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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of Adjustment
Kevin Curry, Chair

FROM: Ashlyn Mathy, Planner I
Carlos Hernandez, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: BOA-23-003
Project Name: 8310 Lodge Grass Way - Patio rear setback
Parcel Number: 5233201037

| OWNER: | REPRESENTATIVE: |
|--|---|
| Gene Roschewski 8310 Lodge Grass Way Colorado Springs, CO 80908 (801) 391-3066 Eer205feb@gmail.com | Munson Construction 4665 Shady Lane Colorado Springs, CO 80908 (719) 600-7209 Bryan@MunsonConstructionLLC.Com |

Commissioner District: 2

| | |
|--|------------------|
| Board of Adjustment Hearing Date: | 6/28/2023 |
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EXECUTIVE SUMMARY

A request by Munson Construction for approval of a Dimensional Variance for an attached patio cover, to allow rear setback of 13 feet where 25 feet is required in the RS-5000 (Residential Suburban) zoning district. The 0.18-acre property is located 0.03 miles from the intersection east bound on Lodge Grass Way, El Paso County, Colorado.

A. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2022), 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.
2. The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.

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;

1. The variance provides only reasonably brief, temporary relief; or
2. 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
3. Some other unique or equitable consideration compels that strict compliance not be required.

B. BACKGROUND

The subject property was initially zoned RS-5000 (Residential Suburban) on September 20, 1965. This property was proposed to be platted and went to the May 19, 2020, Planning Commission and the June 9, 2020, Board of County Commissioners hearings. The plat was approved as "Branding Iron at Sterling Ranch Filing No. 2" and can be found under El Paso County EDARP file number SF-19-018. The owners of the property proposed an attached cover to go over the patio in their backyard, however due to the

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cover extending into the setback of the zoning district, they initiated the Board of Adjustment application process.

C. ALTERNATIVES EXPLORED

There are 2 alternatives that would not require a dimensional variance request:

1. The applicant could cease further development at the subject property.
2. The applicant could propose a smaller deck in the backyard.

D. LOCATION

| | | |
|--------|--------------------------------|---------------------------|
| North: | RS-5000 (Residential Suburban) | Vacant Land |
| South: | RS-5000 (Residential Suburban) | Single Family Residential |
| East: | RS-5000 (Residential Suburban) | Single Family Residential |
| West: | RS-5000 (Residential Suburban) | Single Family Residential |

E. SERVICE

1. WATER

Water is provided by Colorado Springs Utilities

2. WASTEWATER

Wastewater is provided by Colorado Springs Utilities

3. EMERGENCY SERVICES

The parcel is located within the Black Forest Fire Protection District. The District was sent a referral and has no outstanding comments

F. ENGINEERING

1. FLOODPLAIN

The FEMA Firm number corresponding to the parcel is 08041C0533G with an effective date of December 7, 2018. Based on the FEMA Firm number and analysis the parcel itself is in FEMA Flood Zone X. The applicant’s proposed patio and reduced setback is not anticipated to adversely impact floodplains in the area or be affected by flood hazards.

2. DRAINAGE AND EROSION

The parcel is in the Sand Creek Drainage Basin. This drainage basin is a studied basin and has corresponding basin and bridge fees associated with improvements done

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within the basin. Based on the applicant's letter of intent the parcel's impervious area is not increasing as the proposed attached patio cover will be the same size as the existing concrete patio. The applicant has further stated that the proposed structure will not adversely impact adjacent properties or existing stormwater runoff.

A grading and erosion control plan is not required with this application as the land disturbance is less than 1 acre. Drainage fees are not assessed with non-platting applications.

3. TRANSPORTATION

The parcel is adjacent to and obtains access from Lodge Grass Way which is a county-maintained urban-local roadway. The 2016 El Paso County Major Corridors Plan Update does not show roadway improvements to Lodge Grass Way. The property has an existing driveway access permit with the county on file, AP21195. The proposed attached patio cover is not anticipated to impact the roadway nor generate additional vehicular traffic to the parcel. Road Impact Fees as described in Resolution 19-471 are not assessed with this application since no additional vehicular traffic is being generated and there is no change to the existing land use.

G. RECOMMENDED CONDITIONS OF APPROVAL

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a Dimensional Variance for an attached patio cover encroaching into the rear setback of 13 feet where 25 feet is required, and that the applicant has met the review and approval criteria for granting variances from the applicable standards, staff recommends the following conditions and notations of approval:

CONDITIONS

- 1.** The approval applies only to the plans as submitted. Any expansion or additions to the proposed attached patio cover 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 an attached patio cover by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department is required prior to construction of the attached deck.

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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.

H. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 23 adjoining property owners on 6/8/2023, for the Board of Adjustment meeting. Responses will be provided at the hearing.

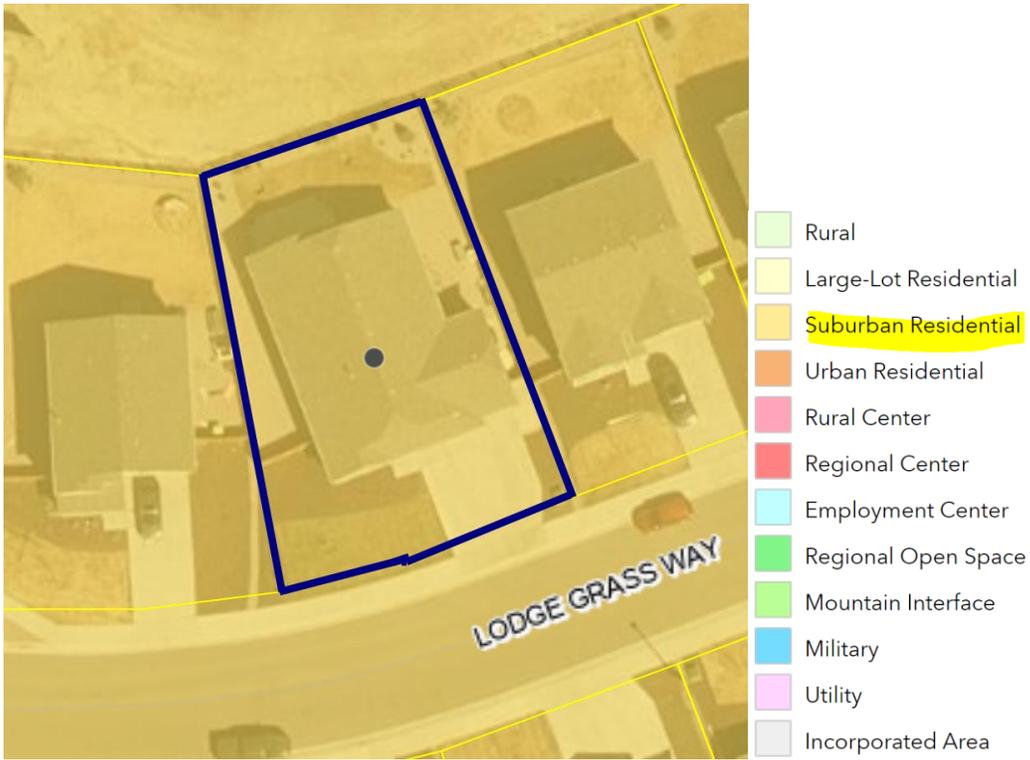
I. ATTACHMENTS

Map Exhibits
Letter of Intent
Vicinity Map
Site Plan



Map Exhibit (BOA-23-003)

Placetype Area Map:



Area of Change Map:



Key Area Map:



- Military Installations
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Field
- Uncommon Natural Resources

Letter of Intent Munson Constructin

Owner

Gene Roschewski
8310 Lodge Grass Way
Colorado Springs, Co 80908
(801) 391-3066
Eer205feb@gmail.com

Applicant

Munson Construction
4665 Shady Lane
Colorado Springs, CO 80908
(719) 600-7209
Bryan@MunsonConstructionLLC.Com

Site Location

The site of this Board of Adjusters request is at 8310 Lodge Grass way. The parcel is a single family residence located on a .17 acre parcel. The property has one single family ranch style home. The rest of the property is primarily covered with grass and hardscapes. Three sides of the home are fully fenced. There are adjacent neighboring homes on both sides of the property as well as an open space located behind. The proposed structure will not adversely impact adjacent properties or existing stormwater runoff patterns.

Request

Munson Construction is proposing the building of an attached patio cover at 8310 Lodge Grass Way in Colorado Springs, Colorado. The new patio cover will match the existing style of the home to include (siding, roofing, paint, gutter, ect). This letter is to inform you that the new cover will encroach on the 25' setback along the back of the property. New patio covering will be approximately 13' from the back property line. Based on current set back requirements this project will need to be brought to the board of adjustment in order to receive clearance in order to pull a permit through PPRBD. The existing concrete patio is the same footprint as the proposed structure. The size of the slab is too big to build a detached patio covering as a permit would also be required due to square footage. At this point due to the homeowners request for the size of the covering there is no feasible alternative other than getting a variance. Thank you for your time, have a great day. We are seeking Permanent Administrative relief.

- The back yard is small and the back of the house is already close to the minimum setbacks. Due to this fact we are asking for permanent administrative relief.

- The homeowner is requesting the covered patio to help keep the sun off the back porch for comfort as well as to help keep the porch dry during the rain. Due to the back porch being the primary area for backyard leisure this is the only spot that makes sense to put the patio cover.

Bryan Munson
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4/24/2023

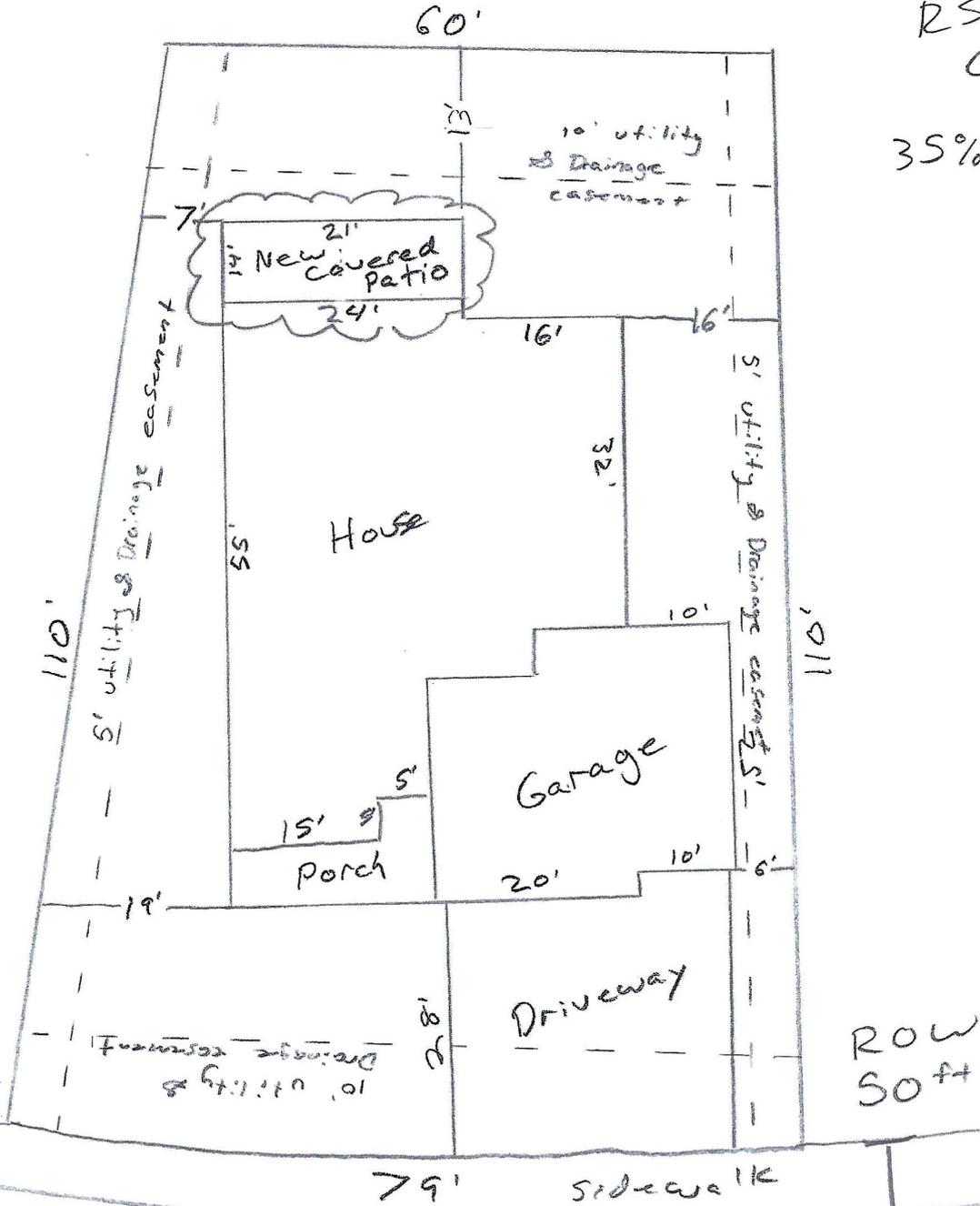
Residential

0.17 Acres

RS-S0001

CADO

35% Coverage



Patio Cover Lodge Grass way

- 8310 Lodge Grass way
Colorado Springs, CO 80908

Gene Roschewski

