

**Kevin Mastin, Interim Executive Director**  
**El Paso County Planning & Community Development**  
O: 719-520-6300  
KevinMastin@elpasoco.com  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

**TO: El Paso County Board of Adjustment**  
**Jay Carlson, Chair**

**FROM: Ryan Howser, Planner III**  
**Carlos Hernandez Martinez, Engineer I**  
**Kevin Mastin, Interim Executive Director**

**RE: Project File #: BOA-22-006**  
**Project Name: Rael Storage**  
**Parcel No.: 61000-00-489**

**OWNER:**

Steve Rael  
18220 Highway 83  
Colorado Springs, CO, 80908

**REPRESENTATIVE:**

CTR Engineering, Inc.  
16392 Timber Meadow Drive  
Colorado Springs, CO, 80908

**Commissioner District: 1**

Board of Adjustment Hearing Date:

7/27/2022

**EXECUTIVE SUMMARY**

A request by Steve Rael for approval of a dimensional variance to allow a side setback of 30 feet where 50 feet is required for an existing outside storage area. The 40-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Colorado Highway 83, approximately one-third of a mile south of Colorado Highway 105/Walker Road and is within Section 15, Township 11 South, Range 66 West of the 6th P.M.

**A. REQUEST**

A request by Steve Rael for approval of a dimensional variance to allow a side setback of 30 feet where 50 feet is required for an existing outside storage area.

## **B. APPROVAL CRITERIA**

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the El Paso County Land Development Code (2021), 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 not have exceptional narrowness, shallowness, size, or shape. The property is 40.2 acres in size and conforms 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.*

According to the applicant's letter of intent, the property is potentially encumbered by the following conditions:

"1. steep grades (topo), 2. drainage channels that crisscross the property, 3. narrow land strips, which are located next to the existing roadway, that will not work for RV/trailer relocation purposes, 4. pastureland that can't be destroyed, as it is utilized in order to feed the horses, and 5. security considerations."

According to the County's GIS mapping, the property does not appear to be encumbered by steep slopes and less than 1% of the property contains slopes exceeding 30%. The applicant states that the proposed storage area comprises less than 2% 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.

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 due to the large size of the property and surrounding residential lots, the use should be allowed to encroach into the setback because of the relative distance to the nearest residential structure, which is cited by the applicant to be located 320 feet from the proposed storage area. The applicant also states that they believe the existing no-build areas on the neighboring properties should contribute to the required setback.

### **C. LOCATION**

North: RR-5 (Residential Rural)  
South: RR-5 (Residential Rural)  
East: RR-5 (Residential Rural)  
West: RR-5 (Residential Rural)

Single-family residential  
Single-family residential  
School  
Single-family residential



## **D. BACKGROUND**

On October 17, 2018, the applicant received a Notice of Violation regarding the use of the property for an automobile and boat storage yard and home occupation. The home occupation consists of outdoor parking and storage of equipment and vehicles. The vehicles are currently located within the 25-foot side setback applicable in the RR-5 zoning district.

On July 5, 2019, the applicant submitted an application for a rural home occupation as a special use in order to legalize the use on the property through the administrative special use process (PCD File Nos. AL-19-018). The setback encroachment was discovered during the review process for the special use permit. Prior to consideration by the Planning and Community Development Director for approval or denial of the special use permit, the applicant must correct the side yard setback encroachment. The proposed setback reduction requires Board of Adjustment action. Approval of the variance request would allow the location of the existing storage use within the side yard setback.

## **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 structure meets the 25-foot setback from all property lines and is under 30 feet in height. However, the existing outside storage area does not meet the 25-foot setback requirement. The applicant has provided a site plan indicating the location of the existing outside storage area as located five (5) feet from the property



boundary. Based on staff observation of the subject property, the storage area may be located less than five (5) feet from the property boundary.

In addition to the dimensional standards of the RR-5 zoning district, Section 5.2.40.B of the Land Development Code provides the following requirements for outside storage uses:

- 2. Materials Screened by Solid Fence or Vegetation.** Outside storage shall be enclosed and concealed by a solid fence or wall at least 6 feet in height or any combination of berming, shrubs, trees fencing or walls which will provide at maturity a minimum of 6 feet of height and 100% opaque screening for the area utilized for outside storage.
- 3. Outside Storage Not to Exceed Height of Screening.** Outside storage or stacked materials shall not exceed the height of the screening fence except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component.
- 4. Storage of Equipment and Vehicles Exceeding Height of Fence.** All equipment and vehicles exceeding the height of the fence shall be stored on the rear  $\frac{1}{3}$  of the property except when adjacent to a residential zoning district, in which case the equipment or vehicles shall be a minimum 50 feet from the residential zoning district boundary.

In addition to these standards, Section 5.2.29.B.7.a of the Code provides the following requirement for outside storage when proposed as part of a proposed rural home occupation:

“Outside storage, parking and work areas are allowed provided these are set-back a minimum of 50 feet from all property lines and are limited in combination to one acre or 5% of the total lot or parcel area, whichever is less. The screening standards of Chapter 6 of this Code shall apply to all outside storage areas.”

In order to meet the criteria in both Section 5.2.40 and 5.2.29 of the Code, the applicant is required to set back the storage area a minimum of 50 feet from the property line. According to the applicant’s letter of intent, the vehicles are currently located approximately five (5) feet from the property line. If the dimensional variance request is approved, the applicant intends to shift the vehicles such that they are positioned 30 feet from the property line. The applicant will be required to provide screening of the stored vehicles and equipment pursuant to Section 5.2.40 of the Code, as outlined above.



The applicant may choose to screen the use with a fence or barrier which exceeds the height of the vehicles. Pursuant to Section 6.2.1 of the Code, any fences or barriers exceeding 7 feet in height are considered structures and require a building permit, and therefore are required to meet the dimensional standards and setbacks of the zoning district; however, even if the applicant chooses to screen the vehicles with a fence or barrier exceeding the height of the vehicles pursuant to Section 5.2.40 of the Code, the outside storage area would still need to be located a minimum of 50 feet from the property line, pursuant to Section 5.2.29.B.7.a of the Code.

If the dimensional variance is approved, the applicant will need to demonstrate compliance with the special use criteria in Section 5.3.2 of the Code, as well as the dimensional standards for the RR-5 zoning district and the additional criteria outlined in Section 5.2.40 of the Code.

#### **F. ALTERNATIVES EXPLORED**

There are three (3) alternatives that would not require a dimensional variance request:

1. The applicant could cease the use on the property.
2. The applicant could relocate the use to elsewhere on the property so that it meets the applicable setback requirements.
3. The applicant could construct an accessory structure to store the vehicles. This would require a 25-foot setback in order to meet the dimensional standards of the RR-5 zoning district.

#### **G. APPLICABLE RESOLUTIONS**

Approval: Resolution 3

Disapproval: Resolution 4

#### **H. 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 Tri-Lakes-Monument Fire Protection District. The District was sent a referral and has no outstanding comments



## **I. ENGINEERING**

### **1. FLOODPLAIN**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0285G, which has an effective date of December 7, 2018, indicates the property is located within Zone X, areas outside of the 500-year floodplain.

### **2. DRAINAGE AND EROSION**

This property is located within the West Cherry Creek drainage basin (CYCY0400). This is an unstudied basin with no associated drainage basin fees. No platting action is being requested; therefore, drainage fees are not due at this time. A drainage report was not required with this application.

### **3. TRANSPORTATION**

The property obtains access from State Highway 83, which is classified as a rural principal arterial. State Highway 83 is not maintained by the county; it is under the jurisdiction of the Colorado Department of Transportation (CDOT).

The El Paso County Road Impact Fee Program (Resolution 19-471), as amended is applicable. Fees are due with the last land use approval in accordance with Resolution 19-471.

## **J. 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 side setback of 30 feet where 50 feet is required, 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 a special use permit by the Planning and Community Development Department is required prior to the continuation of the use on the property. Approval of an application for special use shall occur within 60 days of dimensional variance approval. The deadline may be extended by the PCD



Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

3. Approval of a site development plan by the Planning and Community Development Department is required prior to the continuation of the use on the property. Approval of an application for site development plan shall occur within 60 days of special use approval by the Planning and Community Development Department. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

### **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.

### **K. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified twelve (12) adjoining property owners on 7/19/2022, for the Board of Adjustment meeting. Responses will be provided at the hearing.

### **L. ATTACHMENTS**

Letter of Intent  
Vicinity Map  
Site Plan  
Opposition Letters



May 28, 2022

C/o El Paso County Planning Department  
Board of Adjustments  
2880 International Circle, Ste 110  
Colorado Springs, CO 80910

**Re: Letter of Intent – Board of Adjustment – BOA-22-006**

Property Address: 18220 State Highway 83, Colo. Spgs., CO 80908  
Tax Schedule #61000-00-489  
Current Zoning: RR-5

Board Members:

Please accept this letter of intent from CTR Engineering, Inc., for a dimensional variance re: RV/Trailer storage.

<b>Owner:</b>	<b>Applicant/Consultant:</b>
Maingate Enterprises LLC	CTR Engineering, Inc.
Steve Rael, Manager	Jonathan Moore, P.E.
18220 State Highway 83	16392 Timber Meadow Drive
Colorado Springs, CO 80908	Colorado Springs, CO 80908
Ph: 719-339-0836	Ph: 719-964-6654
Email: sraeljr@sprintmail.com	Email: Jonathan.Moore@CTREngineering.com

**Background:**

The property owner wishes to rent a maximum of 50 RV/trailer spaces (0.64+/- ac.), which incorporates less than 2% of his overall land. This land is considered ranch property with a large barn located on the northern portion of this property surrounded by various horse-riding areas. Horse trailers, trucks, and cars park in that northern location throughout the week, in order for the clientele to ride their horses. Currently, the existing RV/trailers are stored along the northwestern property fence line; there is a 'no build area' located on the neighbor's property opposite the existing storage area.

This project is located along Highway 83, South of Highway 105 and east of the Canterbury East Subdivision (5-acres horse property). The property is 40.2 +/- acres, surrounded by other large land parcels to the north and south, with Highway 83 to the east and RR-5 (horse and pastureland) to the west. The property is zoned RR-5.

The surrounding neighbors also have their personal RV's, trailers, boats, cars, trucks, etc. parked on their lots, which can be seen from the existing RV/trailer storage area.

**Proposed Dimensional Variance Request:**

According to the Land Development Code (LDC), a RV/Trailer storage facility is allowed as part of a rural home occupation as a special use - accompanied by a property setback of 50-feet, when located next to a standard subdivision. We are asking for a variance to reduce the 50-feet to 30-

feet because of the “no build area” on the neighbor’s property next to the storage area. The current layout of the storage area has the RV/trailers located about 5-feet off the property line. By redirecting all RV/trailers to be repositioned at a 45-degree angle to the property line and existing roadway, they then would be located 30-feet away from the property line.

We believe the intent of the LDC 50-foot setback, in relation to a subdivision, is regarding a typical cookie-cutter subdivision with lots that are only 50’ by 120’, with very small backyards...not next to 5-acre horse property lots. The closest home to our proposed setback would be an average distance apart of 320-feet, or more than a football field away. Views from the existing homes are to the west, not the east, where the RV/Trailer storage is currently located in relation to their homes. Also, there are several rows of trees, which separate the neighboring homes from the existing RV/Trailer storage, providing natural screening.

The ‘no build areas’ to the west of the storage area could contribute to the required 50-foot setback as there cannot be any residential homes built near the storage area.

**Practical Difficulties and Hardships:**

The existing location of the RV/Trailer storage area is located between a fence and an existing roadway, which cannot be moved. The rest of the 40+/- acres contains: 1. steep grades (topo), 2. drainage channels that crisscross the property, 3. narrow land strips, which are located next to the existing roadway, that will not work for RV/trailer relocation purposes, 4. pastureland that can’t be destroyed, as it is utilized in order to feed the horses, and 5. security considerations. Because of the current location of the storage area, no RV/Trailer has been vandalized or broken into. If the storage area is relocated physically closer to Highway 83, break-ins are almost guaranteed, regardless of whatever expensive security system is put into place.

If the County forces the property owner to move his existing storage area, the future costs are estimated to be a minimum of \$150,000 in additional improvements, which would be required for: grading, erosion control measures, storm water quality pond, storm pipes, roadway and parking gravel, surveying, and the addition of a security fence.

**Burdens with the Compliance:**

Of course, anything is possible with the expenditure of money. However, the property owner is not a developer; he lives on the property, is retired and on a fixed income. This small RV/Trailer location provides additional monthly income for his living expenses.

**Contact Information**

CTR Engineering, Inc. is a full-service planning and engineering firm, representing Maingate Enterprises LLC (property owner). The following is the contact information for both parties.

We trust you will find our application for RV/Trailer Storage dimensional variance acceptable. We look forward to working with the County in processing this application and resolving any outstanding issues.

Sincerely,  
CTR Engineering, Inc.  
*Jonathan Moore*  
Jonathan Moore, P.E.  
Principal

# El Paso County Parcel Information

PARCEL NAME  
610000489 RAE L STEVE R JR

ADDRESS  
18220 HIGHWAY 83

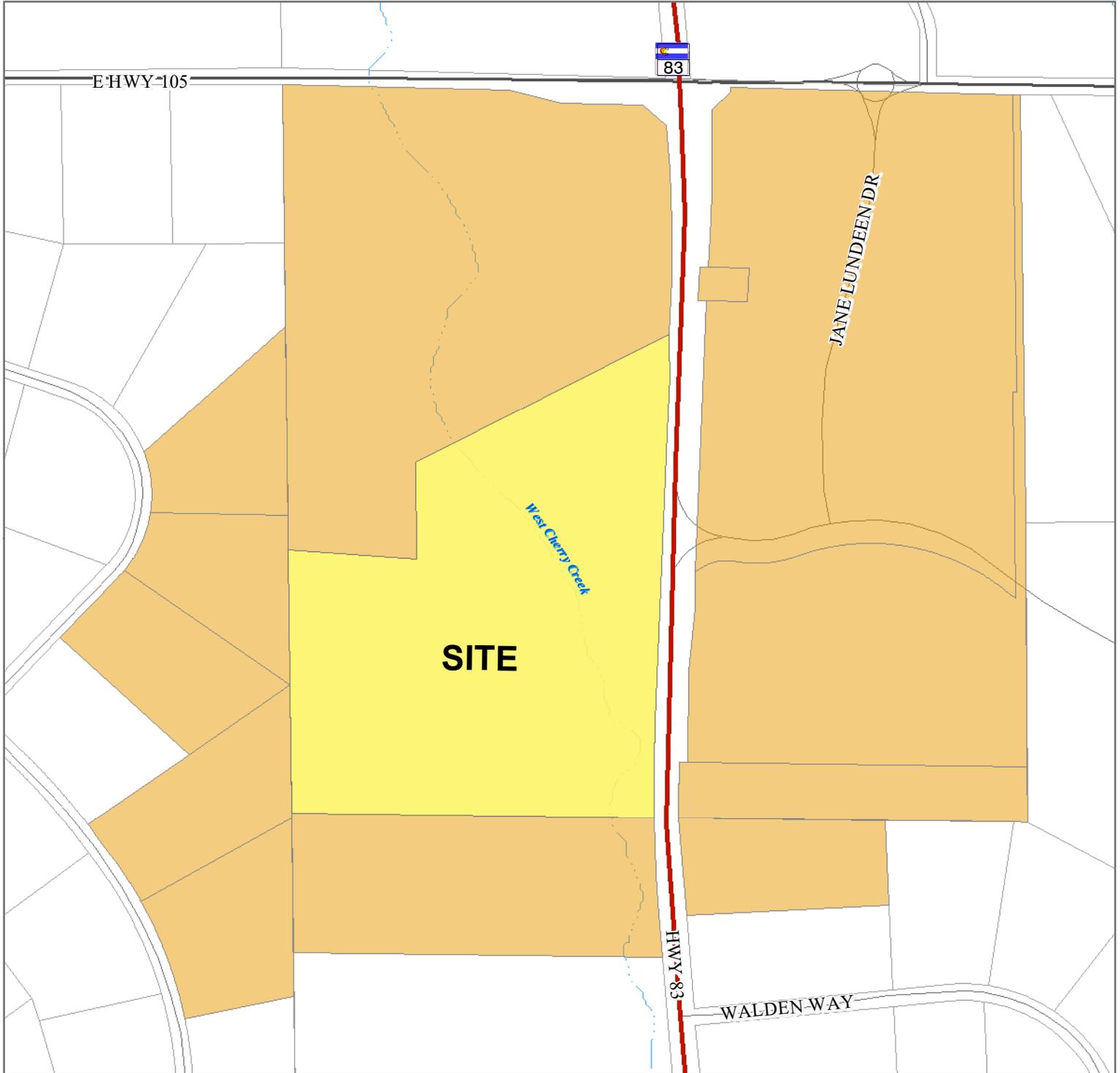
CITY STATE  
COLORADO SPRINGS CO

ZIP ZIPLUS  
80908

File Name: AL-18-007

Zone Map No.: --

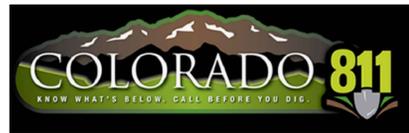
Date: July 19, 2022



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



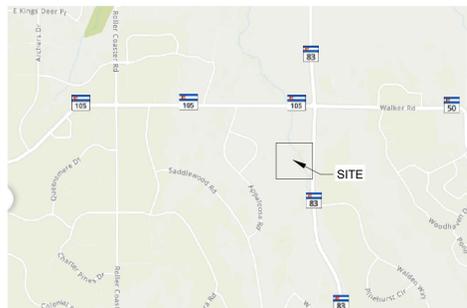
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1-800-922-1987

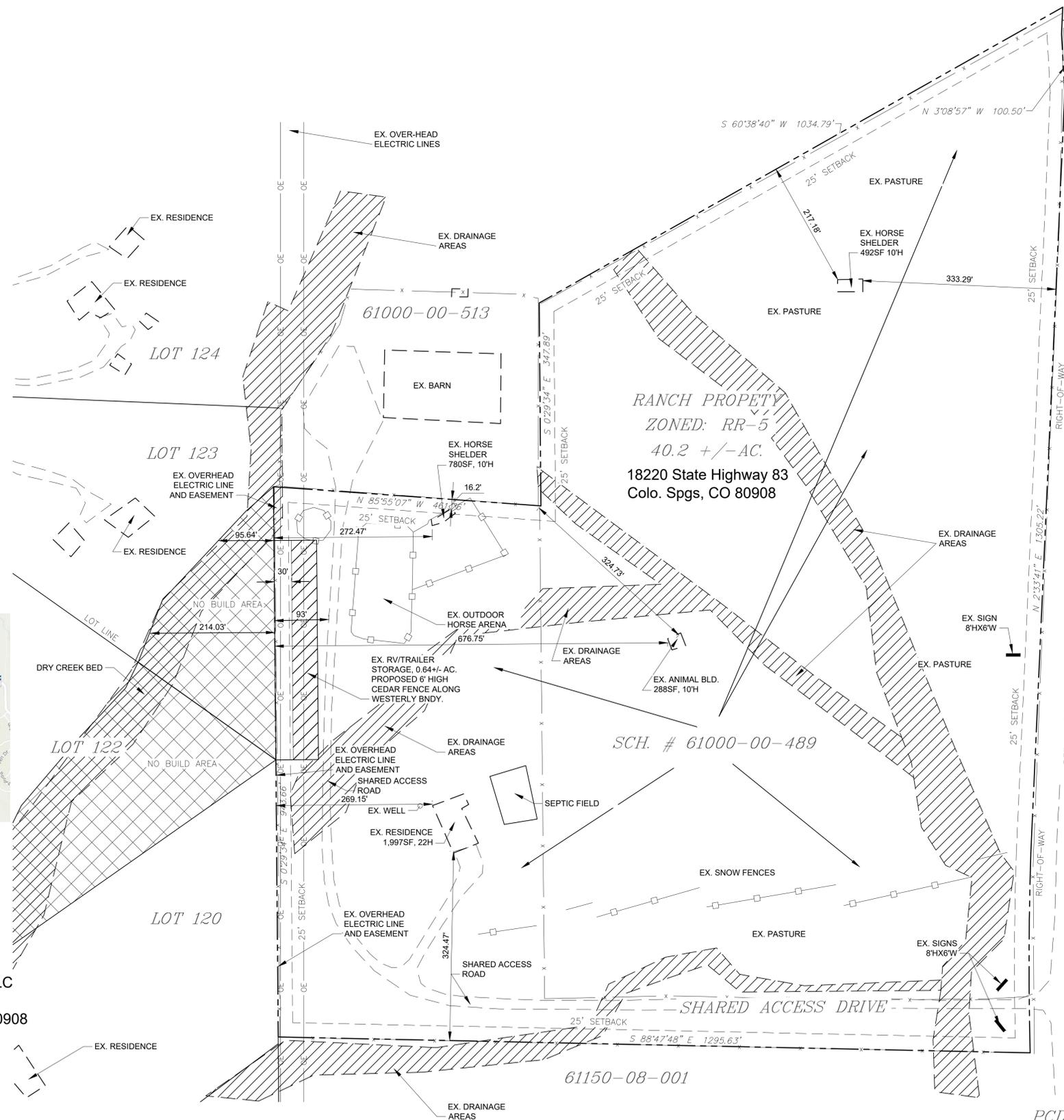
**NOTE:**

- 1) AN EXISTING OVERHEAD ELECTRIC LINE RUNS ALONG THE WESTERN PROPERTY LINE WITH A NO BUILD EASEMENT. THE STORAGE AREA IS LOCATED UNDER THE POWER LINES.
- 2) THE SUBDIVISION TO THE WEST CONTAINS A NO BUILDING AREA NEXT TO THE WESTERN PROPERTY LINE WITH A MINIMUM DISTANCE OF 95' AND 214' IN THE MIDDLE.
- 3) THE MAJORITY OF PROPERTY IS PASTURE (98.1%) WITH THE EX. HOUSE BEING APPROXIMATE. 1,997 SF.
- 4) PROPOSED STORAGE AREA IS 1.5% OF THE TOTAL SITE.
- 5) EXISTING FENCES ARE ALL BARB WIRE, 4- FEET TALL. 6-FOOT CEDAR FENCE IS PROPOSED.
- 6) NO OUTSIDE LIGHTS ARE PROPOSED.
- 7) TOTAL BUILDINGS SF: 3,557
- 8) NO PROPOSED LANDSCAPING.
- 9) ONLY ONE DWELLING UNIT.

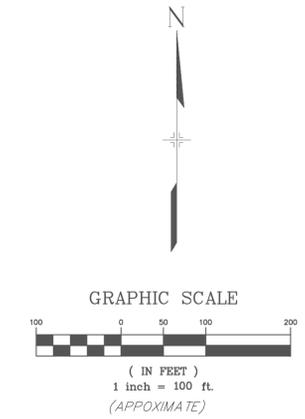


VICINITY MAP  
N.T.S.

**Owner/Applicant:** Maingate Enterprises LLC  
**Steve Rael, Manager**  
 18220 State Highway 83 Colo. Spgs, CO 80908  
 Ph: 719-339-0836  
 Email: sraeljr@sprintmail.com



THE LOCATIONS OF EXISTING ABOVE GROUND AND UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE CAUSED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL ABOVE GROUND AND UNDERGROUND UTILITIES.



**LEGEND**

- EXISTING PROPERTY LINES
- EXISTING 4' BARB WIRE FENCE
- EXISTING 6' CORRAL FENCE
- NO BUILD AREA

NO.	DATE	DESCRIPTION	BY
REVISIONS			
<b>CTR Engineering, Inc.</b>			
16392 TIMBER MEADOW DRIVE COLORADO SPRINGS, CO 80908 (719) 964-6654 JONATHAN.MOORE@CTRENGINEERING.COM			
PROJECT: <b>RAEL STORAGE SPECIAL USE RHOC</b>			
BENCHMARK:			
PROJECT TITLE: RV/TRAILER STORAGE			
SHEET TITLE: <b>BOARD OF ADJUSTMENT SITE PLAN</b>			
DESIGNED BY: JCM	SCALE: 1"=100'	DATE ISSUED: MAY, 2022	
DRAWN BY: JCM	V:	SHEET NO. 1 OF 1 SHEETS	
CHECKED BY: JCM		DWG:	

PCD FILE # BOA-22-006

## Ryan Howser

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**From:** IVAN PAM ANTHONY <AnthonyEnterprz@msn.com>  
**Sent:** Friday, July 15, 2022 10:43 AM  
**To:** Ryan Howser  
**Cc:** Fowler, Jill  
**Subject:** jill Fowler and Appaloosa Rd

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I am writing because I may not make the official meeting that we have received no notice on as this date. Ryan I am opposed to the variant that Steve Raul is proposing.

#1 reason it most likely will set a precedent, the property behind my property is un developed at this time.

#2 Steve could move the storage trailer closer to my property- the south on his but he doesn't want to block his view but doesn't seem to take others into consideration

#3It does not go along with the original intent of the zoning in our area.

#4 Steve has several acres that he could move the storage area to but it would take some land leveling if he wanted it flat, it is developable.

#5 Steve and the certified letter we all received states a vandalism problem, this is part of being a business owner. I don't want to play the part of an uncaring property owner but crime is always an issue.

Regards Ivan Anthony  
17925 Appaloosa Rd  
Monument Co 90132

Ivan Anthony  
Anthony Enterprises  
719-648-0111  
<http://ColoradoSyntheticLubricants.com>

## Ryan Howser

---

**From:** chairman@canterbury-hoa.com  
**Sent:** Monday, July 18, 2022 12:38 PM  
**To:** Ryan Howser  
**Cc:** Board; acc@canterbury-hoa.com  
**Subject:** Letter of Opposition to Steve Rael Request for Variance for Commercial RV Storage Operation  
**Attachments:** 2022-07-18 CIA Inc Chairman Letter to Board of Adjustment on Letterhead 2 pages.pdf; Canterbury Map GIS jpg showing Rael adjacent.jpg

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TO: Ryan Howser, Planner, El Paso County Planning & Community Development, phone 719-520-6049

Dear Mr. Howser,

Please find attached our Association's letter of opposition to the Rael variance request to be considered by the Board of Adjustment.

Also attached is a map of our Canterbury Estates properties showing how Rael's property is adjacent.

Please ensure these documents are presented to the Board of Adjustment and made part of the record in the Rael variance matter.

Thank you.

Janet Schulte, Chairman

Canterbury Improvement Association

<https://www.canterbury-hoa.com/>



Canterbury Improvement Association, Inc.  
P.O. Box 333  
Monument, CO 80132-0333  
[www.canterbury-hoa.com](http://www.canterbury-hoa.com)

July 18, 2022

TO: El Paso County Board of Adjustment  
c/o Ryan Howser, Planner III, El Paso County Colorado Planning & Community  
Development, [RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com) , 719-520-6049

RE: Opposition to Steve R. Rael, Jr's. Request for Variance to Continue to Place  
Commercial Recreational Vehicle Storage Operation Within 50 Feet of Adjacent  
Residential (RR-5) Properties.

Offending Property: El Paso County Parcel Number 6100000489  
Owners' Name(s) Rael Steve R Jr, Rael Elizabeth  
Parcel Address 18220 Highway 83, Colorado Springs, CO 80908

Dear Sirs and Madams,

The Canterbury Improvement Association, Inc. is the non-profit Homeowners  
Association representing all residents of Canterbury Estates in northern El Paso  
County. Our Association's website can be viewed at <https://canterbury-hoa.com/>.

On behalf of all the owners of our 134 parcels zoned RR-5 and approximately  
five acres or more in size, we ask you to unequivocally deny Steve R. Rael Jr's  
request for a dimensional variance to continue siting his commercial recreational  
vehicle storage operation within 50 feet of our Canterbury Estates property owners.

Our own community's covenants restrict placement of buildings within 50 feet  
of adjacent property lines.

**"Covenant VI. Building Location.** No building shall be erected nearer  
than seventy-five (75) feet to any boundary along a street, or so that any  
part of said building is closer than fifty (50) feet to any of the other  
boundary lines of said premises. When topography or other unusual  
circumstances make these setbacks impractical, less setback may be  
acceptable if specific permission is given by the Architectural Control  
Committee."

Steve Rael's placement of many large recreational vehicles close our property owners' lot lines in perpetuity is the functional equivalent of buildings we require separation for. These large and numerous recreational vehicles are unsightly, are a nuisance to our owners, and diminish the value of adjacent properties and through the real estate valuation comparison process they diminish the value of all Canterbury Estates properties. Our Association's owners do not intrude on Steven Rael's property in an unsightly way but he intrudes on ours.

The recreational storage business on the Rael property and the current location of where the RVs are placed are also in violation of multiple ordinances and laws. These violations are detailed in opposition letters from other Canterbury owners and for the sake of brevity are not repeated here. However they do bear mentioning and are quite significant.

For these reasons our Association respectfully requests you deny Steve R. Rael, Jr's. Request for Variance to Continue to Place Commercial Recreational Vehicle Storage Operation Within 50 Feet of Adjacent Residential (RR-5) Canterbury Estates Properties.

Sincerely,



Janet Schulte  
Chairman  
Canterbury Improvement Association

Attachment: Map of Canterbury Estates Properties

## Ryan Howser

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**From:** Lynn Davis <hotsauceangel1@gmail.com>  
**Sent:** Friday, July 15, 2022 12:48 PM  
**To:** Ryan Howser  
**Subject:** Variance Request For the Steven Rael Jr. RV/Trailer Storage.

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To whom it may concern,

I am a property owner at 2535 Mohawk Way, Monument, CO 80132. For many years there have been many RV's parked along the fence line between me and my other neighbor. These RV's are a complete eyesore. I believe it is an issue in reselling my property at a lesser value due to the trailer park in my backyard. There are 121 members in my HOA, many of these properties would have to be sold at a lesser value if mine was sold at a lesser value. The RV's are approximately 10 inches from my fence and I believe it is supposed to be at least 50 FT. That property owner has many more acres where he could move the RV's, on top of that, I thought this area was zoned for private homes and not outside business. At this point I even wonder if that individual is paying taxes for his business. I would appreciate the RV's being moved/zoned to a different area. If you have any questions please contact me Email: [Hotsauceangel1@gmail.com](mailto:Hotsauceangel1@gmail.com)  
Phone # 720-217-8359.

Very Respectfully  
Anne P Davis.

July 15, 2022

El Paso County Board of Adjustments

Re: Steve Rael Jr. RV/Trailer Storage Variance Request **Opposition Letter**  
18220 State Highway 83, Colorado Springs – BOA 226

Dear Mr. Chairman and other Members of the Board,

My home and property are directly adjacent to the RV and Trailer Storage business. This business is in violation of numerous sections of the El Paso County Land Development Code:

- Operating this business without a Special Use Permit
- RV/Trailer Storage does not meet the setback or screening requirements

There have been a large number of RVs and Trailers including a semi- truck Trailer parked and stored about 3-5-feet (some even closer) off of my east property fence line for the last 10-15 years (See Exhibits A, B, C).

- The County was made aware of this issue in October, 2018 after an initial complaint was filed
- Mr. Rael has been aware of the 50-foot setback requirement since early 2019 (See Exhibit D1 and D2)
- However, it has taken over 3 years to finally get to this point where he has submitted this variance request and it now comes to this Board for review.

Based on the Letter of Intent and site map that Mr. Rael has submitted and in reviewing the variance criteria:

- Mr. Rael has **not demonstrated** any peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the property
- Mr. Rael has **not shown** exceptional narrowness, shallowness or shape of the property or exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property
- Mr. Rael has **not demonstrated** that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property
- Mr. Rael has **not provided** relevant or compelling rationale to justify a setback variance
  - Mr. Rael states that he cannot comply with the 50-foot setback requirement in the current location of the RVs and Trailers since it's between a fence and an existing roadway
  - Mr. Rael **has neglected** to mention that there are numerous other reasonable options on his 40-acre property where the current RV/Trailer Storage can be relocated and meet setback requirements
    - The Letter of Intent states that the Storage area is on less than 2% of his overall land which allows for numerous opportunities to meet the setback requirements (See Exhibit I)
    - It should be noted the **Board voted for disapproval of BOA-22-004** at the June 22, 2022 meeting because the applicant had another alternative to relocate the proposed home and meet setback requirements even though 95% of his 5.41-acre property has 30 degrees or greater slopes (See Exhibit G). This is quite unlike Mr. Rael's 40-acres of relatively flat and open property.

During the course of the past 3+ years, several members of the County Staff have provided comments to Mr. Rael:

- Highly discouraging him from making a request for a setback variance because the provision is put in place to mitigate the impacts of his home occupation on the surrounding property owners (See Exhibit E)
- They don't anticipate that the Planning Commission or the Board of County Commissioners would be receptive to that waiver because, in a recent work session, home occupations were discussed and the need to appropriately mitigate and screen were topics supported by the board (See Exhibit E)
- Even the engineer that Mr. Rael is working with told me in a phone conversation in early August, 2021 that he had previously suggested to Mr. Rael that he simply relocate the Storage area because of the opposition he was facing

Regarding the 50-foot setback requirement as set forth in the Code and as it relates to Mr. Rael's rationale in his interpretation of the requirement:

- Mr. Rael states he is asking for a variance to 30-feet because:
  - There is a no build area located on my property opposite the existing Storage area
  - The closest home (presumably mine) to the proposed setback would be an average distance of 320-feet, more than a football field away
  - Views from the existing homes are to the west and not the east where the RV/Trailer Storage is currently located in relation to their homes
    - Completely false as noted in the Supporting Detail and Context attached
  - There are several rows of trees, which separate the neighboring homes from the existing RV/Trailer Storage, providing natural screening
    - Completely false and noted in the Supporting Detail and Context attached

In my review of the Code, especially the portions related to Variances to Physical Requirements, Special Use, and Outside Storage and Work Areas Allowed:

- I have been **unable to find anywhere** that says that setback is a minimum of 50-feet from all property lines
  - EXCEPT in situations where the outside Storage and parking is directly adjacent to a no build area;
  - EXCEPT in situations where the outside Storage and parking is a certain distance from the closest home;
  - EXCEPT if the views from the existing homes don't face the outside Storage and parking; or
  - EXCEPT in situations that where trees provide natural screening

After reviewing all of the documentation I received as a result of submitting a CORA request, it is clear to me that Mr. Rael's reluctance to relocate this RV/Trailer Storage to another "less than 2%" area on his 40-acre property is based:

- More on his **personal preference and convenience** vs. legitimate topographical or other variance criteria concerns.
  - In fact, in early versions of Mr. Rael's Special Use Permit LOIs starting in February, 2019, he stated:
    - that he wanted to "respect the folks that utilize the horse barn"
    - that he "does not want to denigrate the beauty of the property"
    - that he wanted to respect and preserve his personal property view of the Front Range and,
    - that he wanted to preserve his personal view from his home and front porch (See Exhibit D2).

I have attached Supporting Detail and Context information that supports my opposition and is in response to the rationale and statements outlined in the Letter of Intent, some of which are inaccurate and/or misleading.

In summary:

- Mr. Rael has not met the variance criteria to justify approval of the variance request
- Mr. Rael's stated rationale related to setback requirements is not valid in considering a setback variance
- Mr. Rael has not sufficiently demonstrated that there is nowhere else on his 40-acre property where he can carve out less than a 2% area to relocate the RV/Trailer Storage to meet the 50-foot setback requirement

Therefore, I respectfully ask you to vote for disapproval to this variance request. Thank you for your time and consideration.

Sincerely,

Jill Fowler, Canterbury Lot 123  
2585 Mohawk Way, Monument, CO 80132  
719-660-4349

## Supporting Detail and Context in Response to Letter of Intent

Mr. Rael claims there are steep grades on his 40-acre property, but even without a topographical map, one can simply look at the property and clearly see that the majority of the property is relatively flat and open (See Exhibits F1, F2 and F3).

- It certainly does not have the type of steep slopes or topographical concerns that were reviewed in the June 22 Board of Adjustment meeting for the variance requests submitted at that time
- In fact, the Board voted for disapproval of BOA-22-004 because the applicant had other alternatives to relocate the proposed home and meet setback requirements even though 95% of his property has 30 degrees or greater slopes. (See Exhibit G)

In his Letter of Intent, Mr. Rael also speaks to narrow land strips and drainage areas. However:

- RV/Trailers are currently located on what is presumably one of those narrow land strips that he is referring to and that hasn't prevented him from parking the RVs/Trailers there all these years
- There are ample areas on the 40-acre property that would not be considered narrow land strips
- There are large open areas where there are no drainage channels depicted on the site map
  - On a side note, Mr. Rael has a couple boats, a pop-up camper, a camper shell, an enclosed work Trailer and some other items parked on the property line adjacent to Lot 120 and directly in an area clearly shown as a drainage area on the site map (See Exhibit H)

Based on the above, it doesn't appear he is overly concerned about the current Storage being at least partially on a drainage channel or on a narrow land strip. (See Exhibit I for some, but not all, possible alternatives to store the RVs/Trailers and meet the 50-foot setback requirement.)

Mr. Rael also states in his Letter of Intent:

- There is pastureland that can't be destroyed, as it is utilized to feed the horses
  - That rationale doesn't appear to meet the variance criteria because:
    - it doesn't speak to the exceptional narrowness, shallowness or shape of the property
    - nor does it speak to exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property

However, a couple thoughts on this point anyway:

1. As a 20+ year former horse owner, I can confidently say that the property is over-grazed, is quite weedy and cannot sustain 100% feeding of the horses that are grazing on his property
2. According to Mr. Rael, the RV/Trailer Storage takes up less than 2% of the property
3. That said, there are other options on his 40-acres to graze the horses and relocate the RV/Trailer Storage business while meeting the 50-foot setback requirement

Mr. Rael also cites security and financial considerations in his Letter of Intent, but I don't believe those things constitute hardships under the variance criteria. But even if they were:

- I would think any expenditures related to this business would be considered a business expense for tax purposes, assuming he has been filing tax returns for this business income
- As a reminder, Mr. Rael has been operating and growing this business for 10-15 years. Even though he's been in violation of the Code the entire time (knowingly since early 2019), he has been earning income and financially benefiting and there have been no penalties or fines assessed over the years

I don't know how the estimated future costs of \$150,000 was determined, but the costs speak to improvements that have not ever been made in the current storage location.

- For example, the RVs/Trailers have been parked on the ungraded dry brush, grass, and weeds for all of these years and there is no parking gravel which is one of the improvements he states he will need to make (See Exhibits A, B and C)
- In addition, other areas on the property where the RV/Trailer Storage could potentially be relocated are not any more uneven or sloped nor do they have much different terrain than where the current RV/Trailer Storage is located
- There are even options to relocate the RV/Trailer Storage along other portions of the existing access road thus avoiding additional expenditure for that (See Exhibit I).
- Also, there currently is no fencing or screening around the Storage area as required by the Code, so fencing is a cost that will need to be incurred regardless of where the Storage is located on the property should he ultimately gain approval to continue to operate this business through a Special Use Permit.

The Letter of Intent refers to the fact that Mr. Rael is retired and on a fixed income and that this small RV/Trailer location provides additional monthly income for his living expenses:

- I am retired and live on a fixed income as well
- I have consulted with a seasoned real estate professional who has confirmed that this Storage area is devaluing mine and my neighbors' property
- My home and property are my most significant asset and I can't afford to have my property value reduced due to having this RV/Trailer Storage parked along my property line

In all of these years, and being fully aware of his neighbor's opposition, Mr. Rael hasn't made one good faith effort to address any concerns or move the RVs/Trailers off of my property line while he goes through the process of obtaining approvals. Instead, he has done nothing in the interim but drag his feet (3+ years) in order to get this situation resolved and operate within the Code. He has essentially chosen to continue to flaunt the violations in my face, and, for that matter, in the face of the County as well – all for his benefit and financial gain.

In fact, he demonstrated a cavalier attitude in response to my concerns in an email in April, 2019 (See Exhibit J).

- Contrary to his statement in that email, his situation with the school is hardly similar to what I have been facing as it is not directly on his property line nor is it directly across from his residence. In addition, the school wasn't built without approval.

#### Inaccurate and Misleading Statements

1. Contrary to Mr. Rael's statement that "views from the existing homes are to the west, not the east, where the RV/Trailer Storage is currently located":
  - a. My view is compromised from **EVERY SINGLE** one of my 14 east facing windows (See Exhibits K1, K2, K3 and K4. Due to space limitations, I included pictures from 3 of the 14 east facing windows. Exhibit K2 is at the most southern end of my home and K4 is at the most northern end of my home. Views from the rest of the 14 windows are similar as my entire home faces east)
  - b. And, while there are trees on my property, they hardly provide the "natural screening" as Mr. Rael states. (See Exhibits K2, K3 and K4)
2. Mr. Rael states that there is a large barn located on the northern portion of this property. He also states that horse trailers, trucks, and cars park in that northern location throughout the week.
  - a. While there is a riding arena and a round pen on the northern portion of his property (based on the site map), the barn, horse trailers, trucks and cars that park there are not on his property
  - b. Rather all of that is on the barn property to the north (See Exhibit I)

3. Mr. Rael states that the surrounding neighbors also have their personal RVs, trailers, boats, cars, trucks, etc. parked on their lots, which can be seen from the existing RV/Trailer Storage area:
  - a. This is an absurd and ridiculous comparison for obvious reasons
  - b. Other than the barn property to the north, whose owner Mr. Rael may have some sort of financial arrangement with for grazing horses and allowing riding and events in the arena on his property,
    - i. I only see one surrounding neighbor who has an RV parked outside and visible
    - ii. **None** of the neighbors directly adjacent to the RV Storage have any RVs/Trailers/Boats, etc. parked
    - iii. In any event, we are on 5-acre horse properties, and it would be reasonable for any of us to park a personal RV, trailer, boat, car or truck on our property
    - iv. That being said, none of us is running an RV Storage business on our properties without approval and in violation of the Code
    - v. And, what could be parked has never been excessive, is not an eyesore, is not parked directly on property lines, and doesn't devalue neighboring properties

# EXHIBITS



*EXHIBIT A – Aerial View July, 2021*



*EXHIBIT B – Partial Fence line View*



EXHIBIT C – Close Ups

## Letter of Intent

\* Steve R Rael Jr. 18220 State Hwy. 83, Colorado Springs. CO 80908

(719)-339-0836

\* Current zoning RR5, site location west side of property line estimated 18,000 square feet for annual storage consisting of; Boat and Trailer, Utility Trailers, RV s and Horse Trailers

\* Storage area will not have external lighting, no storm fencing, no additional roads

\* Requesting waiver of 50 feet from eastern property line to park RV units

\* No zoning changing requested

\* Estimated land requirement 18,000 square feet

\* No residential units nor dwelling units required in this project

\* This project requires no commercial nor industrial sites

\* Project required estimated 18,000 square feet of 40.2 total acre personal property

\* Maximum (42) unit parking spots requested

\* Typical unit 30 feet length, 8 feet wide, 10 feet high

\* No recreational facilities required

\* No construction required

I believe you mean western property line  
Also a waiver of setback would require a Board of Adjustment Hearing.

Over 5,000 sf must meet the screening standards of Chapter 6 of the El Paso County Land Development Code.

Discuss the anticipated daily traffic generated with the proposed use.

\* Project completion achieved

\* No sewer nor water requirements requested, no dumping station nor washing station will be installed

\* No landscaping will be required nor needed

Screening is required per section 5.2.29.B.5.a.

\* Access location is current drive way used for residences and barn traffic

\* Apart from estimated 18,000 square feet, remaining 40.2 acre is set aside as open space

Typo

\* (42) Spot designation is the (Maximum) number of parking spots established by Steve Rael Jr. for following reasons:

1 Respect for my neighbors located to the west in Canterbury Development

2 Respect for the folks that utilize the horse barn. I do not want to denigrate the beauty the property

3 Respect and Personal preservation of my personal property view of the Front Range and personal view from home and front porch

2/18/19

PCD  
Project  
Manager

Letter of Intent: I see that you have removed the request for waiver of the 50' setback from property line for the storage area. However, that area is still shown the same on the site plan (right up next to the property line.) If you keep the storage there, you need to request the waiver but we do not anticipate that the Planning Commission or the Board of County Commissioners would be receptive to that waiver because, in a recent work session, home occupations were discussed and the need to appropriately mitigate and screen were topics supported by the Board.

5/13/2020  
4:09:05 PM

PCD  
Project  
Manager

The letter of intent indicated that you wish to request a waiver for the 50' setback from property lines for outside storage associated with a home occupation. We highly discourage you from making that request because that provision is put in place to mitigate the impacts of your home occupation on the surrounding property owners. We do not anticipate that the Planning Commission or the Board of County Commissioners would be receptive to that waiver because, in a recent work session, home occupations were discussed and the need to appropriately mitigate and screen were topics supported by the Board.

10/2/2019  
12:27:50  
PM

If you wish to remove that request, please revise the letter of intent to remove the waiver request.

Additionally, please revise the letter of intent to describe how you comply with the special use approval criteria from the Land Development Code (see attached).

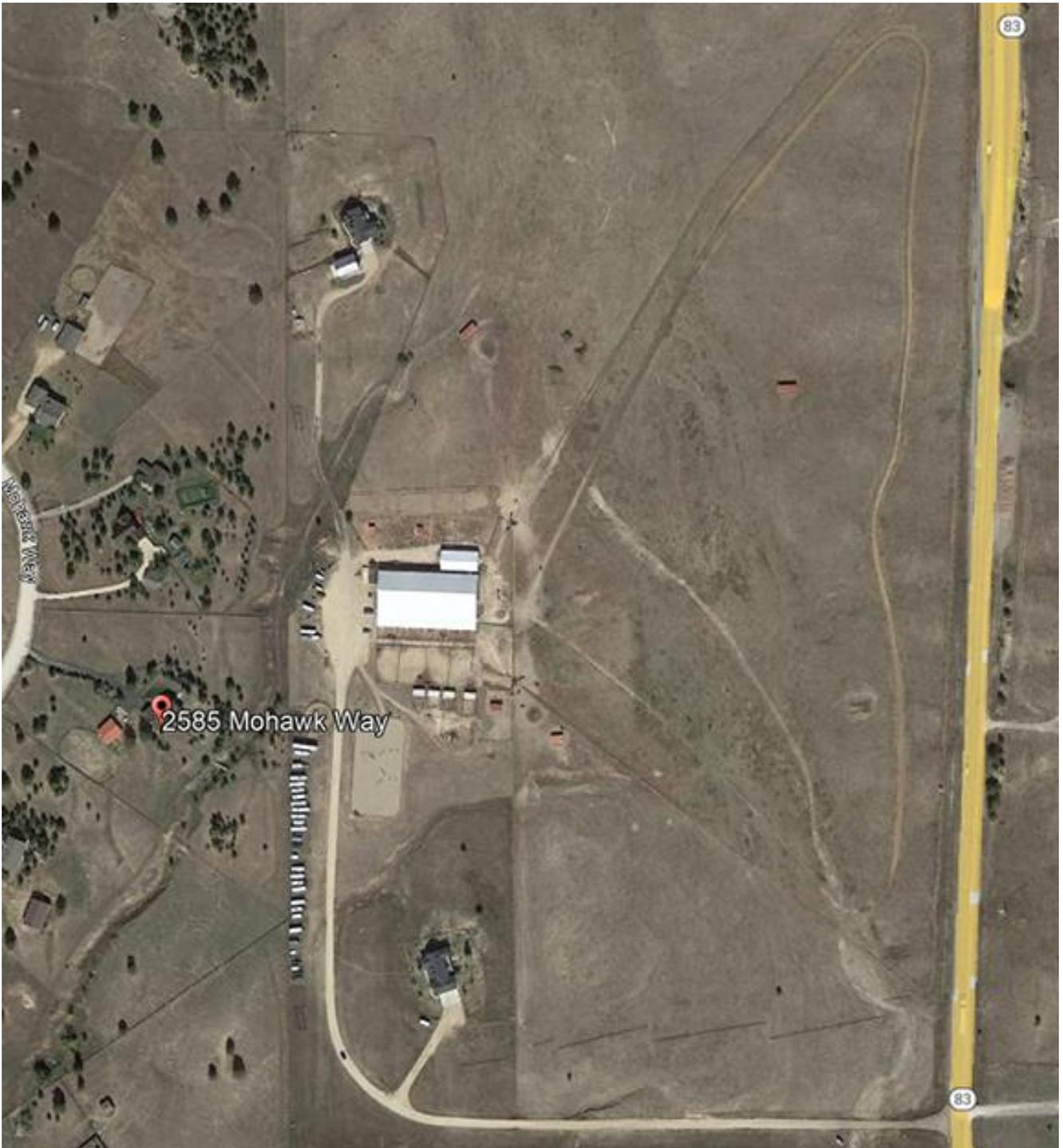


EXHIBIT F1– Google Maps Aerial View of Topography



*EXHIBIT F2 – Road View of Southern part of property (no steep slopes)*



*EXHIBIT F3 – Road View of Property (no steep slopes)*



EXHIBIT G – Google Earth View of Denied Variance Request even with 30 degrees or greater slope over 95% of the property



EXHIBIT H – Red Circled Drainage Area as depicted on site map



## Re: RV storage parking

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**From:** "Steve R. Rael Jr." <sraeljr@sprintmail.com>  
**To:** Jill Fowler  
**Cc:** Rael Jr Steve <sraeljr@sprintmail.com>  
**Subject:** Re: RV storage parking  
**Date:** Apr 15, 2019 5:25 PM

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Jill - I do not intend to add additional Storage spots. The project is for the current storage location and parking spots.

I regret your feeling. We are facing identical circumstances with the new High School project directly across our entire eastern property line. This is progress and unfortunately nothing stays the same.

Regards,

Steve R. Rael Jr.

MainGate Enterprises, LLC. Steve R. Rael Jr, / Owner 18220 State Highway 83  
Colorado Springs, Colorado 80908  
sraeljr@sprintmail.com  
Bus: 719-339-0836

-----Original Message-----

>From: Jill Fowler <jillfowler@earthlink.net>  
>Sent: Apr 14, 2019 10:26 AM  
>To: sraeljr@sprintmail.com  
>Subject: RV storage parking

>

>

>Steve,

>I received your letter about the proposal for RV storage parking. If I am understanding what you are saying, you are proposing to add even more storage parking than what you have been doing for years. My property is taking the bulk of the hit to property values since the majority of your current and proposed parking is entirely in view from every east window in my home.

>

>I met you or someone years ago and whoever that was apologized for having a few horse trailers parked along my property line at that time. You or whoever that was also said it was temporary parking and that the trailers would be parked along highway 105 as a permanent solution. That never happened and instead the number parked grew and you added semi's, RVs, and other trailers. It has turned



*EXHIBIT K1 – East Facing View of my Home – Every one of my east-facing windows have similar views as seen in the following pictures. 8 windows on the main living level and 6 windows in the finished walk-out basement.*



*EXHIBIT K2 – East Kitchen Sink Window*



*EXHIBIT K3 – East Kitchen Patio Door/Deck*



*EXHIBIT K4 – East Master Bedroom Window (one of two)*