



July 29, 2022

PCD File No.:

**LETTER OF INTENT
ROCKY MOUNTAIN CALVARY CHAPEL - ELLICOTT
BOARD OF ADJUSTMENT REQUEST**

Owners:

Rocky Mountain Calvary Chapel, Inc.
4285 N Academy Blvd
Colorado Springs, CO 80918
(719) 597-1133
rhbeech@rmcalvary.org

Applicant:

M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO
(719) 635-5736
Attn: David R. Gorman, P.E.
daveg@mvecivil.com

Site Location Size and Zoning:

The site of this Board of Adjustment request is a tract of land located in the southeast quarter of the northeast quarter of Section 1, Township 14 south, Range 63 west of the 6th Principal Meridian, El Paso county, Colorado. The property has El Paso County Tax Schedule No. 3400000207. The current address of the site is 2150 North Ellicott Highway. The tract is currently occupied by one (1) one-story building housing the Ellicott Campus of Rocky Mountain Calvary Chapel, a gravel parking lot and a children's playground. The remainder of the site contains natural grass and a few sparse trees. The area of the site is 2.76± acres and it is zoned A-5 (Agricultural 5 Acre).

The site is situated on the west side of existing North Ellicott Highway, approximately a mile and a half North of State Highway 94 in El Paso County. Existing North Ellicott Highway, a paved public roadway, is adjacent to the eastern edge of the site. Lot 1, Cordero Minor Subdivision, zoned A-35 and containing one agricultural residence, borders the site on the north side. Lot 2, Cordero Minor Subdivision, zoned A-35 and containing one agricultural residence borders the site on the west and south sides. An unplatted parcel, zone A-35 is located on the east side of existing North Ellicott Highway opposite the site and contains two (2) mobile homes and one (1) shed. Lot 2, Replat of Lot 1 MUHE Subdivision, zoned A-5 with no existing structures, is also located on the east side of North Ellicott Highway opposite the site. Lot 2, MUHE Subdivision, zoned A-5 and containing one single family residence, is also located on the east side of North Ellicott Highway opposite the site.

Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
Fax 719-635-5450 • e-mail mve@mvecivil.com

Request:

Rocky Mountain Calvary Chapel would like to plat the existing parcel into one lot and construct a new 10,000 SF multi-purpose building and new parking lot on the site. Section 5.4.2, Table 5-4 of the El Paso County Land Development Code requires that Minimum Lot Size in the A-5 zone be 5.0 acres or more in area and 200 ft or more in width at front setback line. However, Section 5.5.2(B)(2)(a) of the Land Development Code also provides that *“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.”* The request is for approval of an El Paso County Board of Adjustment dimensional variance to allow the existing lot area of 2.76± acres and lot width of 184± feet in the A-5 zone. The granting of the request, together with a subsequent minor plat application, would provide the church with a legally subdivided lot on which they may apply for a building permit to allow the new addition.

Justification:

Due to the parcel size being less than 35 acres at the time of its donation to the previous owner, Ellicott Bible Fellowship (Later named “New Hope Church”), by Donald and Mary Simmons in 1987, the parcel is deemed an illegal subdivision. At the time of donation, the parcel was not zoned. Sometime after 1992, the A-5 (Agricultural 5 Acre) zone was applied by El Paso County to the parcel, making the parcel size non-compliant with the new zone. Strict compliance with the lot size zoning requirements was not exercised at the time of zoning the parcel A-5, as the parcel lacked the required minimum area and minimum width. The parcel was later sold to its current owners in 2017, the current owners not understanding the status of the parcel as an illegal subdivision that is non-conforming to the A-5 zone.

Due to exceptional circumstance of the illegal subdivision not created by the current owner, coupled with the A-5 zone requirements, Rocky Mountain Calvary Chapel is subject to the hardship of not being able to improve the site with, or use the site for, its intended purposes. Strict compliance with the lot size zoning requirements will severely restrict the legal use of the property. This is because the parcel in its current status cannot be legally platted and the status of illegal subdivision, which currently burdens the owners, cannot be mitigated. There are no known negative potential impacts on the surrounding area related to granting the requested relief. The granting of the variance will be a step in resolving the long standing subdivision and zoning non-compliance.

According to the aforementioned section 5.5.2(B)(2)(a) concerning Dimensional Variances and Appeals to the Board of Adjustment in Chapter 5 of the El Paso County Land Development Code, “the exceptional narrowness” of the parcel as well as “the exceptional situation or condition of the piece of property” being zone non-compliant due to lot size years after the construction and operation of a church on site has caused “practical difficulties and hardship, where the legal use of the property is severely restricted”. It is, therefore, the case that “the burdens of strict compliance with the zoning requirement significantly exceed the benefits of such compliance for the specific piece of property” where the “unique or equitable consideration compels that strict compliance not be required.”

The Your El Paso Master Plan (2021) indicates that the site is designated as “Rural” Placetype with Agricultural, Parks and Open Space and Farm/Homestead as the Primary Land Uses and Estate and Institutional as Supporting Land Uses. The current use falls within and is compatible with the Institutional category. The site is not directly adjacent to any Key Areas of Potential Annexation to the City of Colorado Springs.

Barring lot size requirements, all other requirements of the A-5 zone will be met including minimum setbacks, maximum height, and primary use of the land. Although the resulting lot size will be smaller than allowed in the A-5 zone, the Board of Adjustment request will still provide compatibility with the existing and future

surrounding land uses. No overlay districts apply to the conditions of and circumstances associated with this site.

Development of the existing parcel as a platted lot is certainly possible while still observing all the remaining dimensional criteria contained in the Land Development Code including Front, Rear and Side Building Setbacks and Maximum Building Height. The boundary dimensions of the site are 535' on the north, 252' on the west, 532' on the south and 181' on the east. Subtracting the setback and easement area from the total property area, leaves 80007 square feet (1.837± acres) available.

A single-story church building currently exists on site and is in active use as a church. The variance, and the plat following it, will allow Rocky Mountain Calvary Chapel to bring the property into full compliance with the county zoning and subdivision regulations and make additions to the building and site, enhancing their ability to serve the surrounding community.

Z:\61182\Documents\Letter of Intent\61182-BOA-Letter Of Intent.odt