

## Variance of Use

### Mountain Splendor Application – 2020

VA -19-008

-When Dan Combs/ Mountain Splendor first sought a variance to their A-5 Zoning in 2017, they were not in compliance at that time to A-5 Zoning regulations for their property.

-After the variance was approved in 2018, they never fully complied with the requirements set forth by the BOCC to keep that variance and they were not in compliance with zone regulations for their type of property.

-After their variance was revoked in September 2019, they never once became compliant to A-5 zoning.

And now they are once again seeking a variance.

If anyone thinks Mountain Splendor will suddenly start complying with any zoning regulations or variance requirements, the historical evidence is not being taken into consideration.

\*Quail Brush Creek Filing 2 was approved by the City of Colorado Springs in September of 2015 – A neighborhood street was already paved and there was no evident contractor's work being done at Mountain Splendor and The people buying homes in this neighborhood were told that it was zoned for Agriculture. Mr. Combs did not acquire this property from his brother until April of 2016.

Exhibit A - 2015 map of Mountain Splendor and Quail Brush Creek

Exhibit B – 2017 map of Mountain Splendor and Quail Brush Creek

Exhibe C – Quail Brush Creek Filing 2

**Since the residential area adjacent to his property had already begun development and was completed long before Dan Combs applied for his first commercial variance, the neighborhood should have precedence.**

If Mountain Splendor had been a noisy, junky commercial business at time I started building my home in early 2016, I would not have bought a home here. This neighborhood has a right to quiet and peaceful enjoyment of our homes, which is nearly impossible when there is a loud junk yard in your back yard.

Additionally:

One of the requirements of Mountain Splendor receiving their variance was that they were to have a large storage building on their property properly permitted. They never did and this was one reason that their variance was revoked. However, in July of 2020, they decided to try and get it permitted as a residential garage, since it could not be permitted any other way. **And they are now using a residential detached garage for their commercial business.**

Exhibit D – Residential Detached Garage.

Here's a comment from code enforcement about this garage

EPC Code Enforcement

LOI mistakenly says they are requesting a "renewed approval". This should be reworded.

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Verification of building permit for the accessory structure is needed. Clarification is needed to ensure the permit is for a structure used for a commercial business.

Regarding the screening requirement under section 6.2.2(D)(2)(c), Opaque Fencing or Wall Required, of the Land Development Code. The trees that this property owner was allowed to plant in lieu of the Land Development Code requirement- do nothing to actually screen the property.

Waiver(s): A waiver has been requested for the screening requirement under section 6.2.2(D)(2)(c), Opaque Fencing or Wall Required, of the Land Development Code. Instead of constructing a fence or wall, the applicant is proposing to plant fifteen (15) 10 foot tall Austrian Pines along the southern border for screening. The fifteen (15) 10 foot tall Austrian Pines will be in lieu of the required six (6) foot opaque fence and are intended to create a buffer between the proposed non-residential and the adjacent residential uses.

**Those trees provide zero coverage between the neighborhood and Mountain Splendor Services.**

-The walking path runs between the Quail Brush Creek neighborhood this commercial business. Small children play and ride their bikes on this path.

-The noise and bad appearance of this business is a definite deterrent for anyone seeking to buy a home that backs up to it. It negatively affects home prices in this neighborhood.

-This was a comment by Code Enforcement- Nothing has changed since the day this was written – further evidence that this business has never and will never

comply with el paso county zoning rules or regs.

EPC Code Enforcement

Vehicles/trailers unrelated to the business (collectors' vehicles), truck bed, and horse trailers are being stored on the property. Site plan indicated water tank is to be moved by June 2018. The tank appears to still be onsite. Limit should be placed on distance materials can be pouring out of the bins.

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I ask you to please consider this information and the fact that the plans for this residential neighborhood were signed by the City of Colorado Springs and construction begun prior to them seeking a commercial variance – and deny this variance once and for all.

Thank you!