

EL PASO COUNTY COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of Adjustment

FROM: Lindsay Darden, Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: BOA-19-007
Project Name: 3945 Laura Road Setback Variance
Parcel No.: 75022-04-109

OWNER:	REPRESENTATIVE:
Stauffer Investments, LLC Andy Stauffer 15 South Wasatch Colorado Springs, CO 80903	Stauffer Investments, LLC Andy Stauffer 15 South Wasatch Colorado Springs, CO 80903

Commissioner District: 3

Board of Adjustment Hearing Date:

10/9/201

EXECUTIVE SUMMARY

A request by Stauffer Investments, LLC, for approval of a dimensional variance to allow a front setback of 8.4 feet for a residential structure where 25 feet is required in the A-5 (Agricultural) zoning district. The 17,456 square foot parcel is located west of property owned by the Cheyenne Mountain Museum and Zoo and is approximately 226 feet southeast of the intersection of Laura Road and Margaret Road.

The applicant has stated in their letter of intent that the residential structure should be permitted within the front setback as depicted on the proposed site plan due to the topographical constraints of the site and also to preserve some existing historical structures which remain from the original residential construction that was part of the Overlook Colony founded in 1911. The adjacent parcels to the north, west, and south are zoned A-5 (Agricultural) and the parcels to the east are located within the City of Colorado Springs. The proposed residential structure would comply with the 25 foot setbacks for the sides and rear that are required for the A-5 (Agricultural) zoning district.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

WWW.ELPASOCO.COM

This project requires approval of a dimensional variance to approve the encroachment into the front setback.

A. REQUEST

A request by Stauffer Investments, LLC, for approval of a dimensional variance to allow a front setback of 8.4 feet for a residential structure where 25 feet is required in the A-5 (Agricultural) zoning district.

B. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2019), 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 property is comprised of several smaller non-conforming lots that underwent a merger by contiguity (MER183) to create a zoning lot that more closely approximates the lot size requirements of the A-5 (Agricultural) zoning district and to provide for building permit issuance for a new residential structure. Although the merger resulted in a zoning lot that is sufficient size to construct a residential structure, it is irregularly shaped and the applicant's desire to preserve the existing ruins of the previous historic home further limit the buildable depth of the lot.

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

The buildable area of the lot is restricted due to areas of steep topography (areas of slope exceeding 30%) that cover much of the subject site.

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*

This variance would provide permanent relief.

- *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*

The variance request does not include an alternative plan, standards or conditions that mitigate impacts or serve as a reasonably equivalent substitute for current zoning requirements.

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

The original home that was constructed on this site in 1911 was destroyed by fire in 2001. Several historical structures remain and the applicant proposes to preserve these structures.

C. BACKGROUND

The 17,456 square foot property was created in 1911 via plat and is known as Lots 20, 21, 25, 37, southerly 40 feet of lot 26 Rest Home. In 2018, Stauffer Investments, LLC, obtained a merger of contiguity (MER183) to create one zoning lot that allows for enough land area to construct a residential structure. The property is zoned A-5 (Agricultural). This site was the location of a former residential structure that was part of the Overlook Colony founded in 1911 but was destroyed by fire in 2001. The site currently contains three small cabins on the south side of the property that remain from the Overlook Colony.

D. ALTERNATIVES EXPLORED

There are three (3) alternative options identified for the applicant that would not require approval of a dimensional variance request:

1. Build a smaller residential structure that complies with the front setback requirement for the A-5 (Agricultural) zoning district.
2. Approval of administrative relief would allow a residential structure to encroach into the required setback up to twenty percent (20%) or 5 feet. The applicant could reduce the setback encroachment and request administrative relief.
3. Rather than preserve the existing historic structures in a courtyard, the applicant could modify the plans to incorporate the structures into the proposed residence, thus permitting the proposed residence to shift back toward the historic structures and reduce the encroachment into the front setback.

E. APPLICABLE RESOLUTIONS

Approval: Resolution 3 – Unique and Equitable Circumstances
Disapproval: Resolution 4

F. LOCATION

North: A-5 (Agricultural)	Single-family residential
South: A-5 (Agricultural)	Single-family residential
East: Colorado Springs Zoning	Vacant Land
West: A-5 (Agricultural)	Single-family residential

G. SERVICE

1. WATER

Water service is provided by the Overlook Colony Mutual Water Company

2. WASTEWATER

Wastewater service is provided by an onsite wastewater treatment system (OWTS).

3. EMERGENCY SERVICES

The parcel is located within the Broadmoor 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 number 08041C0738G shows the property within the Zone X area which is determined to be outside the 500-year floodplain.

2. DRAINAGE AND EROSION

The property is located within the Southwest Area drainage basin (FOFO4600) which is included in the Drainage Basin Fee program; however, drainage fees are not assessed with dimensional variance requests.

The owner must obtain permission from the adjacent property owner for offsite grading and improvements shown on the site plan.

3. TRANSPORTATION

There are no transportation issues identified with this 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 reduction in 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 residential structure and attached garage 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 site 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 garage addition.

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 six (6) adjoining property owners on September 12, 2019, for the Board of Adjustment meeting. Responses will be provided at the hearing.

K. ATTACHMENTS

Letter of Intent
Vicinity Map
Site Plan

A Petition to the Board of Adjustment for a Variance to
Physical Requirements of Specific Development Standards

PCD File Number (BOA 19-007)

By Stauffer Investments, Owner of 3945 Laura Road, CO/SP CO 80906

The Owner of 3945 Laura Road*, Stauffer Investments, is petitioning the Board of Adjustment for a Dimensional Variance due to the physical constraints of exceptionally challenging topographical features as well as a desire to preserve existing vegetation and 108-year-old architectural features such as stone retaining walls and most significantly the original stone fireplace from the destroyed original residence. No substantial detriment to the public good nor harm to the general purpose and intent of this Code will be caused by the variance granted.

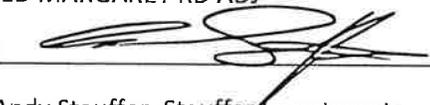
The Lots at 3945 Laura Road* have undergone a merger by Merger by Contiguity (MER183) for the purposes of zoning administration since each individual lot does not comprise the minimum lot area for the zoning district. The merger brought the property into closer conformity with zoning and provides better opportunity to leave existing historic structures.

The property 3945 Laura Road* is in the historic Overlook Colony neighborhood just off Old Stage Road behind the Broadmoor Hotel, which was originally developed back in 1911. A home was constructed that same year but was consumed by house-fire in 2001. It is the intention of the current Owner to construct a new single-family residence upon the original house site.

The proposed siting of the house places the footprint into the 25' front setback that borders the property line shared with the Parcel 7500000230. The proposed siting of the new home has been determined by taking the following constraints and conditions into consideration:

- The previous home's length front to back was approx.. 50' and included the original fireplace within this footprint. The new house's proposed footprint will be reduced to 36' in order to preserve this original fireplace going forward as an exterior feature (courtyard fireplace). This house length of 36' (up to 39' at one point) is the minimum house length that will support a reasonable floorplan which allows for common area and sleeping area on the main level which is desired for full main-level ADA accessibility. This new house location places the encroaching portion of the house at approximately the same location as the original house footprint in terms of proximity to the shared lot line with the Parcel 7500000230.
- The balance of the lot's area is not viable for any other potential house placement due to steep terrain and presence of original architectural and structural features such as rock retaining walls and historic cabins.

*3945 Laura Road Legal Description: "LOTS 20, 21, 25, 37 SLY 40 FT OF LOT 26 REST HOME TOG W/
VACATED MARGARET RD ADJ"

Signed  Date 9.16.19

Andy Stauffer, Stauffer Investments

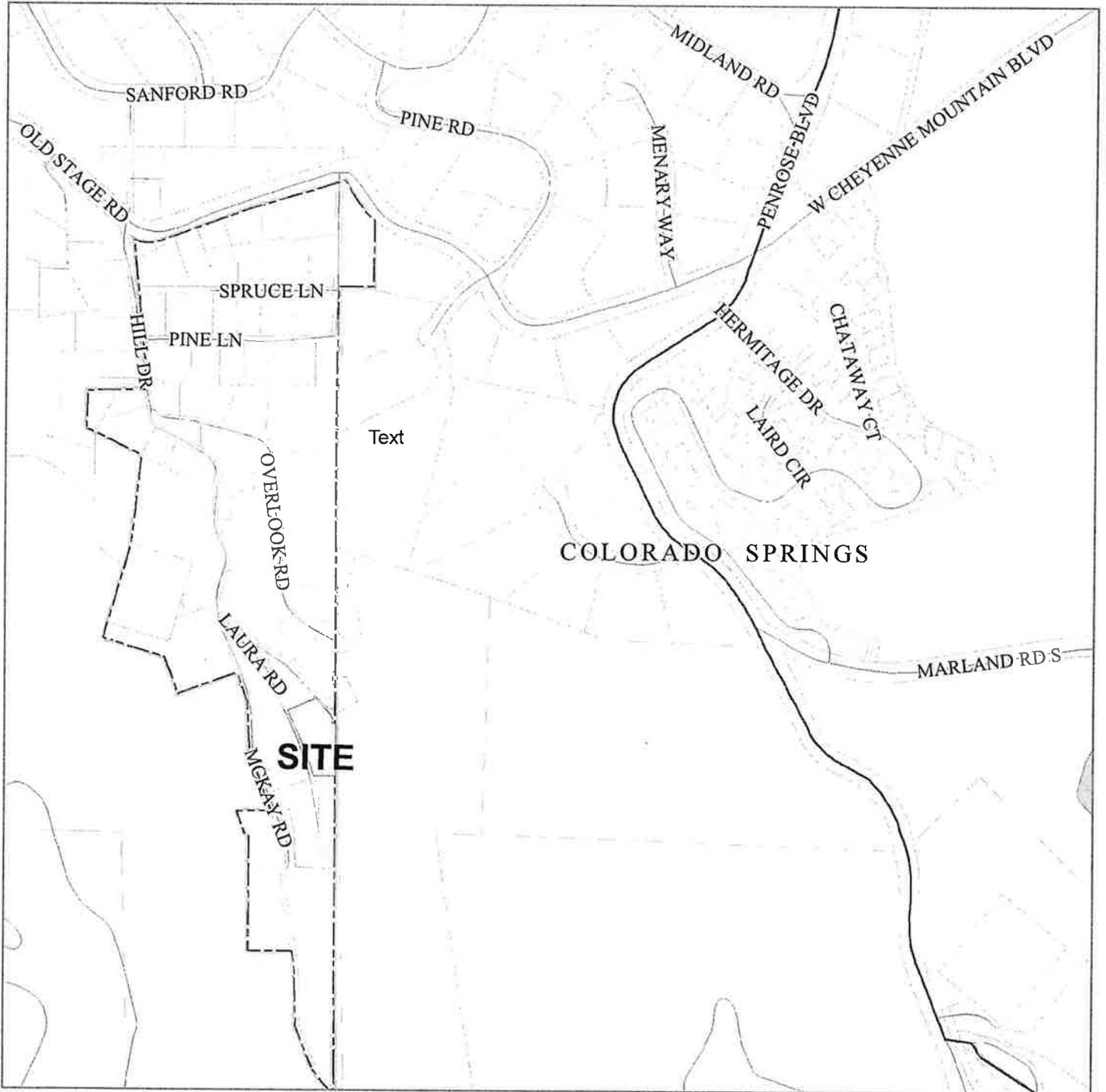
El Paso County Parcel Information

File Name: BOA-19-007

PARCEL
7502204109

Zone Map No. --

Date: September 12, 2019



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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FINISH GRADE LEGEND:

(SEE SITE PLAN FOR LOCATIONS)

- ① EXISTING GRADE = 6850.5
FINISH GRADE = 6852.0
- ② EXISTING GRADE = 6851.5
FINISH GRADE = 6852.0
- ③ EXISTING GRADE = 6847.0
FINISH GRADE = 6851.5
- ④ EXISTING GRADE = 6850.5
FINISH GRADE = 6851.0
- ⑤ EXISTING GRADE = 6838.3
FINISH GRADE = 6838.8
- ⑥ EXISTING GRADE = 6836.5
FINISH GRADE = 6838.8
- ⑦ EXISTING GRADE = 6841.5
FINISH GRADE = 6839.0
- ⑧ EXISTING GRADE = 6838.0
FINISH GRADE = 6842.0
- ⑨ EXISTING GRADE = 6838.0
FINISH GRADE = 6841.8
- ⑩ EXISTING GRADE = 6842.0
FINISH GRADE = 6842.0

MAX HEIGHT CALCULATION

AVERAGE FINISH GRADES:
(6852.0+6852.0+6851.5+6851.0+
6839.8+6839.0+6839.0+6842.0+
6842.0) / 9 = 6845.233

FINISH GRADE MAX HEIGHT:
6845.233+30 = **6875.233**

SITE INFORMATION:

ADDRESS
3945 Laura Road
Colorado Springs, CO 80906

LEGAL
LOTS 20, 21, 25, 37 SLY 40 FT OF LOT 26 REST HOME
TOG W/ VACATED MARGARET RD ADJ

SITE DATA

LOT SIZE = 17,458 SQ FT

AREAS:

EXISTING STRUCTURES-	815 ± SQ FT
NEW RESIDENCE LL-	1,487 SQ FT
LL COVERED PATIO-	245 SQ FT
NEW RESIDENCE ML-	1,487 SQ FT
ML DECK-	792 SQ FT
NEW RESIDENCE UL-	886 SQ FT
UL DECK-	691 SQ FT
ATTACHED GARAGE -	551 SQ FT

BUILDING FOOTPRINT:

EXISTING STRUCTURES-	815 SQ FT
PROPOSED STRUCTURES-	2,388 SQ FT

TOTAL FOOTPRINT= 3,183 SQ FT

EXISTING LOT COVERAGE = 4.669%

NEW STRUCTURES LOT COVERAGE = 13.588%

TOTAL LOT COVERAGE = 18.234%

ZONING = A-5

PARCEL No = 7502204109

PCD File No = BOA 19-007

BUILDING HEIGHT = 29'8"

SITE NOTES:

- Limit cut and fill areas and limit material and vehicle storage to the building areas in order to minimize vegetation and site disturbance.
- Final landscaping to be determined by the Contractor/Owner(s). It shall minimize impact to the site. All landscaping to be completed by the Contractor/Owner(s).
- Use wattles & hay bales to minimize erosion during construction. And also stabilize area with seeded blankets for erosion control as necessary.
- Earth materials are not to be stockpiled on streets or sidewalks, but on site or staging areas.
- Provide positive drainage away from and around structure in all directions as shown.
- Any boulder retaining walls shown shall be 48" max high and 48" 60" min apart laterally if (2) or more retaining walls exist. Or retaining walls shall be engineered by a licensed CO soils engineer.

SITE LEGEND:

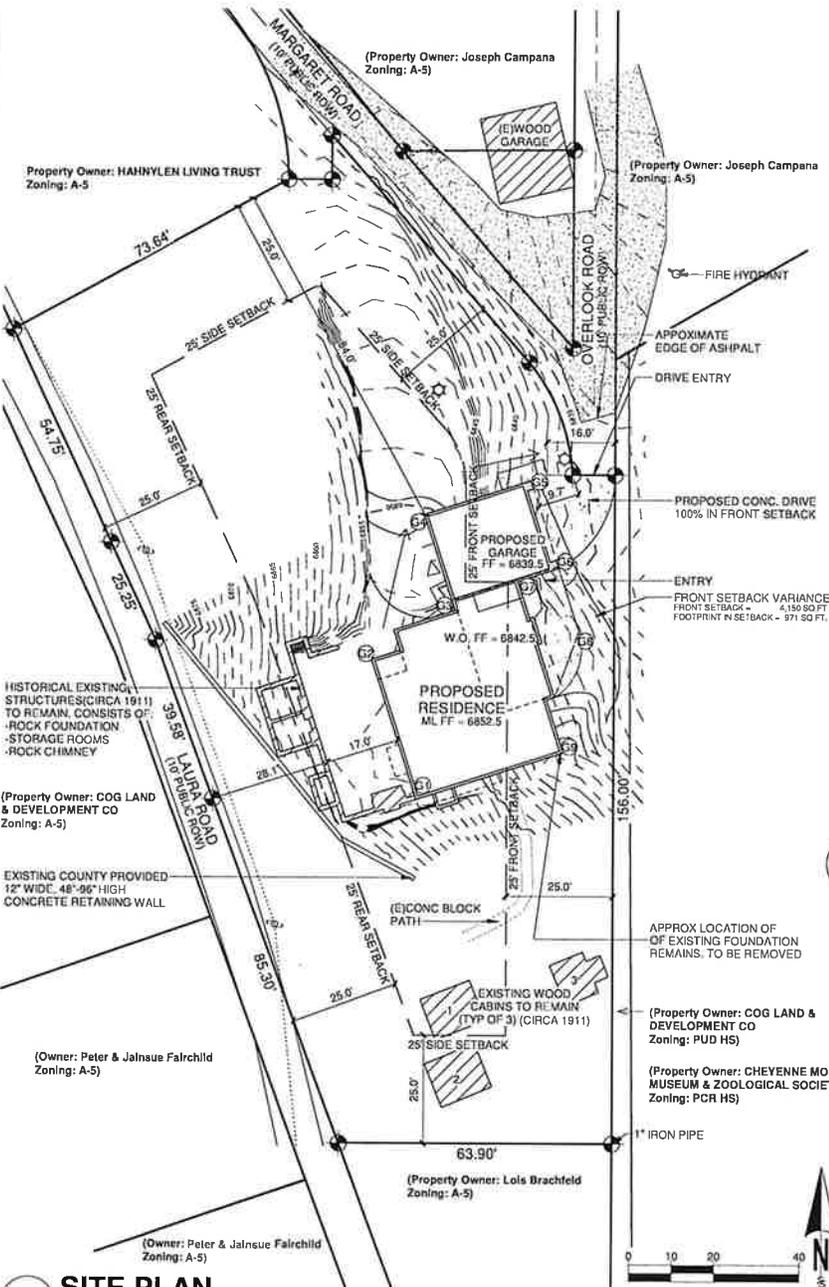
- PROPERTY LINES & CORNERS
- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPOSED BOULDER RETAINING WALL
- DRAINAGE SLOPE
- LIGHT POLE
- UTILITY POLE
- OVERHEAD UTILITY LINES
- FIRE HYDRANT

ABBREVIATIONS:

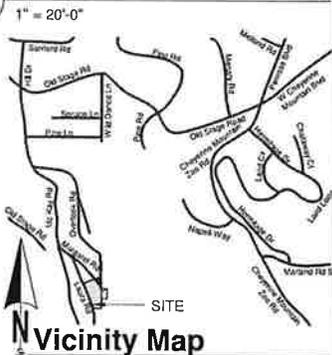
- | | |
|-------------------------|----------------------|
| B.O.W. = BOTTOM OF WALL | ML = MAIN LEVEL |
| CONC = CONCRETE | T.O.W. = TOP OF WALL |
| (E) = EXISTING | UL = UPPER LEVEL |
| FF = FINISH FLOOR | W.O. = WALKOUT |
| LL = LOWER LEVEL | |

3 BUILDING MAX HEIGHT

3/32" = 1'-0"



2 BUILDING FOOTPRINT



Vicinity Map

NOT TO SCALE

Note: Topo Information is Based on:
Clark Land Surveying Inc.
Address: 119 N. Wahsatch Ave. Colorado Springs,
CO 80903
Phone: 719-633-8533
Project #: 15031

3945 LAURA ROAD
Colorado Springs, CO 80906

SITE PLAN

PLAN ISSUE DATE:	9/16/2019
DRAWN BY:	LR
CHECKED BY:	ACS
PLOT:	9/16/2019 2:51:19 PM
REVISIONS	

SHEET :	SP1
OF 1 SHEETS	

Stauffer & Sons
CONSTRUCTION, INC.

(719) 492-2639
15 South Wahsatch Ave.
Colorado Springs, CO 80903
staufferandsons.com



County-built retaining wall

Existing Rock Retaining wall and Fireplace - Built 1911

Line of Old Foundation

Approx. House Placement

1" = 60'-0"

ENLARGED



1" = 60'-0"

ENLARGED



1" = 160'-0"

REST HOME

