

*Recommendation comment: it may be worth mentioning your outreach letter and eagerness to be neighborly.*



**Sunrise Dirt Works**  
sunrisedirtworks@gmail.com

Please add information to include:  
-Hours of operation  
-Number of employees  
-Number of parking  
-Number of vehicles  
-Specific methods and details of screening and landscaping

**Letter of Intent, and Hardship if Denied, for the Variance of Use Application**

**Owner / Applicant:**

Daniel Byrne, Owner of property, and 50% Owner of Sunrise Dirt Works, Ltd  
12260 Smith Road  
Peyton, CO 80831  
(719) 232-8500  
Email: [sunrisedirtworks@gmail.com](mailto:sunrisedirtworks@gmail.com)

ADD: PCD file # VA266

**Property Address:**

12260 Smith Rd, Peyton, CO 80831

**Property Tax Schedule No:**

R4319001049

**Current Zoning:**

RR-5

I appreciate this background information but I request that you focus on specifics and hardship as it relates to the Land Development Code criteria. Specifically, LDC Section 5.2.4 (c) Criteria and the land itself. This application is reviewed, (and PC/BoCC approval/denial decision is made) upon your justification and merit as it relates to the code.

To whom it may concern,

My name is Daniel Byrne, I am 50% owner of Sunrise Dirt Works, Ltd, and the property owner of 12260 Smith Road, Peyton, CO 80831. I am writing you this letter to bring to your attention the intent for the Variance of Use request, as well as the hardship that would endure if I were not permitted to store my business equipment on my property.

My wife and I have 2 young children, a 4-year-old son and a 2-year-old daughter. My wife, Allie, is a firefighter with Falcon Fire where she works 48 hour shifts. During this time, my mother-in-law comes down from Denver to help support me with caring for our children, and I try to remain close to home to assist with their care. I am sure anyone with children may empathize with experiencing their active and demanding attention they require. I plan on the days my wife is at work to do the upkeep maintenance and/or repairs to anything needed on my business equipment and trucks. I also continue my efforts on her workdays, to the cleaning of my property when I can be home, which I am proud of how much I have

accomplished, and am beginning to see the end in sight! Once I have the property 100% clean and landscaped as per the submitted design, I will continue to utilize these days for the upkeep of the property and maintenance. My business did have a commercial storage yard in the past, however, being away from home when trying to do these tasks on the equipment, became increasingly difficult and challenging for my family with my growing children, without my active presence and support, hence why we jumped on this God given opportunity when it arose to purchase this land! I'd ask for you to sympathize with supporting our children's access to growth and life experiences to our homestead and supporting the family business.

We also experienced multiple thefts at the other yard and incurred additional debts to replace stolen equipment, including a large dump trailer, and there have been continued rising cases of thefts, especially the construction industry being highly targeted. Having the equipment at my home, with my continued process to add security and limited access to my property, I also could respond much faster if, God forbid, another theft were to occur. However, I feel that it is very safe in our area and after meeting many of my neighbors, I have not heard of many ongoing theft concerns, if any.

My business also performs snow removal services (when we have snow). We are one of Timberline Landscaping's #1 subs for this work, and we have a response time of 30 minutes upon receiving the call to go out, to be on site. My home is 13.6 miles from one of our main properties, which is the Olympic Training Center. Having to store elsewhere, that would have which could jeopardize this crucial part of my mother (who is my business partner), as well. The few subcontractors, like my neighbors, with us, all park / keep their trucks at their personal property, so during the winter months and snow removal activity, there is no excess activity and noise whatsoever to impact my neighbors. I am the main contact though, and my on time arrival is critical.

I understand all land uses have a financial component tied to them, however the approval criteria is focused on "The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship." Please keep this in mind when revising your LOI.

I hope that you can resonate with these aspects of my life and see my true intentions and efforts that I want to make to be in compliance with the law, and even more-so, to ensure my neighbors are happy and that peace remains in our neighborhood. I do not have any customers that would ever come to my property, most of them are big builders in Colorado Springs that I final grade for, and the few others that aren't, we meet on site at their home for that is where the work that we will be doing for them will take place. I have just a few subcontractors that work with me regularly and only come to my property once in the morning to pick up any equipment I am letting them use for the day, and then once again in the early evening timeframe, to drop the equipment off.

With my efforts and immediate (1-2 year) plans, the 5 acres located at 12260 Smith Rd., Peyton, CO 80831, will look much nicer and add value (I believe) more so to this neighborhood than it has in decades! The fence that is intended to be installed around the rear half of the property, along with shrubs / evergreens, will provide a sound barrier for any activity from the business storage area (a vehicle being turned on when leaving, or off when parking) to those surrounding. Much of the ground that has just been dirt for decades, with the exception of the driveway / road through the property, will be landscaped with rock, new Native seed, etc. Other shrubs and deciduous trees will be planted to beautify the property as well. The use of the access road on the rear / east side of my property will have minimal use as it has for many years, and Falcon Fire has the code on file to the lock on the gate that is in place, both at the access road, as well as for the front entrance, should they need to pass through my property. The detached garage building that is an existing structure, will primarily be used for private / residential use, but in order to keep any and all maintenance noise (minimal as it is) down for my neighbors, it has a large bay and I can use it to work on equipment with the door down, to furthermore assure no noise disturbance to my neighbors. I have reached out to my neighbors as well (please see the attached signature pages and "petition" / statement that I presented them with), and I found 2 common complaints, from the Richardson side. They stated that a truck and trailer driving down the access road in the morning was causing them to wake up early, so I have since assured the 1 truck and trailer that leaves my property in the morning, exits out the front on Smith Road. The other main complaint was the storage of dumpster containers, which was a short term ordeal for a friend of mine, and these dumpsters have long since been removed, and that issue remedied.

There will be no impact to the air, water, and odor in the area with the .717 acre just being used for storage and no construction of any new buildings taking place. All utilities are in place for the residential home (marked on plan), and no new or extended utilities will be added for this storage space, for they are not necessary. Sunrise Dirt Works does not conduct any business with any hazardous waste or chemicals either. The storage space will only be used for trucks, trailers, a few pieces of equipment, and at times, a small pile of rock that was left over from a job, all of which will be hidden to the surrounding area and neighbors with the fence. The proposed activity will not have any negative effect on any wildlife or wetlands. The added landscaping of trees and shrubs could actually benefit the wildlife as well, providing more shelter and food for any wildlife who reside on my property. The refreshed landscaping will only further assist with all storm water as well. From how the property was when I first obtained it, to how it is now and will continue to improve, is harmonious to the surrounding area. Many in this area have plenty of "stuff" located on their lots, therefore I feel my lot is compatible to the surrounding lots, but will have a much nicer appearance, and the proposed use for storage in no shape or form will be detrimental to the area and/or any future development of the area, nor on any health, safety, or welfare of any and all inhabitants in the area and County.

Land disturbances (clearing, grading, stockpiles, etc) over 1 ac will require an Erosion and Stormwater Quality Control Permit (ESQCP) and Permanent Control Measure (PCM). Verify the area of new disturbances/development and if it is over an acre an ESQCP will be needed. Based on the described 0.7 ac area designated, it appears to be under 1 ac, but please clarify any new development/land disturbance areas specifically.

With the continued and soon to be 100% clean-up of all trash and debris left behind from the previous owner, and refreshed landscaping, I believe the property should meet all Land Development codes.

I intend to occupy this home and raise my children here for the entirety of their lives, and with my mom as my partner, and her having aided to the growth of several other businesses before, she has witnessed big growth and the negative impact / change on the owners that it can bring with it (stress, greed, etc..), therefore we are 100% set in stone for not growing any more than we have, and currently are at this time. We pride ourselves on being a small, family owned business, attentive to our customers need, and helping others as God gives us the opportunity to do so, my neighbors included. In my walks around the neighborhood with this Signature Document, in request of their approvals and opinions, I have made it clear to all of them, whether it's their driveway needing plowed, some dirt or rock needing moved, that they can call on me and I will happily be there for them in an instant!!

I kindly ask that you please consider the approval for the Variance of Use requested and know that you can rest assured that I will follow through with all that is asked of me for the sake of compliance, and again, the well-being of my beloved neighbors and neighborhood.

Respectfully submitted,



Daniel Byrne  
719-232-8500  
[sunrisedirtworks@gmail.com](mailto:sunrisedirtworks@gmail.com)

Refer to ECM Appendix B.1.2.D "No TIS" criteria. Please discuss how the proposed request meets **each** of the 7 criteria for vehicular traffic. Include the total amount and types of vehicles on the property and the amount of traffic generated by the site per day.

Include a statement that the El Paso County Road Impact fees are applicable per BoCC Resolution 25-337 and will be paid at the time of approval of the current application.

Please discuss the number of employees (if any) that will work at the property

Add statement that "the development will not have any adverse impacts to adjacent or downstream properties from stormwater runoff. "

Please address the EPC Master Plan in Version 2. Please email [JoeLetke@elpasoco.com](mailto:JoeLetke@elpasoco.com) if you need assistance on master plan info.