

# **Letter of Intent**

**Application for Variance of Use  
November 15, 2018**

G&D Enterprises, Corp.  
10090 West Highway 24  
Green Mountain Falls, Colorado 80819  
Owner: Daniel P. Nieman

**I. Owner/Applicant and Consultant.**

G&D Enterprises, Corp. is owned by Daniel P. Nieman. The Owner/Applicant and Consultant contact information is as follows:

**Applicant:**

Daniel P. Nieman  
P.O. Box 215  
Green Mountain Falls, Colorado 80819  
(989) 430-8065

**Owner:**

G&D Enterprises, Corp.  
10090 West Highway 24  
Green Mountain Falls, Colorado 80819  
(719) 684-9044

**Consultant:**

Debra Eiland, Esq.  
Law Offices of Debra Eiland, P.C.  
24 S. Weber Street, Suite 300  
Colorado Springs, Colorado 80903  
(719) 471-1545  
[edebra@qwest.net](mailto:edebra@qwest.net)

**II. Site Location, Size and Zoning.**

Mr. Nieman plans to operate an RV storage business at his property located at 10090 West Highway 24, Green Mountain Falls, Colorado. The property consists of approximately 9.30 acres, of which less than one acre will be used for the RV storage business.<sup>1</sup> The RV storage business will be located along the lower southern side of the property along Highway 24, and will be a separate business from the historic motel and RV/campground business occupying the upper middle to northern side of the property.

The property is zoned C-2. A parcel map showing the location of the property is included with this application.

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<sup>1</sup>The Assessor's records show the property area to be 9.21 acres, which appeared on a Survey Plat recorded on January 27, 1997, under Reception Number 97902111. That acreage was subsequently amended by a Boundary Line Agreement recorded on February 19, 2004, at Reception Number 204028584. The change to 9.30 acres, based on that Boundary Line Agreement, is reflected in a full Boundary Survey and Land Survey Plat deposited with the El Paso County Clerk & Recorder's office on December 29, 2017, at Reception Number 217900261.

**III. Request and Justification.**

Mr. Nieman purchased the property on June 27, 2017. The property has been home to a small motel since 1947, and an RV park/campground since 1950. The motel and RV park/campground, which is located on the upper two-thirds, extending to the northern boundary, of the property is a legal non-conforming use under the El Paso County Land Use Code. Mr. Nieman is applying for a use variance to conduct an RV storage business separate from the motel and RV park/campground business. The RV storage business will be located on less than one acre on the lower southern side of the property.

**IV. Existing and Proposed Facilities, Structures, Roads, etc.**

The land designated for RV storage is generally flat, and consists of two gravel parking areas. Access to the property is provided from Highway 24 via a short CDOT owned frontage road and two driveway entrances (one paved and one gravel). Both driveway entrances are wide enough to accommodate large RVs. The paved driveway entrance is the same access point that serves the motel and RV park/campground. The RV storage lots will be located on either side (west and east) of the paved driveway entrance. The east storage lot is accessed via the established paved driveway, is fenced on all sides, and is locked. The west storage lot is accessed via the gravel driveway, is fenced on three sides, and is not locked.

I do not recall seeing a fence when I visited.

A parking area for storage lot customers will be provided on the west storage lot. A small weather shelter/bus stop for local school children is located on the southwest corner of the west storage lot. Three pre-existing legally non-conforming signs for the motel and RV/campground business are located along the southern boundary of the property.

This may be an issue.

Provide the CDOT access permit.

**V. Waiver Requests.**

The Applicant is currently making no waiver requests with this application.

**VI. Criteria for Approval of Use Variance.**

**A. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County.**

The upper two-thirds of the property has been used as an RV park/Campground since 1950. The proposed RV storage business is consistent with that pre-existing use, and with the commercial zoning of the property. An RV storage business on the lower

southern side of the property, along the U.S. Highway 24 frontage, will also be harmonious and compatible with the character of the neighborhood. Another existing RV storage business is similarly located on U.S. Highway 24 frontage a short distance west of the subject property.<sup>2</sup>

The business will be contained wholly within the boundaries of the subject property, and is easily and safely accessible from the adjoining highway. A maximum of 4 customers are expected to visit the RV storage site on any given day, creating minimal traffic to and from the business. The proposed RV storage business will not negatively impact any future development to the area, and will not negatively impact the health, safety, or welfare of the inhabitants of the area or the County.

**B. The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project.**

The proposed RV storage business will generate minimal traffic, and will require a minimal amount of initial grading, followed by annual road and lot maintenance. The use will meet air, water, odor and noise standards at all times during construction and upon completion of the project.

**C. The proposed use will not adversely affect property values in the immediate area.**

Because the proposed use is similar to the existing RV/campground use and will be located along U.S. Highway 24 frontage on a commercially zoned property, it will have no adverse affect on property values in the immediate area. The proposed use is expected to enhance the value of the subject property.

**D. The proposed use will comply with all regulations of the El Paso County Land Development Code and all County, State and Federal regulations except those portions varied by this action.**

The RV storage business will at all times comply with all regulations of the County Land Development Code, and all County, State and Federal regulations, except those portions varied by approval of the requested use variance.

**E. The proposed use will not adversely affect wildlife or wetlands.**

The proposed use is not located within a Federally protected wetland, and no impact to endangered species is expected due to the fact that no new development, infrastructure or construction is planned.

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<sup>2</sup>Leggett's RV Storage, LLC, 10550 W. Highway 24, Green Mountain Falls, CO.

How tall is the wall/fence? mark it on the site plan.

**F. The applicant has addressed all off-site impacts.**

The applicant is aware of no existing off-site impacts from the proposed use. All RV storage and related activities will be conducted on-site. Entry to and exit from the storage business is from Highway 24, and is separated a reasonable and safe distance from the Highway by a short frontage road. A pre-existing gravel road (Lucky 4 Road) runs past the western property line, which is screened by a natural berm and concrete block retaining wall.

If any fence or wall is greater than 7 feet height, it must meet the minimum setbacks of the property.

**The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping.**

The proposed RV storage business will be contained wholly within the boundaries of the subject property. Access to the property is provided from Highway 24 via a short frontage road and two driveway entrances. The driveway entrances and access road are sufficiently wide to accommodate large RVs. The RV storage lots are fenced, and the east lot is locked. Parking spaces for storage lot customers will be located on the west storage lot. No more than 4 customers per day are expected to visit the lots. A pre-existing gravel road (Lucky 4 Road) runs past the western property line, which is screened by a natural berm and concrete block retaining wall. The property contains existing trees and natural vegetation that provide adequate screening and landscaping. The property also contains sufficient open space between the proposed RV storage area and the existing motel and RV park/campground.

**H. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.**

No water or sanitary sewer disposal will be used or needed for the RV storage business. Mr. Nieman recently installed some concrete block retaining walls and french drains along or near the west property line to help control erosion from recent flooding, and runoff from the neighboring property to the west. The previously existing drainage pathways on the property were not altered.

Access to the RV storage business will be provided via an existing frontage road from Highway 24 previously approved and constructed by the Colorado Department of Transportation ("CDOT"). RV storage customers will access the storage lots via two driveway entrances, both of which can accommodate large RVs. The driveways and storage lots will be maintained annually or as needed by surface grading and the addition of gravel where needed. This routine maintenance will not result in any adverse impacts.

The property is served by the Green Mountain Falls Fire Protection District and the El Paso County Sheriff's Department. The response time to emergency calls is about 5 minutes.

Provide the height of the retaining walls. Retaining walls built 4 feet or higher must be reviewed by Pikes Peak Regional Building Department for a building permit.

- I. **The strict application of any of the provisions of the El Paso County Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property.**

The southern side of the property proposed for the RV storage use is currently producing no income, although Mr. Nieman must pay for taxes and insurance, and otherwise maintain that part of the property along with the remainder of the parcel. The existing motel and RV park/campground is in need of significant and expensive maintenance and repairs. The cost of this work will exceed the regular income of the business for several years, and place an undue financial burden and hardship on Mr. Nieman if he is unable to put the rest of the property to a profitable use. The proposed RV storage business will help alleviate this hardship by providing much needed extra income that will be used to make the necessary repairs more quickly, and pay for regular maintenance. Without this additional source of income, the repairs and maintenance will be delayed, which may adversely impact the safety of the motel and RV park/campground, the viability of the business, and the aesthetics of the property to the surrounding neighbors.

# Markup Summary

## dsdgrimm (3)

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Provide the CDOT access permit.

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Provide the CDOT access permit.

Add PCD File No. VA185

**Subject:** Engineer  
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**Author:** dsdgrimm  
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Add PCD File No. VA185

## dsdkendall (4)

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A small weather shelter/bus st  
corner of the west storage lot.  
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This may be an issue.

V. **Waiver Requests.**

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This may be an issue.

How tall is the wall/fence? mark it on  
the site plan.

The applicant has addressed all off-pavement impacts.  
he applicant is aware of the environmental review from the proposed use. All  
signs and related activities will be conducted on-site. Entry to and exit from the  
business is from Highway 24 and is equipped to accommodate and exit distance  
Highway by a single-lane road. A pre-existing gravel road (Lundy 4 Road)  
at the western property line, which is accessed by a natural berm and concrete  
sewing wall.

The site plan for the proposed business use will provide for  
adequate parking, traffic circulation, open space, fencing, screening,  
and landscaping.

The proposed RV storage business will be contained wholly within the  
set of the subject property. Access to the property is provided from Highway 24

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How tall is the wall/fence? mark it on the  
site plan.

