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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of Adjustment

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

RE: Project File #: BOA-22-015
 Project Name: 6145 Vessey Road, Garage shop addition
 Parcel No.: 5206000051

OWNER:

REPRESENTATIVE:

Vincent Pirrone my_cousinvinny@yahoo.com (775) 742-0475	Vincent Pirrone my_cousinvinny@yahoo.com (775) 742-0475
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COMMISSIONER DISTRICT: 1

Board of Adjustment Hearing Date:	3/22/2023
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EXECUTIVE SUMMARY

A request by Vincent Pirrone for approval of a dimensional variance to allow a lot size of 0.49 acres where the minimum required lot size is 5 acres for the RR-5 (Rural Residential) zoning district. A request for approval of a dimensional variance to allow a lot width of 165 feet where the minimum required lot width is 200 feet in the RR-5 zoning district. Additionally, a request for approval of side setbacks for the garage and barn of 5 feet where 25 feet is required in the RR-5 zoning district. The garage is attached to the home and will not meet the setback requirement and the new shop addition is detached and will not meet the setback requirement of RR-5 zoning either. The 0.49-acre property is zoned RR-5 (Residential Rural) and is located roughly a third of a mile east from Holmes Road on Vessey Road. (Parcel Number: 5206000051) (Commissioner District 1).



A. REQUEST

A request by Vincent Pirrone for approval of a dimensional variance to allow:

1. A lot size of 0.49 acres where a minimum lot size of 5 acres is required;
2. A lot width of 165 feet where a minimum lot width of 200 feet is required; and
3. A front setback for the garage of 5 feet where 25 feet is required.
4. A side and rear setback for the detached shop of 5 feet where a minimum setback of 25 feet is required.

B. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the El Paso County 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.*

The subject property does have exceptional narrowness, shallowness, size, or shape. The property is 0.49 acres in size and does not conform to the minimum lot size and minimum lot width requirements of the RR-5 zoning district.

- 2) *The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.*

The parcel was created with a deed recorded on 5/13/1969, BK 2291, PG 30. RR-5 zoning was not established until 1999.

The RR-5 zoning of the property is utilized for 5-acre rural residential parcels, however, the property is currently a 21,450 square-foot parcel, just under half an acre.

According to the early assistance meeting held on October 19, 2021, the applicant mentioned:



“The situation of the property with the elevation dropping from the driveway side of the house drops to a walk out basement and there is no other place to build the attached Garage.”

According to the County’s GIS mapping, the property does not appear to be encumbered by steep slopes and roughly 1% of the property contains slopes exceeding 30%. However, the slope does create an area of the parcel that is not buildable or could require additional grading. The proposed garage and shop area of 1200 square feet comprise less than 10% of the property; therefore, in order to meet this criterion, the applicant would be required to provide evidence that the proposed use cannot be relocated elsewhere on the property to an area that meets the dimensional standards.

Additionally, there is a leech field on this property, this is another portion of the property that cannot be built on, thus limiting where these structures can be constructed on the parcel. The well is on the north side of the house and creates another unbuildable area. The size of this parcel creates an issue of buildable space on the property because the parcel is only 0.49 acres.



(Orange indicates slope)

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;

- *The variance provides only reasonably brief, temporary relief; or*

If approved, the variance would provide for permanent relief and would not meet this criterion.

- *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*

An alternative plan, standard, or condition was not submitted by the applicant with this application.

- *Some other unique or equitable consideration compels that strict compliance not be required.*

The applicant states in their letter of intent that property was created prior the establishment of zoning standards:

“The property at 6145 Vessey Road was created with a deed in 1969. RR-5 zoning was not established until 1999. The RR-5 zoning of the property at 6145 Vessey Road is utilized for 5-acre rural residential parcels, but the property is only a ½-acre at 21,450 square-foot parcel.”

The county has done additional research and found this information to be correct.

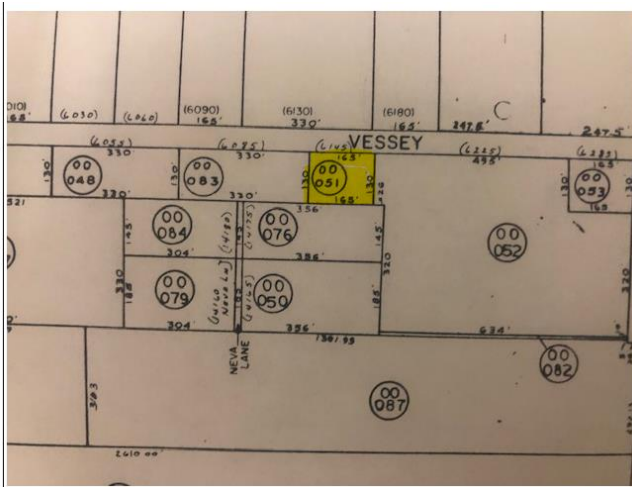


C. LOCATION

North: RR-5 (Residential Rural)	Single-family residential
South: RR-5 (Residential Rural)	Single-family residential
East: RR-5 (Residential Rural)	Vacant
West: RR-5 (Residential Rural)	Single-family residential

D. BACKGROUND

On May 13, 1969, the subject property was created by a deed, BK 2291, PG 30. This is prior to subdivision regulations that came into place on July 17th, 1972, making this a legally created parcel. The applicant wants to develop the property by adding a garage and detached shop. In doing so, he was stopped in the process due to the lot size, width, and side setback encroachment from the buildings. An early assistance meeting was held on October 19, 2021 (EA21196). This meeting was for the proposed additions of a garage and shop, with the side setback requiring action from the Board.



(Map 52060)

Due to the lot size (0.49 acres), width (165 ft), and front ,side, and rear setback encroachments (5 feet) this project requires Board of Adjustment action. Approval of this request would allow the lot size and width to exist as they currently are and allow for the new garage to have a front setback of 5 feet and the shop to have side and rear setbacks of 5 feet where 25 feet is required.





E. ZONING ANALYSIS

The subject parcel is zoned RR-5 (Rural Residential). The RR-5 zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size: 5 acres *
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet *
- Maximum lot coverage: 25%
- Maximum height: 30 feet

** In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.*

**Agricultural stands shall be setback a minimum of 35 feet from all property lines.*

The existing structures (house and 12x16 shed) meet the 25-foot setback from all property lines and are under 30 feet in height. However, the lot size and width are not

met for this zoning district. The applicant has provided a site plan indicating the location of the existing residence and for the proposed structures.

F. ALTERNATIVES EXPLORED

There is 1 alternative that would not require a dimensional variance request:

1. The applicant could relocate the use to elsewhere on the property so that it meets the applicable setback requirements.

There is limited space on this parcel and relocating the shop could be challenging due to the size of the parcel, the leech field, well, and topography of the parcel.

G. SERVICE

1. WATER

Water is provided by an existing permitted well located on the property.

2. WASTEWATER

Wastewater is provided by an existing permitted on-site wastewater treatment system (OWTS).

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.

H. ENGINEERING

1. FLOODPLAIN

The parcel is not located within a flood zone designated by FEMA.

2. DRAINAGE AND EROSION

The parcel is within the Kettle Creek Drainage Basin. This drainage basin has a drainage basin planning study therefore it is referred to as a studied basin. Subsequently, there are drainage basin fees assessed to projects within the Kettle Creek Drainage Basin. However, drainage basin fees are not assessed for non-platting applications such as this in accordance with approved resolutions and the El Paso County Engineering Criteria Manual.



A grading and erosion control plan (GEC) was not required with this Board of Adjustment application because of the minimal amount of land disturbance proposed.

3. TRANSPORTATION

The parcel is adjacent to Vessey Road, which is a county-maintained roadway. Vessey Road is classified as an Urban Local Road under the El Paso County Road System. Vessey Road is currently paved and has a 60-foot right-of-way width.

The parcel currently utilizes two access locations from Vessey Road. There are no driveway access permits on file for either of the two existing driveways. The applicant has requested the secondary access be permitted on their property to access the proposed structure. The parcel does not meet the requirements for a secondary access due to lot size restrictions and access spacing.

Due to the existence of the secondary driveway on the parcel and little to no traffic accident history by the El Paso County Sheriff's Department the secondary access to the parcel will be allowed to remain open. However, the secondary access shall be closed at any time the county determines the access is unsafe to vehicular traffic, pedestrians, or when required due to planned road improvements shown on the 2016 Major Transportation Corridors Plan Update. Vessey Road is anticipated to be improved to Urban Collector classification. Additionally, the secondary access shall be limited to personal vehicular use. Therefore, commercial use such as storage of contractor vehicles or equipment is not allowed due to safety concerns regarding the parcel's size and access spacing. A driveway access permit will be required for both access locations on the site.

The Road Impact Fee per Resolution 19-471 is not applicable to this project.

I. 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 a front, rear, and side setback of 5 feet where 25 feet is required, a lot size of 0.49 acres and a lot width of 165 feet and that the applicant has met the review and approval criteria for granting variances from the applicable standards, staff recommends the following conditions and notation of approval:



CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions beyond those depicted on the associated site plan 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 the attached garage and detached shop by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department is required prior to an addition or expansion of a residential property.
3. The secondary access shall be allowed to remain subject to the stipulations outlined in the Transportation Section of this staff report.

NOTATIONS

1. Physical variances approved for a proposed structure or use (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 or if the use of the property in the approved location does not cease for a continuous period of greater than twelve (12) months.
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 dimensional variance.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twelve (12) adjoining property owners on 2/24/2023 for the Board of Adjustment meeting. Responses will be provided at the hearing.

K. ATTACHMENTS

Letter of Intent
Vicinity Map
Site Plan



6145 Vessey Road

Letter of Intent for Pirrone Residence

Owner:

Vincent and Mary Pirrone

Phone: 719-896-1903

Email: my_cousinvinny@yahoo.com

Property:

Address: 6145 Vessey Road, Black Forest, CO 80908

Property Tax Schedule Number: #5206000051

Lot size: 0.49 acre (21,450 square-feet)

Zoning: RR-5

Proposed Garage and Barn/Shop:

The purpose of this project is to construct an attached 660 square-foot garage to the house at driveway level and build a 1200 square-foot barn/shop accessory building in the rear yard. The site has limited locations for the garage addition and the barn/shop accessory building because of the existing lot slope and existing trees located on the property.

Lot Size Variance and Setback Variance for the Garage and Barn/Shop Request:

The property at 6145 Vessey Road was created with a deed in 1969. RR-5 zoning was not established until 1999.

The RR-5 zoning of the property at 6145 Vessey Road is utilized for 5-acre rural residential parcels, but the property is only a ½-acre at 21,450 square-foot parcel.

Zoning RR-5 requires minimum lot size 5-acres and 200' widths at the front (current lot width at the front is 165') and 25' setbacks for front, sides and rear, and maximum lot coverage of 25%.

According to the El Paso County Land Development Code, Section 5.5 Provisions for Relief from Density and Dimensional Standards, 5.5.1 (B) (1) "A maximum of a 20% reduction in lot area, setbacks and lot width from the amount required in the zoning district in which the subject property is located may be approved." This administrative relief allows the RR-5 zoned property 25' setbacks to be reduced by only 5', but we are requesting to elevate this to a variance due to the lot size being less than 5 acres.

Variance new Garage addition with the following lot setbacks:

- North: 25' front setback
- East: 5' side setback
- West: 5' side setback
- South: 5' rear setback

Variance new Barn/Shop accessory building with the following lot setbacks:

- North: 25' front setback
- East: 5' side setback
- West: 5' side setback
- South: 5' rear setback

No Adverse Effects:

There will be no adverse impacts to the city or surrounding neighborhood with the construction of the garage addition and the barn/shop accessory building. As a result of the new structures, there will not be any adverse impact to parking, traffic, roadways, or any other internal or external factors to the neighborhood or surrounding areas. The request for administrative relief applies only to the immediate building areas for the garage addition and the barn/shop accessory building.

The intent of the Land Development Code and the specific regulation in question will be preserved because this is a unique situation and building scenario. The physical limitations of the existing structure and surrounding area do not support the construction of the new garage addition or new barn/shop accessory building anyplace else.

No Increase in Dwelling Units:

There will not be an increase in the number of dwelling units on the parcel with the granting of administrative relief to 6145 Vessey Road.

Thank you for your consideration.

Sincerely,
Vincent and Mary Pirrone

El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

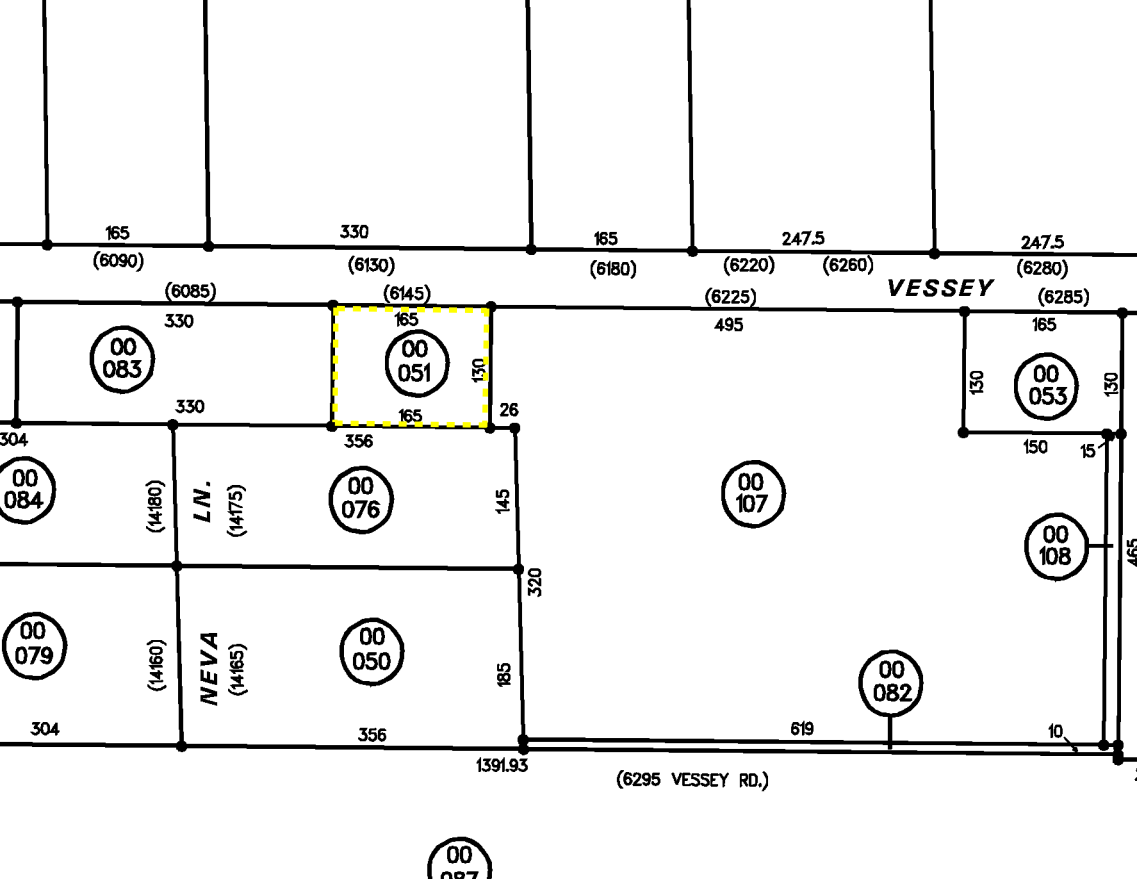
ADDRESS



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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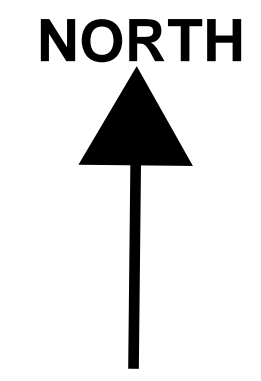
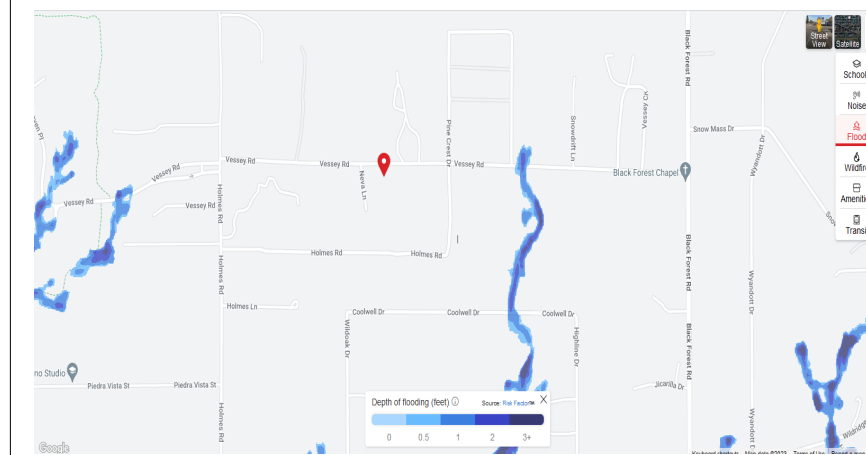
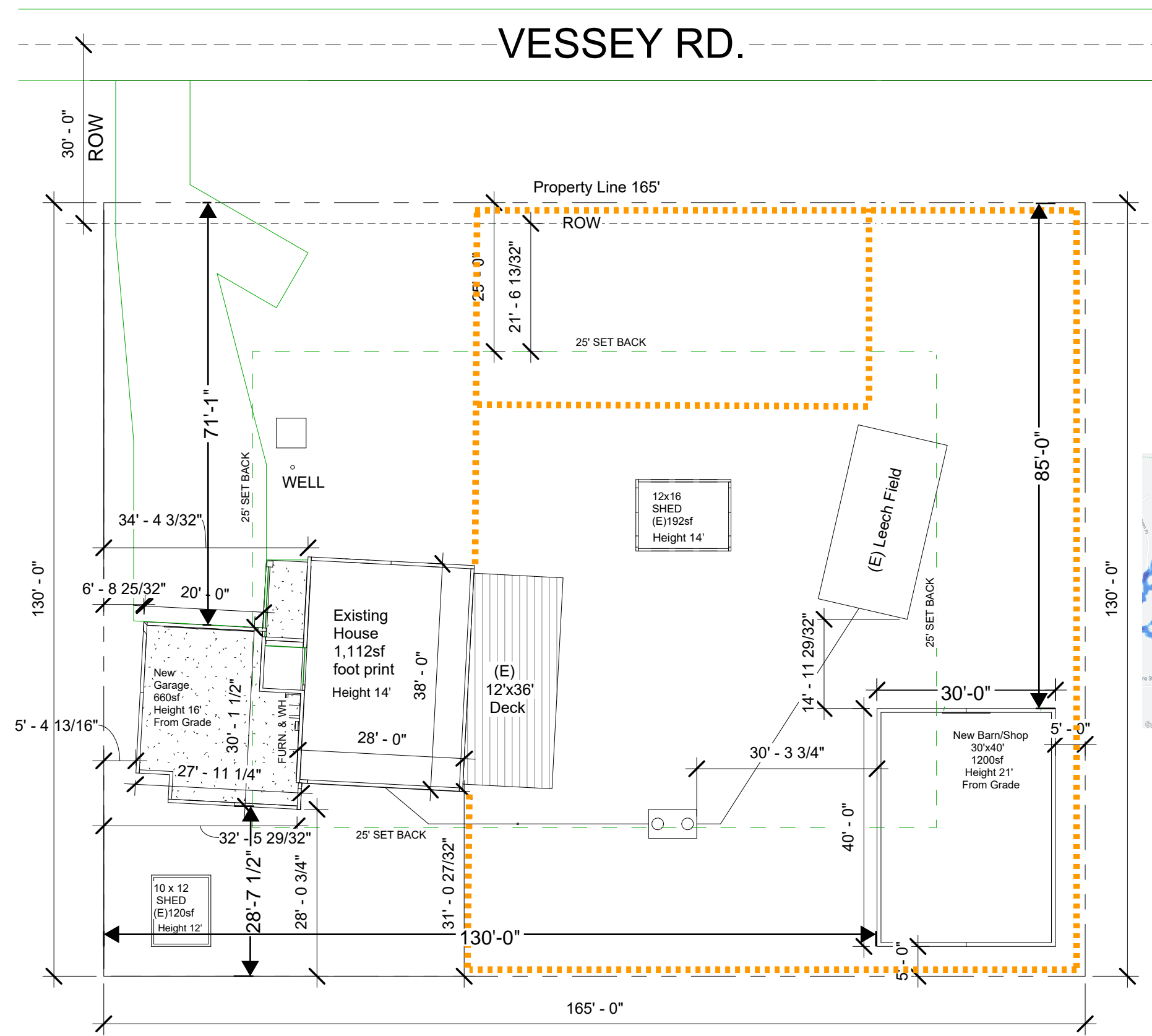
VESSEY RD.

OWNER
VINCENT & MARY PIRRONE
6145 VESSEY RD
BLACK FOREST, CO 80908

EXISTING
1ST FL 1,112 SF
BASEMENT 1,064 SF
DECK 432 SF
TOTAL SHEDS 312 SF
LOT SIZE 21,450SF

NEW GARAGE 660SF
NEW BARN/SHOP 1200SF
NEW AND EXISTING LOT COVERAGE 3,716SF
NEW AND EXISTING %LOT COVERAGE 17.32%

LEGAL DESCRIPTION PARCEL # 5206000051 ZONING RR-5
TRACT IN NW4 SEC 6-12-65 AS FOLS, BEG AT SW COR OF
SEC, TH N 0<07'30" E ON W LN 3979.5 FT, S 88<52'30" E
1789 FT ALG C/L OF VESSEY RD FOR POB, CONT ON LAST
COURSE 165 FT, S 0<07'30" W 160 FT, TH N 88<52'30" W 165
FT, TH N 0<07'30" E 160 FT TO POB EX RD, L/16MR 48



4' T-Pole Fence

1 Site
1" = 20'-0"

Vince & Mary Pirrone
6145 Vessey Rd.
Black Forest CO 80908

105
LOT PLAN
Proposed

1" = 20'-0"