exceed 30%. *NA*

