

# Letter of Intent

## Owner:

Dan and Beth Balch  
11925 Milam Road  
Colorado Springs, CO 80908  
(719) 495-5862

## Applicant:

Chuck Runge  
Runge Architecture  
5315 Germaine Ct.  
Colorado Springs, CO 80919  
(719) 260-0039

## Site Location

11925 Milam Road  
Colorado Springs, CO 80908

Size: 60 acres

Zoning: RR-5 (no change)

Tax Schedule Number: 62130-00-060

Legal Description: TR IN S2 SEC 13-12-66 DESC AS FOLS: COM AT W4 COR OF SD SEC 13; TH N 89<18'00" E ALG N LN OF S2 OF SD SEC 13 30.00 FT FOR POB, TH CONT N 89<18'00" E 3107.43 FT, S 01<00'54" E 992.56 FT, S 89<26'53" W 489.85 FT, N 01<00'54" W 3.97 FT, S 89<18'00" W 2586.96 FT, TH ALG ARC OF CUR TO L HAVING RAD OF 455.71 FT A C/A OF 00<12'23" AN ARC DIST OF 1.65 FT WHICH CHORD BEARS N 00<56'21" W A DIST OF 1.65 FT, N 01<02'35" W 494.24 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 764.20 FT A C/A OF 08<37'36" AN ARC DIST OF 112.35 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 112.24 FT, N 09<40'10" W 91.97 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 686.20 FT A C/A OF 08<37'36" AN ARC DIST OF 103.32 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 103.22 FT, N 01<25'35" W 185.85 FT TO POB, EX THAT PART PLATTED TO PLUMBLINE SUB FIL NO 1 (62130-04-001) & 62130-00-060

Existing use: There is an existing single family 2 story residence (3,062 s.f. main floor, 1,132 s.f. second floor, 2,902 s.f. basement, 989 s.f. attached garage). Existing detached garage/shop 2,400 s.f., existing driveway, well septic.

Proposed use: New construction of Second Residence (approximately 3,000 s.f. main level, 750 s.f. garage). The intent of the second residence is for permanent residence of extended family.

## Waiver Request

To permit a second residence on the property.

## Description:

The existing property is 60 acres of forested land. The existing main house is a two story

structure with a total finished space of 4,194 s.f. above grade and a finished basement that is 2,902 s.f. The existing house has an attached garage that is 989 s.f. Also on the property is an existing detached garage/shop building that is 2,400 s.f. The proposed new structure will be a residence for extended family members. The structure will be a single level on a crawl space with approximately 3,000 s.f. of living space. The residence will have an attached 2 stall garage.

**Justification:**

The proposed second residence will be located approximately 200 feet from the main house and will be over 600 feet to the west of Milam Road. It is a ranch style plan with a proposed calculated height of approximately 17'-3" which is well under the 30'-0" maximum. The relatively low height of the ranch style plan lessens the visual impact of the structure. The proposed residence has 2,979 sf living space (located all on the main level), 772 sf 2 Car Garage, 96 sf entry porch, 335 s.f. covered walkway and 690 sf covered rear patio/deck. The lot coverage of the house including living space, garage space, covered entry, and covered and uncovered decks is 4,872 sf which is 0.17% lot coverage. The total coverage of all structures including the proposed extended family residence is 12,286 s.f. The total proposed lot coverage is only 0.43% and is significantly less than the 25% lot coverage permitted by the Land Development Code.

**Satisfaction of Review Criteria:**

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

All of the adjacent properties are zoned RR-5 except for the property across Milam Road at the northwest corner of the lot which is zone RR-2.5. The latter property is 2.89 acres in size. The other adjacent residential use properties range in size from 4.69 acres to 35.97 acres with the majority of lots being approximately 5 acres in size. The lot immediately adjacent to the east is a conference center and is 359.85 acres in size. The 11925 Milam Road lot is 60 acres and is larger than all of the residential lots and is 12 times the size of the minimum lot requirement for the RR-5 zone and 24 times the size of the minimum listed in the Master Plan for Large-Lot Residential Placetypes.

The size, shape and dimension of the lot is unusual for the development and qualifies as extraordinary and exceptional conditions. The physical conditions of the property are not conditions that are general to the neighborhood or surrounding properties. Applying the requirements of RR-5 zone to this 60 acre parcel would result in peculiar and exceptional practical difficulties and undue hardship.

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:

The granting of the request for variance will not have an adverse impact on the surrounding properties. The proposed house will be in keeping with the scale of the existing and proposed homes in the immediate neighborhood. The entire structure is within all of the setbacks. The Land Development Code permits the construction of a detached or attached Extended Family Residence so the additional residence is in

keeping with the Code. The proposed second residence will be used as an extended family residence. The majority of the lots that surround the property are residential use therefore the proposed residential use is compatible with the surrounding area.

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:

The request for Variance is for the construction of a second single family residence which will be used as the permanent residence for extended family. The code already permits this condition (single family residence with an extended family residence). The residential use is the principal permitted use for the RR-5 zone. The plans for the residence will be in compliance with all of the adopted building codes and regulations. All other aspects of the Zoning Code remain unaffected and in force. The proposed construction and final residential use will meet all air, water, odor or noise standards established by local, State and Federal regulations.

4. The proposed use will not adversely affect wildlife or wetlands:

As part of the review process for the variance, the US Fish and Wildlife Department was sent the site plans for the proposed second residence. Mr. George L. San Miguel, Wildlife Biologist for the USF&W, stated "the Service has no concerns with this project resulting in impacts to species listed as candidate, proposed, threatened, or endangered". Mr. San Miguel noted that the proposed placement of the house was "elevated well above Kettle Creek and located among the pines". The proposed location of the residence will not adversely affect wildlife or wetlands. The site was also physically observed by Kraig Jashinsky, Regulatory Specialist for the Southern Colorado Branch of the US Army Corps of Engineers during a site visit on March 18. Mr. Jashinsky likewise noted that the site for the proposed house was well above the drainage basin and would not involve the discharge of dredged or fill materials into federal waters. Mr Jashinsky provided contact resources should any of the conditions change. The summary of the review stated that a Nationwide Permit verification letter would not be required prior to starting any work.

5. The applicant has addressed all off-site impacts:

The request for Variance is for the construction of a second single family residence which will be used as the permanent residence for extended family. The code already permits this condition (single family residence with an extended family residence). The residential use is the principal permitted use for the RR-5 zone. The plans for the residence will be in compliance with all of the adopted building codes and regulations. All other aspects of the Zoning Code remain unaffected and in force. The proposed construction and final residential use will meet all air, water, odor or noise standards established by local, State and Federal regulations. As stated in item 4 above, a representative from the US Fish and Wildlife Department as well as an in person visit from a representative from the US Army Corps of Engineers found no off-site impacts.

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

The existing driveway and access from Milam Road will remain in use and unaffected. The proposed second residence will not require modification to the existing driveway entrance from Milam Road. The proposed second residence will include an attached 2 car garage as well as an apron off of the driveway for proper vehicular maneuvering and guest parking. The proposed residence and associated parking area will not be visible from Milam Road or the adjacent residences. The existing paved driveway and entrance are located from Milam Road to the west and continues past the proposed site for the extended family residence and terminates at the main house. A gravel drive leads from the existing house to a detached shop/garage to the norther east of the house. The proposed residence will have a paved driveway that joins the existing driveway at a right angle. The driveway will slope at a 3.3% grade to the attached garage of the proposed residence. A culvert will be installed at the intersection of the driveways to maintain the existing drainage pattern. Because all of the following criteria is satisfied a Traffic Impact Study (TIS) will not be required: the proposed Daily Vehicle Trip-end generation is less than 100 and the Peak Hour trip generation is less than 10; there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends; the change in the type of traffic to be generated does not adversely affect the traffic currently planned for an accommodated within, and adjacent to, the property; the existing driveway, access and ingress/egress on Milam Road has been maintained and will continue to be maintained; no roadway or intersection in the immediate vicinity has a history of safety or accident problems; there is no change of land use with access to a State Highway. The driveway is original to the construction of the main residence in 1999. An application for a driveway permit for the existing driveway has been filed. Milam Road is planned to be widened in 2040. The existing gate and driveway access are outside of the proposed right-of-way expansion and will the widening of the right-of-way will affect neither the access or the roadway.

7. 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:

The existing well has been determined to be adequate to provide the domestic water service for both residences. A new and separate on site wastewater treatment system (septic) will be installed to service the new residence. The septic system will be designed by a Colorado licensed geotechnical engineer and the system will be installed per the requirements of the El Paso County Health Department. Permits and inspections will be required and conformity will be mandatory. The existing driveway will be used to provide access to the second residence. A new drive will branch from the existing to the apron in front of the attached garage. A culvert will be installed where the new section of driveway meets the existing. This culvert is entirely within the setbacks of the site and is for private use to insure the continuation of any historic drainage patterns. Access to fire and police protection will not be affected by the construction of the second residence.

8. The variance of use will comply with all applicable requirements of the Land Development Code and all applicable County, State and federal regulations except those portions varied by this action. The variance is generally consistent with the applicable Master Plan:

The property placetype is listed in the Master Plan as a Large Lot Residential. It is located in Black Forest and according to the Master Plan is a community with one of the strongest and most well-established characters in El Paso County. The area is built around protecting the forest and preserving its rural quality. The proposed use of the property will remain as residential use. A goal of the Master Plan is to “promote the health of the natural areas, especially the forest, while accommodating new development for future residents”. The Master Plan states the objective that the County “should maintain existing and expand the Large-Lot Residential placetypes in this area”. The Land Development Code permits the construction of a detached or attached Extended Family Residence. The proposed second residence will be used as an extended family residence. It has been established that the subject property meets extraordinary circumstances and is unusual to the development, therefore the intent of the Master Plan is preserved.

The proposed residence will be constructed under the current versions of the International Residential Code, The El Paso County Land Development Code, The Pikes Peak Regional Building Code and the International Energy Conservation Code. The plans will be reviewed and Construction Inspections will be conducted by all of the various departments having authority and jurisdiction.

**Overlay Zoning:** There are no overlay zoning districts that impose additional requirements or standards that would modify the standards associated with the requirements of the RR-5 zone as applied to this property.

**Land Development Code:** The proposed project will be Compliant with the applicable requirements of the Land Development Code.

**Compliance with requirements of the Land Development Code:** The proposed use as a residence is a permitted use in the RR-5 zone. The proposed 2<sup>nd</sup> residence will meet all of the applicable requirements of the Land Development Code including but not limited to: Lot Coverage, Structural Height, Setbacks, Use.

**Traffic:** The proposed residence meets the criteria exempting it from a traffic impact study as set forth below: the proposed Daily Vehicle Trip-end generation is less than 100 and the Peak Hour trip generation is less than 10; there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends; the change in the type of traffic to be generated does not adversely affect the traffic currently planned for an accommodated within, and adjacent to, the property; the existing driveway, access and ingress/egress on Milam Road has been maintained and will continue to be maintained; no roadway or intersection in the immediate vicinity has a history of safety or accident problems; there is no change of land use with access to a State Highway. Additional information regarding traffic is provided in Criteria item 6 above.

**Anticipated schedule of development:** Construction is scheduled to begin June 1, 2022.

**Utilities:** The existing well that services the property has been deemed sufficient to provide the domestic water for the existing buildings on site as well as the proposed second single-family residence. The water service will be routed underground from the well head which is

at the northeast corner of the existing residence. The electrical service will be routed from the existing 400 amp panel from the existing main house. A sub-panel will be added and dedicated for the proposed extended family residence. The existing site is served with natural gas. A dedicated gas meter will be connected to the existing service line and the gas meter will be located adjacent to the proposed extended family residence. The proposed residence will have a dedicated septic tank and a new leach field.

Landscaping: The existing site is populated with Ponderosa Pines and low height bushes. The site for the proposed residence is integrated with the topography and sited along the upper bank of the Kettle Creek drainage basin. The grade along the west, south and east elevations of the house will remain close to the existing natural grade and will have minimal impact to the Kettle Creek Drainage Basin. The landscaping will be an extension of the existing surrounding plants. The front of the house will be built up to provide pedestrian access from the apron of the garage to the front door. The grade will be terraced and landscaped with low water required plantings. The construction and the constructed residence will not have an adverse impact on wildlife or wetlands.