

Letter of Intent

6 October 2020

Owner/Applicant (including addresses and telephone numbers):

- 1) Owner: Dan Combs; 7205 Maine Lane, Colorado Springs, CO 80923; 719-495-2877
- 2) Applicant: Dan Combs; 7205 Maine Lane, Colorado Springs, CO 80923; 719-495-2877

Site Location, size, and zoning:

The subject site is located at 7205 Maine Lane, approximately 0.3 miles south of Woodmen Road at the southern terminus of Maine Lane. The approximately five-acre property is in El Paso County, Colorado and is currently zoned Agricultural, A-5, CAD-O.

Request and justification

Dan Combs, owner of Mountain Splendor Services, Inc., requests approval of the following application:

1. A Variance of Use in the Agricultural Zone District (A-5) for a Contractor's Equipment Yard for an existing landscape business which consists of a residential building, outdoor and indoor storage of landscape equipment and materials, vehicles and ancillary tree nursery.

Variance of Use Criteria

In approving a variance of use, the follow criteria may be considered:

1. The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
 - a. According to Land Development Code 1.10.6, Permits Issued Before the Effective Date of this Code: Any building, sign or structure for which a building permit was duly issued before the effective date of this Code or any subsequent amendments to the Code may be completed in conformance with the issued permit, even if the building, sign or structure does not fully comply with provisions of this Code or any subsequent amendments to the Code. If construction is not commenced or completed in accordance with the applicable permit terms, the PCD Director may, upon receipt of a written request and payment of the required fee, grant one 6-month extension for good cause shown. If the building, sign or structure is not commenced or completed within the time allowed under the original permit or any extension granted, then any building, sign or structure shall comply with the requirements of this Code or any subsequent amendments to the Code. Nothing in this subsection is intended to restrict otherwise applicable vested applicant rights. Any expansion in size of an approved existing structure shall comply with this Code for the modification area.
 - b. Based on the fact that the residence located on the property was erected in 1972 and the equipment storage shed was constructed on/about June 2003 – at which times both structures met County, State and federal requirements – the strict application of current Code would result in a peculiar and exceptional practical difficulties as well as undue hardship. With that said a building permit for the maintenance building had been obtained from Pikes Peak Region Building Department (PPRBD)
2. 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.

- a. Mountain Splendor is compatible with the surrounding area on Maine Lane as there are other properties on Main Lane that are zoned the same as this site and several other instances of operating landscaping companies.
3. 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.
 - a. There are no pending construction projects and the activities conducted on the site in relation to the landscape business do not produce pollutants or noise that would violate the relevant codes.
4. 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.
 - a. With the granting of the Use Variance the proposed use will comply with all applicable requirements of the El Paso County Zoning Code and applicable County, State and Federal regulations.
5. The proposed use will not adversely affect wildlife or wetlands.
 - a. As noted on the site plan, the marsh area is clearly defined and will not be disturbed. Further fencing of the site is limited thus allowing for wildlife to transit the site.
6. The applicant has addressed all off-site impacts.
 - a. Offsite impacts, including traffic, visual and noise are minimal and do not pose any adverse issues. Traffic to and from the site is by employees of the landscape business and few visitors. A grand majority of the work accomplished by the business is off site. There are no existing or proposed activities on the site that exceed any noise limitations. There are no nighttime activities on the site. Alternative visual screening of the site was provided by plantings (trees) in accordance with the prior approved sight plan (now expired). This request asks that the alternative compliance to a solid privacy fence in the form of planting be renewed.
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping.
 - a. The site plan for this Variance of Use application provides for adequate off-street parking.
8. 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.
 - a. This Variance of Use application has already received recommended approval from Colorado Springs Utilities and EPC Health Department. Fire protection, police protection, and roads are available and adequate.

The request was initially approved by the Board of County Commissioners of El Paso County, Colorado on 27 February 2018 by Resolution No. 18-079. Said approval was subject to the following conditions, among others:

1. Submit a site development plan for review within 60 days from date of approval.
 - a. A Site Development Plan was approved on 9/27/18 satisfying this condition.
2. Submit all necessary applications for building permitting within 60 days from date of approval.
 - a. Plans submitted to Pikes Peak Regional Building Department on 8/8/19 were disapproved on 8/12/19.
 - b. The process to obtain building permits was much more difficult than expected due to the age of the building and changing from residential to commercial. As a result, we contracted Daystar Construction as the General Contractor, two engineering firms, and

a commercial architect. However, the volume of construction going on in El Paso County added to the time delay in meeting the required conditions. All plans/permits submitted to Pikes Peak Regional Building Department have been rejected.

Existing and proposed facilities, structures, roads, etc.

No changes from initial submittal.

Waiver requests (if applicable) and justification

There are no applicable waiver requests.