

# EL PASO COUNTY



COMMISSIONERS:  
MARK WALLER (CHAIR)  
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Board of Adjustment  
Kevin Curry, Chair

**FROM:** Len Kendall, Planner I  
Beck Grimm, EI Engineer I  
Craig Dossey, Executive Director

**RE:** Project File #: BOA-18-010  
Project Name: 2036 Mahaffie Court  
Parcel No.: 61210-06-024

**OWNER:**

David R Hammer  
17435 Roller Coaster Road  
Monument, CO 80132

**REPRESENTATIVE:**

Dave Hammer  
220 Coyote Willow Drive  
Colorado Springs, CO 80921

**Commissioner District: 1**

Board of Adjustment Hearing Date:

2/13/2019

**EXECUTIVE SUMMARY**

A request by Dave Hammer for approval of a dimensional variance to allow a front yard width at the front setback line of 130 feet where 200 feet are required in the RR-2.5 (Residential Suburban) zoning district. The lot is legally created via plat in 2018 and complies with the RR-2.5 zoning district. The lot is oddly shaped and the 200-foot width requirement would set the building back approximately 200 feet from the street frontage. The lot is narrow and experiences topographical down sloping towards the rear of the property. As cited in the applicant's letter of intent the applicant is bound to a wheelchair and the dimensional variance will allow for better access for their handicapped van as well as emergency vehicles.



**A. REQUEST**

A request by Dave Hammer for approval of a dimensional variance to allow a front yard width at the front setback line of 130 feet where 200 feet are required in the RR-2.5 (Residential Suburban) zoning districts. The 2.51-acre parcel is located approximately one-quarter (1/4) of a mile north of the intersection of Higby Road and Jackson Ranch Court

**B. APPROVAL CRITERIA**

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2018), 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 lot was platted with the 200-foot width requirement for the front yard setback at approximately 200 feet away from the frontage of Mahaffie Court. The setback requirements of the RR-2.5 zoning district is 25 feet from the front parcel boundary, as long as the frontage is 200 feet wide.

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

The applicant's site plan depicts the lot as sloping downwards from the front property line at Mahaffie Court towards the rear boundary of the property. At the 200-foot width requirement, the slope of the parcel the slope of the lot is the steepest. .

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*

Not applicable.

- *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*

Not applicable.

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

The 200-foot setback would place the structure in the steepest slope of the lot. Cited from the applicant's letter of intent, the applicant is bound to a wheelchair and is proposing a two-level wheelchair accessible home. The two-level home is proposed to be situated in an area where the slope can be utilized so that the home has direct access from both levels to the exterior of the home. As cited in the applicant's letter of intent, the optimal location to build the desired home is located where the parcel width is 130 feet, and the setback is approximately 110 feet.

**C. BACKGROUND**

The parcel was created by plat on February 21, 2018 when it was signed by the President of the Board of County Commissioners. The parcel was zoned RR-2.5 in 2016.

**D. ALTERNATIVES EXPLORED**

There are two (2) alternative options for the applicant to come into compliance that would not require a dimensional variance request:

One option would be for the applicant to build the proposed home to meet the 200-foot width requirement in the RR-2.5 zoning district. The other option would be for the applicant to apply for administrative relief of 20 percent of the required width, which would leave the required width being 160 feet.

**E. APPLICABLE RESOLUTIONS**

Approval: Resolution 1 or 3.  
Disapproval: Resolution 2 or 4.

**F. LOCATION**

North: RR-2.5 (Residential Rural)	Vacant.
South: RR-2.5 (Residential Rural)	Vacant.
East: RR-2.5 (Residential Rural)	Vacant.
West: RR-2.5 (Residential Rural)	Vacant.

**G. SERVICE**

**1. WATER**

Water is provided by an individual well.

**2. WASTEWATER**

Wastewater will be provided by an onsite wastewater treatment system (OWTS).

**3. EMERGENCY SERVICES**

The parcel is located within the Tri-Lakes Monument Fire Protection District. The District was sent a referral and has no outstanding comments

**H. ENGINEERING**

**1. FLOODPLAIN**

FEMA Flood Insurance Rate Map (FIRM) panel 08041C0285G shows that the site lies within Zone X, an area determined to be outside of the 500-year floodplain

**2. DRAINAGE AND EROSION**

The site is located within the West Cherry Creek drainage basin. The West Cherry Creek drainage basin is not a fee basin. No public improvements are required with this board of adjustment request.

**3. TRANSPORTATION**

The site is proposed to access off of Mahaffie Court, which has not yet been constructed. No public roadway improvements will be required with this board of adjustment request.

**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 lot width of 130 feet where 200 feet are required at the front yard setback, 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 to the proposed residence 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 a residential plot plan by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department are required prior to construction of the proposed residence.

**Notation**

1. Physical variances approved for a proposed structure (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.

**J. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified eight (8) adjoining property owners on 1/17/2019, for the Board of Adjustment meeting. Responses will be provided at the hearing.

**K. ATTACHMENTS**

Letter of Intent  
Vicinity Map  
Site Plan (Existing and Proposed)



## Request for Grant of Variance of Specific Development Standards

### Project Statement:

Request for 130'-0" wide front setback line for  
Single Family residence at 2036 Mahaffie Ct.  
Lot 5, Jackson Ranch Filing no. 3  
Tax ID No.: 61210-06-024

Requirement for RR-2.5 zone: 200'-0" wide front setback line, 25' front and rear setbacks, 15' side setback and maximum height of 30'.

### Site description:

The lot approximately 2.5 acres and is located in the RR-2.5 zone. The property is located on a cul-de-sac and has a front curved property line dimension of 44'-5". The lot opens up to the rear to a maximum width of approximately 367'. The site slopes down from the cul-de-sac to the rear property with a total drop of approximately 40'. The grade is a relatively consistent slope with a slightly steeper slope beginning about 120' back from the front property line to roughly 315' back from the front property line. The site has a grouping of coniferous trees at the front to about 228' toward the rear of the property where it opens up to no trees. One of the requirements of the RR-2.5 zone is to have the front setback line at least 200' wide. A 200' wide setback line would establish the front setback line to be approximately 197' deep at the center of the lot and 217' deep along the side property lines.

### Request:

The request for 130'-0" width at the front setback line is a request for a variance to the established 200'-0" width at the front setback line. The 70' reduction shortens the length of driveway which helps me with inclement weather conditions and having to navigate through ice and snow during the winter months. Furthermore, I have regular help that comes to assist me with challenges I cannot do on my own and they do not have 4 wheel drive. I have to keep accessible by early morning hours.

#### Justification:

The typical front yard setback in a RR-2.5 Zoning District is 25'-0" at the front. This dimension is measured at a right angle from the front lot line. The lot is pie shaped with the narrow end at the cul-de-sac. The width of the front property line at only 44'-5" and is considered narrow especially for a non-flag 2.5-acre lot. When a 200' wide front setback line is imposed at the front of the property, it establishes the effective setback to 197' deep at the center and 217' deep at the side lot lines. This is substantially greater than the 25' front setback that will be required on the adjacent property and most of the properties in the development. The ideal build site is located approximately 120' back from the front lot line. At this point the grade begins a steeper slope and is still located within the trees. The drop-in grade at this location of the site would facilitate a ranch house with a walk-out basement. The plan for the house will be a walk-out rancher with the main and lower levels fully wheelchair accessible. The lower level will have direct access to the exterior rear walk-out and the front level will have wheelchair accessibility from the garage and the main entry. Because I am paralyzed and bound to a wheelchair, I will make the house fully accessible for my access. Placing the house within 120 feet of the front property line will help to limit the length of the driveway from the street to the house and keep the driveway to a reasonable accessible slope and length. This location also allows the steepest part of the lot to be located within the building footprint which will allow for a smoother walk-out transition. The finish grade of the house after construction will be very close to the grade as it exists. This will help to reduce the impact of the site, trees, and vegetation.

By allowing me to move my home closer to the street, it will not only minimize snow and ice removal, but help me with my wheelchair accessibility. This will also allow greater access for emergency vehicles. My Handicapped van has very low clearance abilities due to the kneeling system and power ramp, hence the need for keeping a clear and shorter driveway. Accessibility to the lower level with a side walk is extremely important. Moving the house toward the front of the lot allows both levels (main floor and basement) to have direct access to the exterior from my wheelchair. Any considerations of my request, honoring the 9/15/2010 ADA STANDARDS ON ACCESSIBLE DESIGN, would be greatly appreciated

The proposed residence is a walk out ranch style plan with a calculated height of less than 30'-0". The relatively low height of the ranch style plan lessens the visual impact of the structure. Reducing the 200' setback width to 130' still places the house over 100' from the front property line and does not impact the adjacent properties.

The granting of this variance will not have an adverse impact on the surrounding properties. The proposed house will be in keeping with the scale of the expected homes in the immediate neighborhood. All other aspects of the Zoning Code remain unaffected and in force.

Thank You,

Sincerely,  
Dave Hammer

# El Paso County Parcel Information

File Name: BOA-18-010

Zone Map No. --

PARCEL	NAME
6121006024	HAMMER DAVID R

Date: January 17, 2019

ADDRESS	CITY	STATE
248 COYOTE WILLOW DR	COLORADO SPRINGS	CO

ZIP	ZIPPLUS
80921	



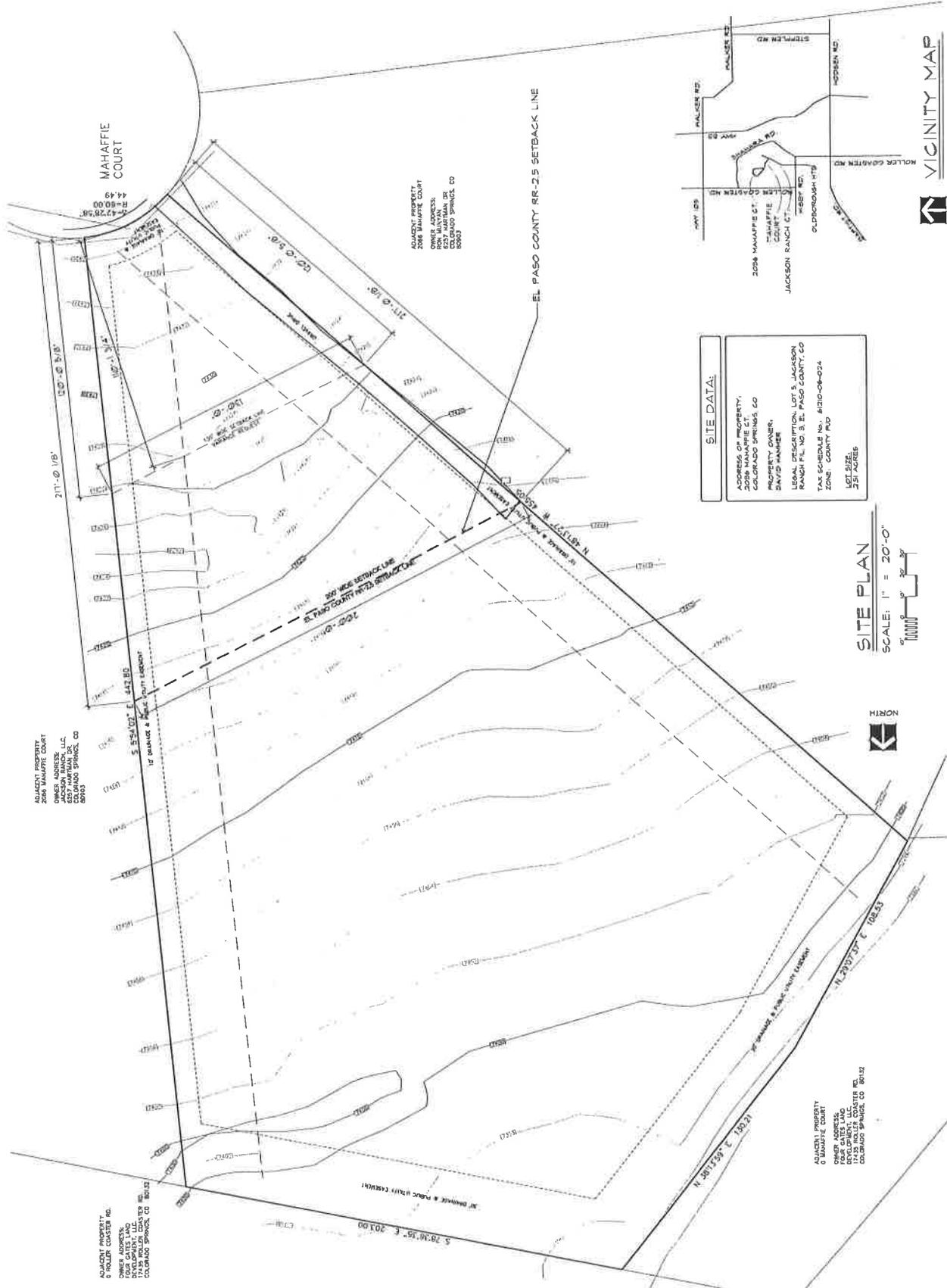
ALL OF THE DIMENSIONS AND CONCRETE FOOTINGS IN THESE DRAWINGS ARE THE PROPERTY OF RUNGE ARCHITECTURE AND SHALL NOT BE USED OR REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION FROM THE ARCHITECT. CONTRACT NO. 2018-0001



OWNER: DAVID S. HANCOCK  
 2024 MAHAFFIE CT.  
 COLORADO SPRINGS, CO 80909  
 PHONE: (719) 585-1234 FAX: (719) 585-1234

THE HAMMER RESIDENCE  
 2024 MAHAFFIE CT.  
 COLORADO SPRINGS, CO

JOB NO. 1805  
 DATE 12/14/18  
 REVISION SHEET NO.



**SITE DATA:**  
 ADDRESS OF PROPERTY:  
 2024 MAHAFFIE CT.  
 COLORADO SPRINGS, CO  
 PROPERTY OWNER:  
 DAVID S. HANCOCK  
 LEGAL DESCRIPTION: LOT 5, JACKSON RANCH PL. NO. 3, EL PASO COUNTY, CO  
 TAX ACCOUNT NO. #1216-04-024  
 ZONE: COUNTY RMD  
 LOT SIZE:  
 .251 ACRES



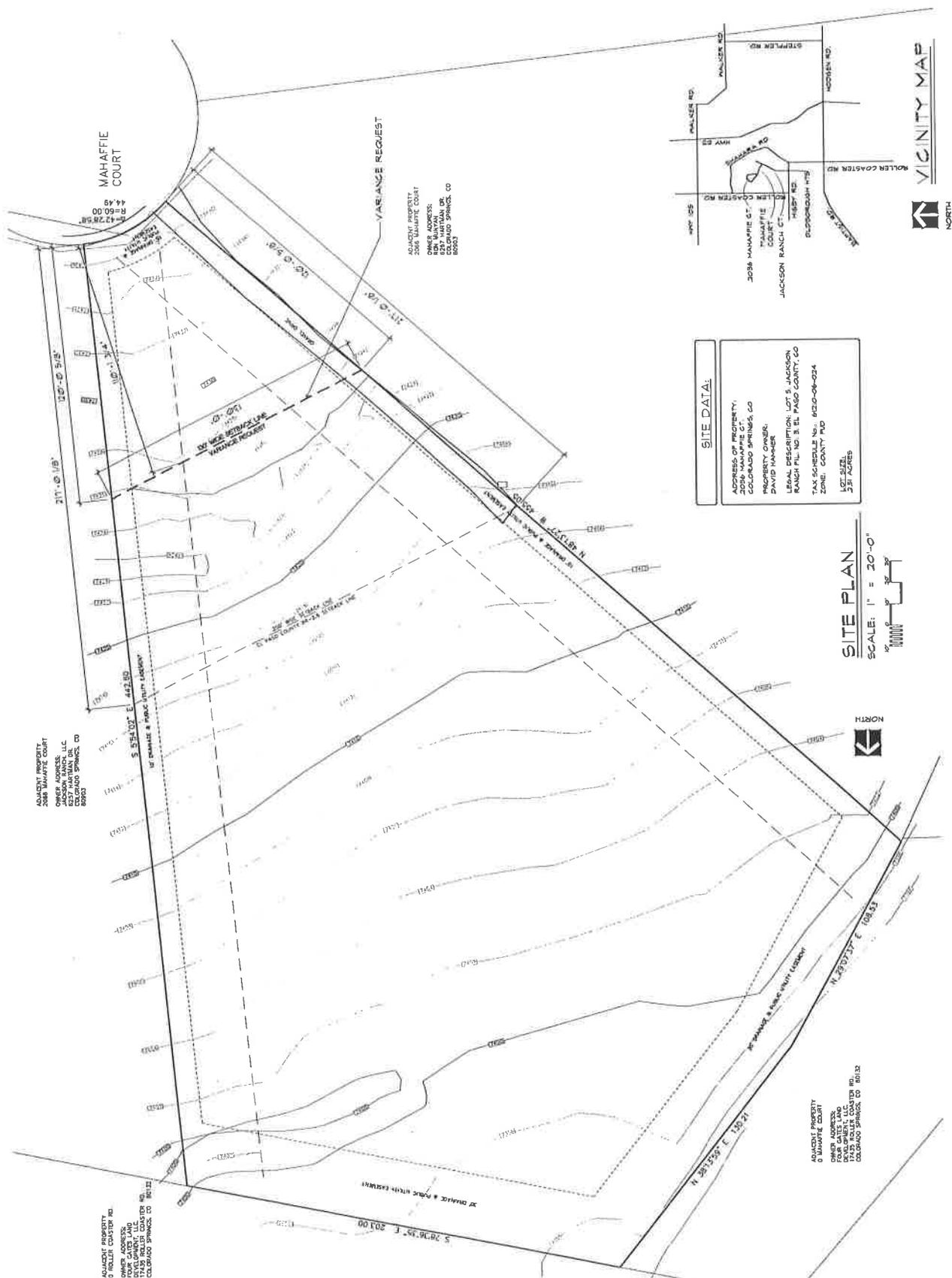
VICINITY MAP  
 NORTH

**SITE PLAN**  
 SCALE: 1" = 20'-0"

ADJACENT PROPERTY:  
 2024 MAHAFFIE COURT  
 OWNER: DAVID S. HANCOCK  
 JACKSON RANCH, LLC  
 COLORADO SPRINGS, CO 80909

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 JACKSON RANCH, LLC  
 COLORADO SPRINGS, CO 80909



ADJACENT PROPERTY  
 0 MOLLER CROFT RD.  
 OWNER ADDRESS:  
 1745 MOLLER CROFT RD.  
 COLORADO SPRINGS, CO 80913

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 OWNER ADDRESS:  
 1745 MOLLER CROFT RD.  
 COLORADO SPRINGS, CO 80913

ADJACENT PROPERTY  
 0 MAHAFFIE COURT  
 OWNER ADDRESS:  
 4422 MAHAFFIE COURT  
 COLORADO SPRINGS, CO 80913

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ALL PLUMBING, DESIGN AND CONSTRUCTION  
 SHOWN IN THESE DRAWINGS ARE THE  
 ARCHITECT'S RESPONSIBILITY AND SHALL NOT BE  
 CONSIDERED AS A GUARANTEE OF THE  
 ACCURACY OF THE INFORMATION PROVIDED  
 HEREIN. THE ARCHITECT SHALL NOT BE  
 RESPONSIBLE FOR ANY CONSTRUCTION  
 DEFECTS OR OMISSIONS FROM THE  
 CONTRACT DOCUMENTS.



RUNGE ARCHITECTURE

CHARLES W. RUNGE, ARCHITECT  
 2008 MAHAFFIE CT.  
 COLORADO SPRINGS, CO 80913  
 PHONE: 719.260.0008 FAX: 719.260.0002



JOB NO. 1855  
 DATE: 12/14/18  
 REVISION: 1  
 SHEET NO.

**SITE DATA:**  
 ADDRESS OF PROPERTY:  
 2008 MAHAFFIE CT.  
 COLORADO SPRINGS, CO  
 PROPERTY OWNER:  
 DAVID HAMMER  
 LEGAL DESCRIPTION: LOT 5, JACKSON  
 RANCH PHASE 2, 3RD PLAZA, PASO COUNTY, CO  
 TAX PARCEL NO.: 6026-08-024  
 ZONE: COUNTY RD  
 LOT SIZE:  
 2.57 ACRES

**SITE PLAN**  
 SCALE: 1" = 20'-0"

