



September 21, 2020

Ryan Howser  
El Paso County Planning and Community Development  
2880 International Circle  
Colorado Springs, CO 80910

RE: Letter of Intent - Variance of Use Application for a Proposed Private Event Center at  
6275 N. Meridian Road, Peyton, CO 80831  
Parcel No. 4318000028  
David and Cindy Smallidge

Dear Mr. Howser,

Mr. and Mrs. Smallidge own the property at the referenced address. They have hired DKHorn Engineering & Design, Inc. as a consultant for their proposed project, which will be discussed later in this letter. Refer to contact information below.

Site Information:

This site consists of 41.92-acres and is zoned RR-5 (Residential Rural). It is located at the southeast corner of Meridian Road and Falcon Hwy, approximately 1.1 miles east of Hwy 24. The properties surrounding the site are also in residential rural districts. Falcon Elementary lies directly across Falcon Hwy to the north of the site. A single-family residence lies east of the site more than 200 feet from the property line. The homes south and west of the site lie on 30-acre parcels. Refer to the Vicinity Map and Aerial Proximity Map attached in Exhibits A and B, respectively. The structures existing on the site include a 2600-sf single-family home, agricultural barn and storage structure, and horse arena as well as dirt/gravel driveway providing access from Falcon Hwy. These structures lie within the northeast corner of the parcel.

Request:

The request is for Variance of Use to allow a community building on site, which is allowed per the El Paso County Land Development Code in Zone RR-5 with approval of the special use. The Smallidge's would like to construct a 60' x 40' gambrel style building north of the home and arena. This community building will be metal building construction with height at the peak of approximately 25'-6". The entire 2400-sf building will be used for the purpose of private and non-profit events. The building will encompass two handicap-accessible restrooms (men's and women's), drinking fountains, a bar area and a stage. The remaining interior space (approximately 1778 square feet) will be open for seating and dance floor.

This sentence is not accurate. The use would only be allowed with approval of the variance of use request.



There will be no food preparation performed onsite. Food and beverages will be provided by catering services. Caterers and other vendors will park on the paved driveway just north of the house.

Access:

Access will be provided by a driveway from Falcon Hwy in the same location as the existing access. The first 50' (minimum) will be paved as required by El Paso County. This access will be used by guests, vendors, and caterers as well as the Smallidges, who reside on the site.

These two criteria would be a good place to mention your landscaping / screening initiatives to minimize off site impacts

Justification for Request:

Per El Paso County Use and Dimensional Standards Section 5.3.4(C) the following criteria may be considered for approving a variance of use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- 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;
- 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;
- 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;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or El Paso County, Colorado Land Development Code Use and Dimensional Standards – Chapter 5-Page 146 Effective 01/09/2018
- 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.

These criteria are addressed as follows:

- The request is to erect a small building for a non-profit business that will hold small community events to raise money for other non-profit organizations. Due to the current social conditions and its affects on our economy, donations are down and non-profits are struggling. Dave and Cindy want to reach out to their local non-profits by assisting them financially.
- The proposed use is compatible with the surrounding area and harmonious with the character of neighboring rural structures. The venue will be constructed to aesthetically resemble a barn, which will fit in well with the surrounding rural residential parcels. In addition to aesthetics, the proposed venue will not adversely affect the health, safety, or welfare of

See comment on last page.



surrounding property owners.

- There will not be any activities within or around the venue that would result in air or water contamination, odor, or noise. The venue will be used both inside as well as outside primarily during summer weekends and will not extend later than 10:00 pm. Music, dancing, announcing, etc. will be strictly indoors. Outdoor activities will be limited to seating. The anticipated maximum number of guests at any event held on site is between 80 and 100 people. There will be no more than 100 trips (50 vehicles into and out of the site) per event. Refer to the Aerial Proximity Map in Exhibit B. The proposed venue is not located closer than 300' to any of the surrounding residences or facilities. In addition, the venue will be used on weekends and no later than 10:00 pm. Therefore, noise should not be an issue. However, the Smallages are willing to construct a decorative wall, if necessary, for noise mitigation.

Refer to the FEMA Firmette map in Exhibit C. Although there are areas of the site that lie within a flood zone (Zone A), the area in which the proposed venue and parking lot will be located is outside the flood zone.

- The proposed use will comply with all applicable requirements within this code as well as state and federal regulations that apply.
- The proposed use will not adversely affect wildlife or wetlands. An existing drainage ditch conveys stormwater across the site from a culvert beneath Falcon Hwy to a small dam on the property adjacent to the south. A small pond exists near the northwest corner of this site, which also discharges to the offsite dam via another small ditch. Both waterways lie within Flood Zone A. Refer to Exhibit C. Neither of these waterways will be affected by the proposed venue. The venue as will lie in the northeast area of the site and the existing driveway will be utilized as described above. No land or vegetation south or west of the driveway will be disturbed. The area north and east of the driveway that will be disturbed currently has no trees or wetlands – just grasses and native ground cover. Therefore, all construction and use of the proposed venue will take place out of wetland areas and will not adversely affect wildlife.

The Owner's will ensure that all trash and debris resulting from any event are collected and disposed of properly. Similarly, during construction the Contractor will practice standard construction erosion & sediment control measures as well as on-site waste management during construction.

- There are no known off-site impacts. As discussed above, due to the rural nature of the area surrounding neighbors will not be impacted.
- The site plan includes adequate parking and traffic circulation as well as appropriate landscaping. A parking lot will be provided to include one handicap accessible space and 23



regular parking spaces. Per the El Paso County Land Use Code Table 6-2, the required number of parking spaces for an “Auditorium or similar place of Public Assembly” is one per 100-square feet of floor area. The open/seating space consists of approximately 1778 square feet, which results in 18 minimum required parking spaces. Therefore, the proposed parking lot will be more than adequate to accommodate the facility’s needs. The Owners have hired CS Apex Landscape Design to prepare a landscape plan to comply with El Paso County requirements.

- An onsite wastewater treatment system (OTWS) has been designed (by others) to accommodate the wastewater demand resulting from the venue. Water will be adequately provided from existing on-site source. The area around the new structure will be graded to properly drain stormwater away from the building. As mentioned above, stormwater management practices will be utilized to prevent erosion or sediment issues. First responders will have clear access to the proposed venue as well as other existing structures on site.

Thank you for your consideration and please do not hesitate to contact me with questions.

A handwritten signature in blue ink that reads "Darlene K. Horn". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Darlene K. Horn, P.E.  
President

**Owner/Applicant**

David and Cindy Smallidge  
11955 Falcon Hwy  
Peyton, Colorado 80831-8161  
719-351-3570  
[Movnon7@hotmail.com](mailto:Movnon7@hotmail.com)

**Consultant**

Darlene K. Horn, P.E.  
DKHorn Engineering & Design, Inc.  
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Pueblo, Colorado 81006  
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Regarding the declaration of hardship:

A hardship arises when the application of the Code is unreasonable or unnecessary as it applies to the request, because the Code creates a situation that is unusual for the surrounding area, thereby justifying why strict compliance need not be required.

The variance process is not an avenue for relaxing the standards of the Code, but is applied in instances where there are exceptional practical difficulties in applying the Code. The intent of the Code still needs to be met. The Board of County Commissioners (BOCC) does not consider financial situations as a valid hardship. The desire to establish a use that is outside of the appropriate zoning district is not a justification in itself, and as such will not be supported by BOCC.

Please explain why there are no valid alternatives (rezoning, finding a suitably zoned property for the business, etc.) and why the strict application of the Code is resulting in a peculiar or exceptional situation.