

September 30, 2017

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Property is only 2 acres.

Site Location: 1250 West Woodmen Rd
Size: 2.3 acres
Zoning: A-5

RE: Schaefer Letter of Intent for a Minor Use Variance for a 2nd Dwelling

Request:

We are requesting a permanent variance which would ~~To~~ allow us to rent one of the two existing houses on our property ~~so as and also~~ to have the ability to have family members ~~or other occupants~~ live in ~~the second home~~. ~~The variance is required because the property's current zoning does not allow more than one home on each lot. The property is located in Woodmen Valley on the north side of Woodmen Road, approximately ½ mile east of Peregrine.~~ ~~both houses.~~ ~~We are hoping the variance can be written in a way such that we are not required to renew the variance every few years and extends to future owners.~~

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 health, safety, or welfare of the inhabitants of the area and County.

When we bought the property the house was run down, had an ugly lean-to and was unattractive. We believe we have demonstrated our desire to have an attractive house for the neighborhood by tearing down old fencing and the lean-to and also stuccoing and roofing the house. ~~We believe we easily meet this requirement.~~ ~~A Pphoto of the house we want to rent (which is the one closest right down on to Woodmen Rd) is shown below:~~



The proposed use is compatible with the surrounding area because we are seeking to have an existing single family home occupied as a second home for family members or used as a rental

2 Acres of land

property. Single family use is a very low impact use that is identical to the use in the area surrounding our property, which is also comprised of single family homes. As the home size allows for occupation by a single family and is not large enough to be divided into any multi-family units, the use will be harmonious with the single family homes on adjoining property, in fact it will be identical. Importantly, the property contains 2.3 acres of land and the presence of a second home occupied as a single family residence on that amount of land will not be detrimental to the surrounding properties. This use will also not be detrimental to the health, safety, or welfare of the inhabitants of the area and County because it will utilize an existing structure for the exact same use as the surrounding area and the use will not cause any detrimental health impacts as the home complies with all required health and safety codes as it has been issued a certificate of occupancy.

Further, the use will not negatively affect safety of the occupants, the other inhabitants of surrounding properties or inhabitants of the County in general because of the low impact nature of the single family home use, the property's current compliance with County occupancy, health, and safety requirements, the very good line of sight visibility of the home and driveway for both vehicles approaching the property on Woodmen Road from each direction and for drivers of vehicles exiting the property, and the fact that the driveway has been in that location for decades and is well known to travelers along Woodmen Road.

The homes to the South (just on the other side of Woodmen Road) are all in a much higher density subdivision with a unit density of many units per acre. Thus, this unit per acre density of 1 unit to 1.1 acres is not injurious to those neighboring homes either. See attached image.

Finally, the property is not far to the East of the Peregrine subdivision which subdivision is comprised of single family homes in a much higher density development with smaller, city sized lots. Therefore the fact that the two homes will, on average, be each occupying over an acre of land is in keeping with the surrounding area in general and is still a significantly lower density than the homes not far to the West, especially the homes in Peregrine closest to our property which are higher-density patio style homes at the entry to Peregrine.

1 unit per acre.

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.

~~We do not see any issue meeting air, water, odor or noise standards. We live behind this house in the second house on the property and we do not want a noisy neighbor.~~

This requirement is already met as the variance is for a property with a completed home and thus there will be no construction that can violate such standards. Furthermore, the home has been occupied in the past pursuant to a variance granted to the prior owner by the County and so the continued use of the home for single family occupancy means it will remain in compliance with all required County, State, and Federal air, water and environmental regulations in the future.

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.

~~* We see no issue meeting this.~~

Once again, this requirement is already met as the variance is for a property with a completed home that has been occupied as a second home in the past pursuant to a prior variance. If granted, we will limit the property to the existing single family use in perpetuity and thus ongoing compliance with the regulatory scheme will be assured.

The proposed use will not adversely affect wildlife or wetlands.

~~* We see no issue meeting this.~~

The property slopes gently upwards from Woodmen Road and contains no natural waterways or courses, ponds, or wetlands that could be affected if the variance is granted. Wildlife will not be affected in any manner by the variance as the home has been in that location for a significant period of time, the home has been occupied in the past and such occupancy has not negatively or adversely affected wildlife, and there will be no new construction and so no disturbance of any natural habitat of the area wildlife. A continuation of the same use in the future will not be detrimental to area wildlife.

The applicant has addressed all off-site impacts.

* One existing driveway passes by both houses on the east side and provides access to Woodmen Road. There will be no off-site impacts from an approval of this variance as no construction is required since the home is complete and thus construction traffic will not be an issue, no curb cuts or access approvals are required due to this existing driveway that provides access to and from a public thoroughfare to the home, enumeration has approved the addresses and the postal service is aware of the two homes and mail delivery is not a problem, all utilities are already located inside the property boundary which obviates the need to access utility lines in Woodmen Road or otherwise, the use will not burden utility providers, and the fact that the low impact use will generate very few additional vehicular trips per day on Woodmen Road and so will not impact traffic flow.

The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening and landscaping.

Because the property is located in Woodmen Valley, which is a rural environment, and this application is for use of an existing second home and is not a commercial project, some of these requirements do not apply as much in this case as they would normally apply in commercial or large scale, high density residential projects. There is adequate parking as 2 or 3 cars can be easily parked on the east side of the house on an existing concrete & blacktop pad. Turning around in this same area can be easily done so cars can enter Woodmen Road with the car nose first and no cars will need to back onto Woodmen Road. For these reasons, and because this is an existing single family home, traffic circulation is adequate.

Furthermore, this particular application does not require any open space dedication as the home is a permitted home that has been lawfully occupied in the past. Any fees in lieu of an open space dedication were paid long ago. The property will continue to contain significant open space in keeping with surrounding properties as the developed footprint of this home is negligible compared to the 2.3 acre parcel size. Fencing is not required nor desired in the neighborhood or on this site and there are no utility installations or trash receptacles that require screening per County codes.

The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or ~~OR~~ undue hardship.

** Our situation is peculiar in the following ways:*

- 1) When we bought the property it had been vacant for a couple years (we were not able to talk to the prior owner) and it was a bank owned property (the bank gave us no info about the property).*
- 2) We believe we are proposing what we believe is the best use of the second house....let some family live in it.*
- 3) We didn't cause this problem but we are trying to fix it.*
- 4) We believe our proposal supports a trend toward multi-generational living.*
- 5) We believe we are turning a problem (2 house on one lot) into a asset for the neighborhood.*

The strict application of the Code, to deny two homes to be occupied on this parcel of land, would in fact lead to significant undue hardship. This is a *peculiar* situation because there are already two houses on the property and they have existed for about 20 years. If the variance is not approved, there are really no good options. The home would have to be left vacant and that would invite vandalism and crime as word got out that the home was unoccupied and, as it is located a good distance from our home it cannot be easily monitored. See attached image showing the homes as located on the property. The home could also be used for storage, but that also invites vandalism and crime and maybe even more so, as people could be tempted to break in to see what is being stored and steal items if they have any value. It could become a blight on the neighborhood.

The other alternative is tearing the home down but that would create significant and unnecessary pollution control requirements during demolition, significant and unnecessary costs to us, an increased but avoidable burden on the roads, infrastructure, and landfill sites, and most importantly, a huge amount of social waste as a perfectly good home, suitable for occupancy for decades to come, would be needlessly torn down. That is an undue hardship on us as well as the County and the City of Colorado Springs.

On the other hand, approval of the variance would turn the current situation, (2 houses on one lot), into an asset for the neighborhood by making -the best use of the second house...letting a family live in it. With the aging population, approval of the variance would also support the national trend toward multi-generational housing units. A family could live in the main home while a parent or special needs family member could occupy the home that is the subject of this request and, while still living independently, that parent or individual could be safely monitored by being in close proximity to family. Approving the variance is strongly supported on this basis as it would avoid the significant undue hardship of a denial and the loss of a dwelling unit to vandalism, crime, or demolition.

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.

** Both houses have their own electricity line (with meter) to Colorado Springs Utilities.*

** Both houses have their own gas line (with meter) to Colorado Springs Utilities.*

** Both houses are on one sewer line going to the city sewer system (neither house is on a septic system).*

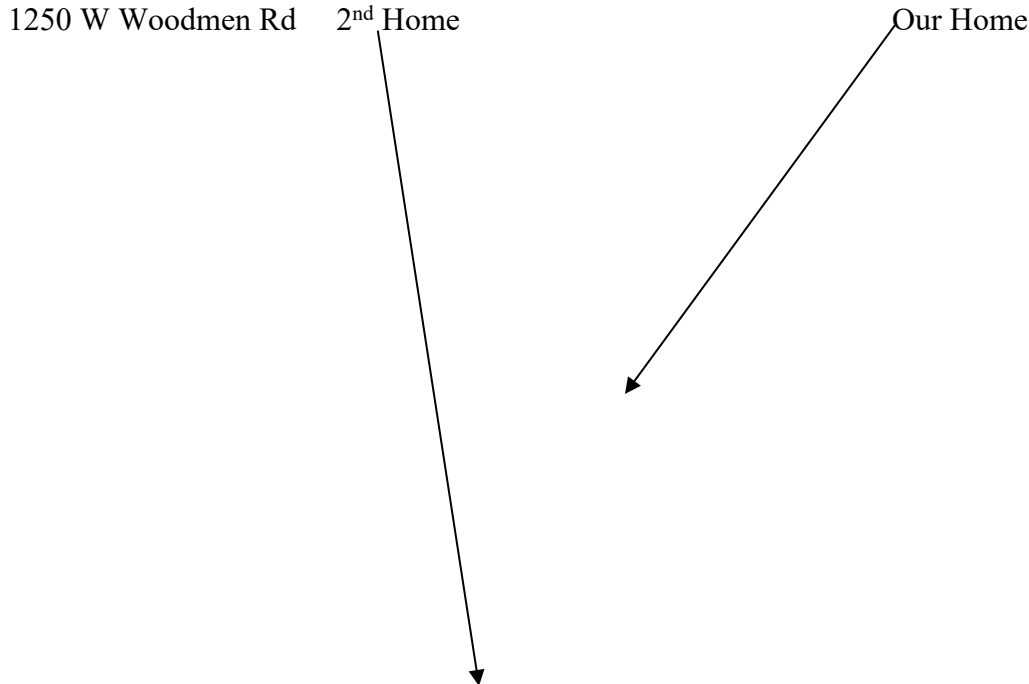
** Both houses are on one water line drawing water from Colorado Springs Utilities system. We do not currently use nor have plans to use the permitted well on the property.*

The home that is the subject of this variance request has existing water, sewer, gas and electric services already provided by Colorado Springs Utilities and these utility services are adequate for future occupancy as would be allowed by an approved variance.

Because the variance applies to an existing home in a rural environment, and the developed footprint is nearly completely inconsequential as a percentage of the overall drainage area, there will be no new impervious surfaces that will modify the existing drainage and so the proposed use will not negatively affect storm water drainage nor require the installation of any storm water drainage infrastructure. The volunteer firehouse is a few hundred feet to the East on Woodmen Road and the property is easily accessed by City fire department personnel from the firehouse located a few miles to the northwest, close to the corner of Vindicator Drive and Centennial Blvd.

The home is located along the north side of Woodmen Road and police protection is more than adequate. The only road needed to provide access to this property is Woodmen Road which is already constructed and thus is available and adequate to serve the use of the home that is the subject of this request.

In summary, this request meets all of the criteria for approval. This is a unique property offering a chance for an existing and beautiful home to provide for third party, family, or extended multi-generational family housing in a rural setting. The social benefits of an approval significantly outweigh the loss of a perfectly good home that, while technically not being in compliance with the current zoning requirements, is not a detriment to the surrounding property owners, not a detriment to the County nor to wildlife or to the environment, and which poses no additional demands on County resources.





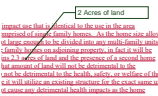
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Property is only 2 acres.



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2 Acres of land



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1 unit per acre.