



COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

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

**FROM: Len Kendall, Project Manager/Planner I
Craig Dossey, Executive Director**

**RE: BOA-18-001, Reigning Hope
Assessor's Schedule No: 52060-00-040**

OWNER:

REPRESENTATIVE:

Craig and Susanne Hoffman 14090 Holmes Rd Colorado Springs, CO 80908	Kesti Suggs 14445 Holmes Rd Colorado Springs, CO 80908
--	--

Commissioner District: 1

Board of Adjustment Hearing Date:	6/13/2018
-----------------------------------	-----------

EXECUTIVE SUMMARY

A request by Chuckie's Place d/b/a Reigning Hope (applicant) representing the property owners, Craig and Susanne Hoffman, for a dimensional variance for a lot area variance to allow a parcel size of 4.15-acres where 10-acres are required for a commercial stable in the RR-5 (Residential Rural) zoning district. The parcel is located on Holmes Road approximately 1.87 miles north of Shoup Road. The parcel is located within the Black Forest Preservation Plan (1987).

Reigning Hope activities include working with physically and emotional disadvantaged individuals, using occupational therapy with horses. Therapy activities will occur in a contained outdoor arena and adjacent sensory trail. Reigning Hope is currently in the process of building an indoor riding arena to use during periods of inclement weather. The outdoor arena and sensory trail currently exist (in addition to a horse barn and workshop). The sensory trail is a walking trail that includes various stations that provide sensory experiences of touch, smell, sound, and physical challenges.

The application came about through a code enforcement action, where equestrian uses were found at a residential property in Black Forest. There is no use for "equine therapy" in the El Paso County Land Development Code (2017); therefore, staff has interpreted the use to most closely resemble that of a commercial stable.



A. REQUEST

A request for approval of a dimensional variance to allow a lot area of 4.15 acres where 10 acres are required for a commercial stable in the RR-5 (Rural Residential) zoning district.

B. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2017), 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.”*
Legal use of the property is not severely restricted due to any exceptional narrowness, shallowness, or shape of the property.
- 2) *“The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.*
Legal use of the property is not severely restricted due to any exceptional topographic conditions or other extraordinary or exceptional situation or conditions”.

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”*

Approval of the 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 use is not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the dimensional variance. Therefore, significant traffic impacts are not anticipated. The applicant states that the proposed use will meet air, water, odor and noise standards. However, the applicant has not included a specific plan for mitigating any odors associated with the proposed equestrian-oriented use.

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

Approval of the request may be based on the criteria of unique or equitable consideration if the Board finds that strict compliance with the dimensional standards should not be required.

C. BACKGROUND

The subject parcel was created on September 4, 1973, but is not a platted lot. Previous owners of the property applied for and received Board of Adjustment approval to legalize the parcel via a lot area variance due to the parcel being 4.15 acres where 4.75 acres are required when located on a section line road in the RR-3 (Residential Rural) zoning district, which is now known as the RR-5 (Residential Rural) zoning district).

The current occupant of the property runs an equine therapy business (Reigning Hope) on the property. Reigning Hope works with physically and emotional disadvantaged individuals, using horses in conjunction with occupational therapy. The business is proposed to operate on a “by appointment” basis during the hours of 8:00 am to 5:00 pm Monday through Saturday.

Code Enforcement was made aware of the commercial stable/equine therapy use after the landowner called in a complaint on a neighbor. While the code enforcement officer was in the area they noticed that there was a commercial stable/equine therapy operating at the site. The Code Enforcement division received an agricultural building exemption request for the subject property and denied it due to the commercial stable use not being an allowed use in the RR-5 zoning district. There was no notice of violation sent out for this property because the property owners and business owner began going through the process to remedy the illegal commercial stable use immediately after being notified by staff of the issue.

D. ALTERNATIVES EXPLORED

Two alternatives have been explored concerning the application for a dimensional variance for the subject property, they are as follows:

1. Cease operation of the equine therapy business.
2. Move the equine therapy business to a location that has the acreage required for a commercial stable.

E. 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 area variance of 4.15 acres where 10 acres are required for a commercial stable in the RR-5 (Residential Rural) zoning district, 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 addition to the proposed commercial stable use 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 and site development plan for a commercial stable 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.

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.

F. APPLICABLE RESOLUTIONS

Approval: Resolution 3 – Unique and Equitable Circumstances

Disapproval: Resolution 4

G. LOCATION

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

H. SERVICE

1. WATER/WASTEWATER

Water supply is provided by an individual onsite groundwater well.

2. WASTEWATER

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

3. EMERGENCY SERVICES

Emergency services are provided by Black Forest Fire Protection District.

I. ENGINEERING

1. FLOODPLAIN

FEMA Flood Insurance Rate Map (FIRM) panel 08041C0315 shows that the property lies within Zone X, an area determined to be outside the 500 year floodplain.

2. DRAINAGE AND EROSION

The property is located within the East Cherry Creek and Black Squirrel Creek drainage basins. Although the Black Squirrel drainage basin is a fee basin, no drainage or bridge fees are required for a dimensional variance request. No public drainage improvements will be required.

3. TRANSPORTATION

The property is accessed via Holmes Road. A traffic impact study was not required due to the fact that the dimensional variance is not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the dimensional variance. No public roadway improvements will be required.

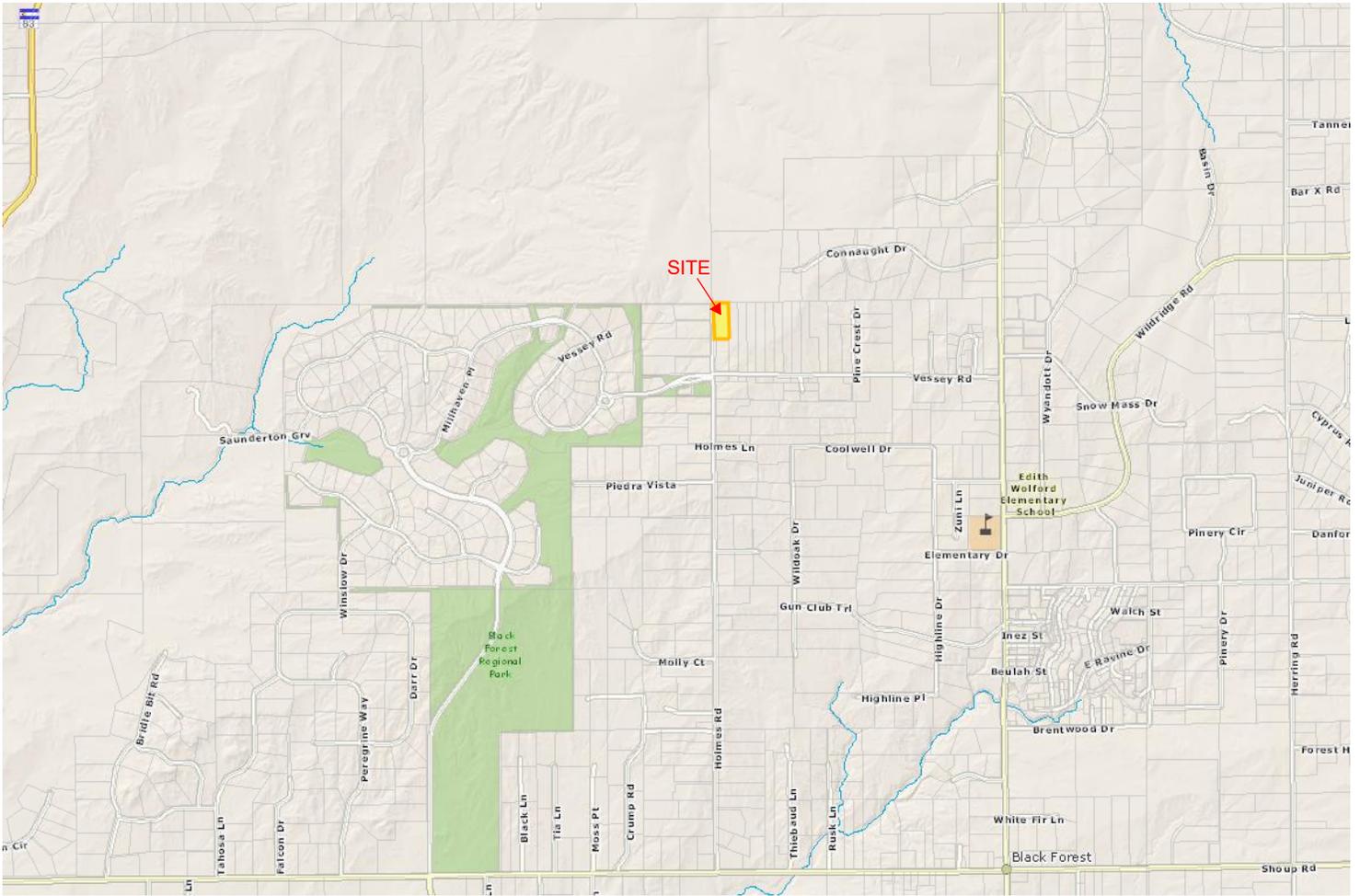
J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on 5/21/2018, for the Board of Adjustment hearing. Responses will be provided at the hearing.

K. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plans

----- El Paso County Parcel Information -----



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

Parcel: 5206000040

Name: HOFFMAN CRAIG
HOFFMAN SUSANNE

City: Colorado Springs

State: CO

Zip: 80908-3344

Filename: BOA-18-001

Zone Map Number: 55192

Date: December 28, 2017

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

Letter of Intent
Special Use Permit
Rural Home Occupation

OWNER/Applicant

Kesti Suggs executive owner of Chuckie's Place, a non-profit corporation, DBA as Reigning Hope

14445 Holmes Road

Colorado Springs, CO 80908

Site Location, size and zoning

Site is located at the north end of Holmes road, north of the Holmes and Shoup intersection.

4.15 Acres zoned

Request and Justification

The Request is for the approval of a dimensional variance to allow a lot area of 4.15 acres where 10 are required for a commercial stable in the RR-5 (Residential Rural) zoning district. The change of use eliminates the legal nonconforming aspect of this parcel, and necessitates the Board of Adjustment Hearing due to 10-acres being required for a commercial stable.

Justification

Reigning Hope requires a site to operate from for its activities of working with physically and emotional disadvantaged individuals, using occupational therapy, with horses. The most practical and economic option for this site is at the location where the horses currently reside with their support structures at the location at 14445 Holmes Road. Therapy activities will occur in an enclosed "outdoor arena" and adjacent "sensory trail". Reigning Hope is currently in process building an "indoor arena" for inclement weather. The outdoor arena and sensory trail currently exist (in addition to a horse barn and workshop). The sensory trail is a walking trail that includes various stations that provide sensory experiences of touch, smell, sound, and physical challenges.

There will be no changes to the current configuration of the property to accommodate this use. Reigning Hope activities will occur on 2 acres of the 4.15-acre lot.

The business will operate on a by appointment basis during daytime hours of 8:00 am to 5:00 pm Monday through Saturday. The type of therapy activities occurring are:

1. Individual therapy sessions held with 4 individuals present: a client, a therapist, a parent or guardian and an individual from Reigning Hope controlling the therapy horse. Each

family is assisted differently due to therapy needs, siblings can also be included in therapy sessions. Sessions will run approximately one hour. One- two vehicles.

Water needs for these activities is limited to drinking water and a handicapped accessible bathroom inside the currently existing workshop. There is currently electric service to the horse barn and workshop which have interior and exterior lighting. There is no need for gas service.

Parking is adequate from the paved driveway to in front of the workshop and indoor. No parking on ROW access road.

Impacts to adjacent properties will be minimal if at all. The activities are minimally visible from the road and where there are is a line of sight from residences there are trees on this property.

This proposed use is compatible with the surrounding area. The use is equestrian in nature and a number of properties in the area have horses as well as other domestic animals. It is so low impact an activity that it will have no negative effect on the health, safety or welfare of neighboring inhabitants. The horses already reside on the property to no adverse effect and the activity only brings in a limited number of people at a time to interact with them.

The proposed use will meet air, water, odor and noise standards and should have no effect on property values as there is limited visibility to it. There will be no adverse effect on wildlife or wetlands. There appears to be no off-site impacts as the use is wholly contained on the property.

Existing and proposed facilities, structures, roads, etc.

All the facilities, structures, roads, etc. at this location are existing and are comprised of the following:

Residence of approximately 1,728 square foot house

Workshop/garage 60x40

4 stall horse barn with hay storage

Fenced paddock 100x60

Fenced paddock 100x40

Waiver Request- NA

Need for change in Zone classification- NA

Total number of Acres:

The property is on 4.15 acres of which approximately 2 will be leased for business use.

Number of residential units and densities:

There is one residential unit occupied by 5 individuals

Number of industrial sites proposed: NA

Approximate floor area ration of industrial and/or commercial uses- NA

Number of Mobile home unites and densities- NA

Typical lot sizes-NA

Type of proposed recreational facilities- NA

If phased construction, how will it be phased- NA

Anticipated schedule of development

How water and sewer will be provided

Proposed uses, relationship between uses and densities – NA

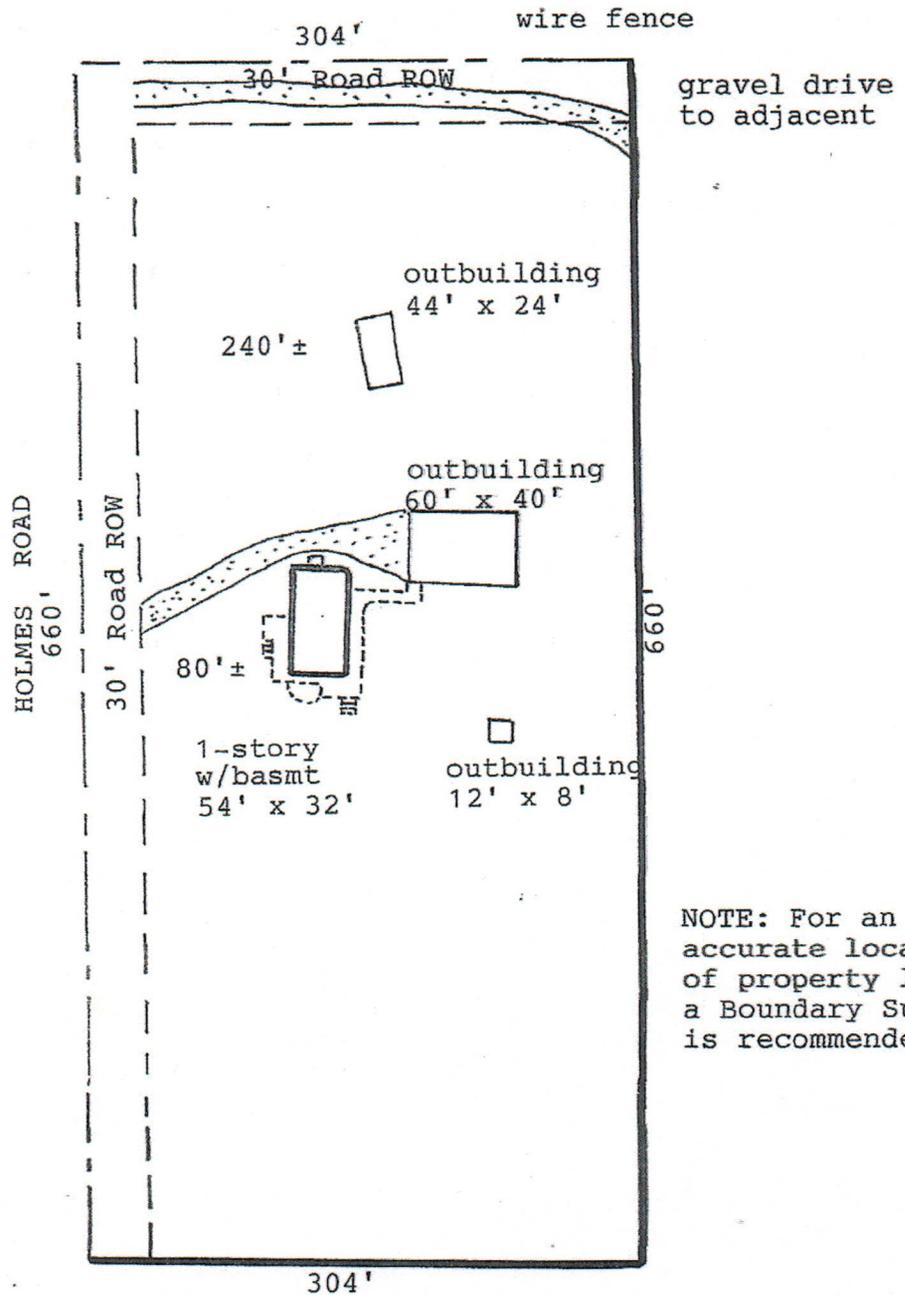
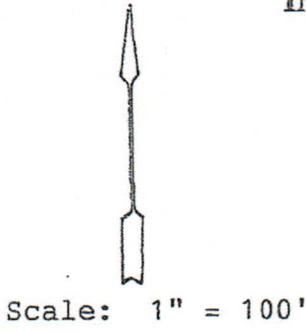
Areas of required landscaping – NA

Proposed access locations

Access will be the 14445 Holmes Driveway.

Approximate acres and percent of land to be set aside as open space, not including parking, drive and access roads. NA

IMPROVEMENT LOCATION CERTIFICATE



NOTE: For an accurate location of property lines a Boundary Survey is recommended

LEGAL DESCRIPTION

14445 Holmes Road
(see attached for legal)

Unified Title 47554

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR THE **HOFFMAN** MORTGAGE LENDER AND TITLE COMPANY, AND THAT IT IS NOT AN IMPROVEMENT SURVEY PLAT NOR A LAND SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PANEL ON THIS DAY OF 3-20-2017 EXCEPT UTILITY CONNECTIONS ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO EVIDENCE OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL EXCEPT AS NOTED.

PREPARED BY

S Stephen **S**on
Surveying

(719)535-9124

TIMOTHY J. STEPHENSON, PLS
STATE OF COLORADO #23057

CLIENT: Hoffman
DATE: 1/13/2017
JOB NO: 17-054

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID NORTHWEST QUARTER AT A POINT 304 FEET EAST OF THE NORTHWEST CORNER OF SAID SECTION 6 FOR THE POINT OF BEGINNING: THENCE WEST 304 FEET ON THE NORTH LINE OF THE NORTHWEST CORNER OF SECTION 6; THENCE SOUTH 660 FEET ON THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE EAST 304 FEET ON A LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION 6; THENCE NORTH 660 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

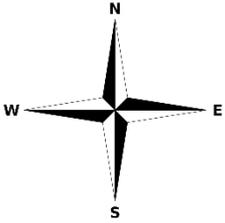
John & Brenda
Thomas
14490 Holmes
Road

Charles &
Cheryl Ernst
14410 Holmes
Road

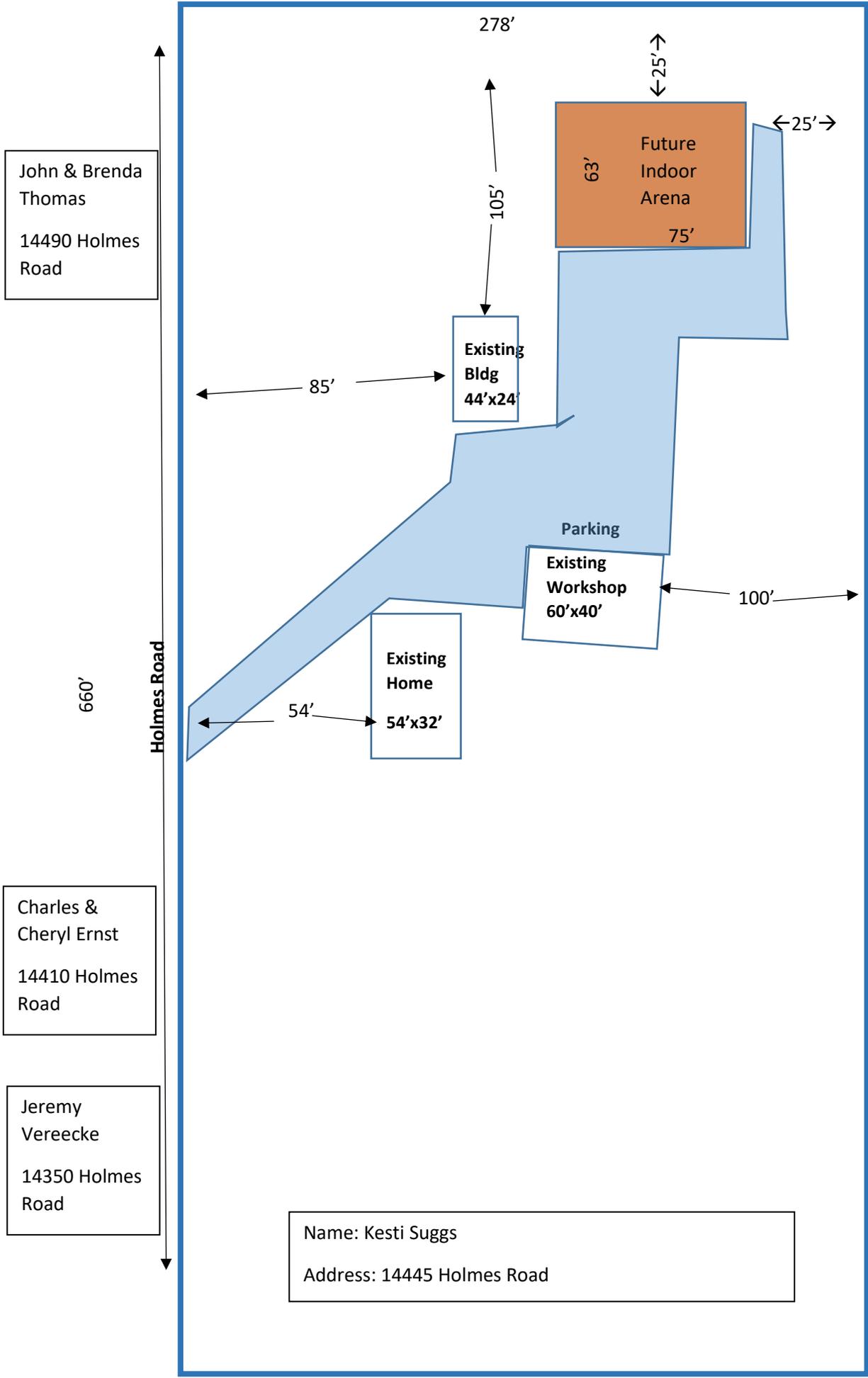
Jeremy
Vereecke
14350 Holmes
Road

Name: Kesti Suggs
Address: 14445 Holmes Road

Patrick & Kelly McGowan 14355 Holmes Road



Taylor Irvin
Trust
5880 Vessey
Road



660'

Holmes Road

660'

278'