

Les Gruen



June 2, 2021

Ms. Sophie Kiepe
Planner
El Paso County Planning and Community Development
2880 International Circle
Colorado Springs, CO 80910

You want to make sure you specify in this letter that you are requesting a "Bed and Breakfast Inn." Land Dev. Code has multiple b&b uses and this specific request qualifies as a b&b inn. You will need to specify how the rooms are rented - are you renting the entire house out to a single family, or individual rooms to multiple guests as part of the business event center use? If the former, then this would be a second dwelling. If the latter, then it would qualify as b&b inn.

Re: **White Cottage Farm – Variance of Use Application Letter of Intent**

Dear Ms. Kiepe:

This variance of use request seeks permission to utilize the subject 8.02-acre parcel for *Business Event Center* and *Bed & Breakfast* uses in an RR-5 zone. It is accompanied by applications for site development plan and minor subdivision approval. Letters of Intent, more specifically describing the site development plan and minor subdivision are provided with each respective application. This Letter of Intent provides the most detailed project description.

Please include the parcel ID number and property address.

Background

The subject property was acquired by the current owner in October 2019 with a vision of creating a wedding venue/event center. The site was formerly a dairy, but had been abandoned many years ago.

Aware of the need to undergo a variance of use process to utilize the property for its intended use, the owner retained Urban Strategies to assist in this effort. Staff discovered the property had never been legally subdivided. Therefore, as indicated above, a minor subdivision and site development plan application accompany this variance request.

Background

White Cottage Farm is an 8-acre, rectangular shaped parcel located on the edge of the Black Forest north of Hodgen Road. The property is surrounded by other RR-5 zoned parcels, most of which are larger than the subject. Properties fronting Hodgen Road, while also zoned RR-5, tend to be of similar size or larger than White Cottage Farm. Surrounding land uses include grazing, commercial agriculture and residential.

Neighbors have been notified of the plans for White Cottage Farm at social events hosted by the owner and via mailed notifications. There have been no objections to the proposed use and two neighbors have submitted letters stating how pleased they are with the restoration that has been done and the envisioned plans for the property.

Please include the PCD file numbers for these projects

You should be more specific here. Which one is the principal home and which one is the bed & breakfast inn?

Similar to previous comment - please be specific as to what portions of these structures are being rented - are they individual rooms or are they being rented in entirety? Does anyone live on the property full time? In order to meet the definition for bed & breakfast inn, someone needs to reside on the property full-time. You also refer to the structures as "home" and "guest house" here but previously refer to them as "bunk house" and "farm house." You should be consistent throughout with naming.

Ms. Sophie Kiepe
June 2, 2021
Page Two

The site is comprised of nine existing buildings that have been constructed between 1898 and 1909. The farm house and bunk house can accommodate guests. A small office, small event pavilion, chapel, large event pavilion, horse stalls, a tiny chapel and a storage shed comprise the remaining buildings on the property. (The event pavilions and horse stalls were previously used for milking barns and other functions of a dairy. The chapel was a former one-room school house and was moved to the property in 1938.)

Remember, these limitations will likely be included as restrictions on the use so you want to be as specific as possible here.

The home and adjacent guest house will be occupied for no more than 72 days per year. This occupancy is based on renting these properties three nights per week for 6 months per year, although it is unlikely the homes will actually be rented this often. There is intended to be overnight use of the homes.

The maximum number of guests and vendors assumed to be on the property at any given time were calculated at 100 guests and 25 vendors for the largest events. Activities are projected for four weekends and three events per weekend for the six months May through October. Two events per month at that maximum size were assumed to take place between November and April.

Variance of Use Approval Criteria

The El Paso County Land Development Code allows the BoCC to grant a variance of use considering the following criteria:

- The strict application of any of the provision of the LDC would result in peculiar and exceptional practical difficulties or undue hardship.

The peculiar and exceptional practical difficulty as well as undue hardship that the property owner faces on account of the strict application of provisions of the LDC is that proposed uses for the property are inconsistent with RR-5 zoning and do not easily fit other zoning classifications established in the LDC. The manner in which the zoning code classifies land use does not conveniently fit the uses proposed by the owner under the existing or alternate zoning categories.

- 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;

This does not qualify as a practical difficulty. This paragraph can actually be interpreted against the request by saying the proposed uses are inconsistent with RR-5 zoning. You may be able to make an argument that the unique nature of the request (event center plus b&b as one overarching use) does not fit any of the zoning categories. What you are stating here is that the zoning is creating an inconvenience to the owner, not a practical difficulty and undue hardship.

Bed & breakfast inn has use specific standards as well - LCD Sec. 5.2.12. You need to include an analysis of these standards and how the use meets these standards. This will also help to justify the case.

This does not really provide justification. Previous criteria indicates that the use is not compatible with RR-5 zoning. You should provide an explanation of how the use is compatible with surrounding properties. Maybe the specific development proposal and limitations on the use can help with potential compatibility issues to make it harmonious? This is a good place to mention how visual and noise impacts are being addressed to make the argument that this is something that should be allowed in a residential zoning district even though the Code prohibits it. What about lighting?

The proposed uses are 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 or County.

Surrounding properties are all zoned RR-5. The uses proposed on the subject property are not likely to interfere with surrounding properties as they are currently utilized or as to future development in the area.

- The proposed use will be able to meet air, water, odor or noise standards established by County, State and federal regulations except those portions varied by this action;

This is a level 3 - moderate wildlife impact potential. You should provide an explanation of how the wildlife is not being impacted / has not been historically impacted.

The proposed uses will meet air, water, odor and noise standards established by County, State and federal regulations. The existing well permit is in process of being modified to allow for proposed uses. Air and odor standards have not historically exceeded. Any noise generated on the site is anticipated to be well below standards and events will be required to end by 10:00 P.M. to further ensure noise does not disturb neighboring properties.

- The proposed use will not adversely affect wildlife or wetlands;

The existing uses on this property have not historically had an adverse impact on wildlife or wetlands. No new development is proposed on this property, only the renovation and re-purposing of existing buildings that have been on the property

- The applicant has addressed all off-site impacts;

The applicant has addressed all off-site impacts. The accompanying Transportation Memorandum describes transportation impacts related to this project.

This would be a good place to mention how any off site visual impacts are being mitigated, including lighting.

- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening and landscaping; and/or

The site plan for the proposed variance of use provides adequate parking, traffic circulation, open space, fencing screening and landscaping. The landscape plan that accompanies this application shows 34 parking spaces (2 ADA accessible) in three parking enclaves that collectively total approximately 12,352 square feet. Landscaping, screening and traffic circulation are also depicted on the site plan

This should include that landscaping, lighting, and parking will be reviewed and approved with concurrent site development plan application and will be required to meet all EPC codes. A big issue with parking areas is headlights shining off property. This should be addressed above in either criteria 2 or 5.

Ms. Sophie Kiepe

June 2, 2021

Page Four

and landscape plan. Parking areas and drive lanes are crushed asphalt. The Transportation Memorandum suggests relocating the southern driveway and reconfiguring both the north and south driveways to meet Thompson Road at 90 degrees.

- *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.*

Sewer, water, storm water drainage, fire protection, police protection and roads are all available and adequate to serve the needs of the proposed variance of use as designed and proposed.

Sewage on the property is handled by a septic system that has an approved tank and leach field, as shown on the site plan. Proposed uses will require a supplemental septic system that is also shown on the site plan and described in greater detail elsewhere in this application.

Water on the property is provided by a permitted well described elsewhere in this document. The current well permit is being modified to allow for proposed uses. The amount of water that can be used under the current well permit is sufficient to accommodate proposed uses according to hydrological studies that have been conducted and that accompany this application as well as the well permit application to the state. (The publication period has been completed and no statements of opposition were received. We still await Determination of Facts and the Consultation Report from the State and Division Engineers offices that will indicate any questions or concerns the State would like addressed.) Water from the well has been tested and filters to address any elements that exceed standards will be provided, as required.

The subject property has recently been included into the Black Forest Fire and Rescue district, as confirmed by associated correspondence from the district. The inclusion resolution is with Black Forest Fire and Rescue's attorney to file with the courts and county. We will be notified when this has taken place.

Sheriff protection is provided by El Paso County.

Ms. Sophie Kiepe

June 2, 2021

Page Five

Road access to the property already exists and is more than adequate to serve the needs of the subject property as indicated in the Transportation Memorandum that accompanies this application.

For all of the foregoing reasons, the applicant believes this submittal meets the criteria necessary for the BoCC to approve a Variance of Use. The applicant respectfully requests a Variance of Use be granted that allows for this property to be utilized for *Business Event Center* and *Bed and Breakfast* uses in accordance with this application.

Sincerely,



- Please confirm that improvements will not adversely impact adjacent properties.
- There is no driveway permit on file. Please apply for a driveway permit by contacting Petra Rangel at petrarangel@elpasoco.com