

EL PASO COUNTY
COLORADO

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Board of County Commissioners
Holly Williams, District 1
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**TO: El Paso County Board of Adjustment
Jay Carlson, Chair**

**FROM: Matthew Fitzsimmons, Senior Planner
Carlos Hernandez Martinez, Engineer I
Kevin Matsin, Interim Executive Director**

**RE: Project File #: BOA-22-004
Project Name: 225 Northfield - Dimensional Variance
Parcel No.: 73010-01-003**

OWNER:

REPRESENTATIVE:

| | |
|--|--|
| Edwin and Dee Ann Kraft 225 Northfield Road Colorado Springs, CO 80919 | LGA Studios - Larry Gilland 201 E. Las Animas St. Suite 113 Colorado Springs, CO 80903 |
|--|--|

Commissioner District: 3

Board of Adjustment Hearing Date: 6/22/2022

EXECUTIVE SUMMARY

A request by Edwin and Dee Ann Kraft for approval of a dimensional variance to allow a side setback of 10 feet, where 25 feet is required. The 5.41-acre property is zoned A-5 (Forestry) and is located west of Interstate 25 and south of Red Spring Valley Road and is within Section 1, Township 13 South, Range 67 West of the 6th P.M. (Parcel No. 73010-01-003) (Commissioner District 3)

A. REQUEST

A request by Edwin and Dee Ann Kraft for approval of a dimensional variance to allow a side setback of 10 feet, where 25 feet is required.

B. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the 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 is a vacant 5.41-acre platted lot that is not exceptionally narrow, shallow, nor shaped. As exhibit 1 below illustrates, most of the neighboring lots are similar in size (between 4.11-6.8 acres). None of the lots are uniformly shaped due to the steep topography and access points creating the need for some flag lots. The subject property is located at the end of a cul-de-sac; therefore the lot has direct access to the road and does not require a flag lot configuration like neighboring lots 6, 2, and 12.

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

Approximately 95% of the property is incumbered with a slope 30 degrees or greater, as illustrated on exhibit 1 below (lot 7). Of the 5% that is less than 30 degrees or greater in slope, more than half of it is within the property's 25-foot setback area and is where the applicant is proposing to have the structure encroach into the more level area of the setback.

Exhibit 1 = Lot size and 30+ degree slope for subject property and surrounding properties in orange.



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 applicants with this application.

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

According to the statement of intent, the restriction of the level ground on this site and the desire for the owners to build a single-story building to be better able to age-in-place necessitated a larger footprint that extends into the side setback.

C. BACKGROUND

The subject 5.41-acre property was initially zone to the A-2 (Faring 5 acres) zoning district and was created on March 11, 1974, as Lot 7 of the Shoptaugh Subdivision No. 1 (plat no. 4357). Due to changes in the nomenclature of the Land Development Code, the A-2 zoning district has been renamed as the A-5 (Agricultural Zoning Districts) zoning district. This vacant property has never been rezoned and has never been developed.

D. ALTERNATIVES EXPLORED

There is one alternative that would not require a dimensional variance request:

1. Reduce the size of the home so that the structure is within the setbacks.

E. APPLICABLE RESOLUTIONS

Approval: Resolution 3

Disapproval: Resolution 4

F. LOCATION

| | |
|---------------------------|---------------------|
| North: A-5 (Agricultural) | Single Family House |
| South: A-5 (Agricultural) | Single Family House |
| East: A-5 (Agricultural) | Single Family House |
| West: A-5 (Agricultural) | Single Family House |

G. SERVICE

1. WATER

The area is not serviced by a water district, so it is assumed it is serviced by a well.

2. WASTEWATER

Wastewater will be provided by an on-site wastewater treatment (septic) system.

3. EMERGENCY SERVICES

The parcel is located within the Woodmen Valley Fire Protection District. The District was sent a referral and has no outstanding comments.

H. ENGINEERING

1. FLOODPLAIN

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0504G, 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 both the Air Force Academy drainage basin (FOMO3200) and Dry Creek drainage basin (FOMO2400). This Air Force Academy drainage basin is unstudied basin with no associated drainage basin fees. The Dry Creek drainage basin is a studied basin with 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 El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the development.

The parcel is located on Northfield Road, which is a private road not currently maintained by the County. No public improvements are required for this application. The parcel has an approved driveway access waiver (AP22640) on file with the County.

The variance requests are not subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended.

I. RECOMMENDED CONDITIONS OF APPROVAL

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a dimensional variance for the proposed structure, and that the applicants have 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 site plan by the El Paso County Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department are required prior to construction of the proposed structure.

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.
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 administrative relief.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 5 adjoining property owners on June 8th, 2022, for the Board of Adjustment meeting. Responses will be provided at the hearing.

K. ATTACHMENTS

Letter of Intent
Vicinity Map
Site Plan



Owner Contact Information:

Name(s): Edwin and Dee Ann Kraft

Phone Number: (719) 231-4613

Email: edwinkraft@msn.com

Applicant Name:

Company Name: LGA Studios

Company Representative: Larry Gilland

Phone Number: (719) 635-0880

Email: larryg@lgastudios.com

Property Address: 225 Northfield Road, Colorado Springs, CO 80919

Tax Schedule Number: 7301001003

Zoning Classification: A-5

The site at **225 Northfield, Tax Schedule Number 7301001003** currently has a gravel driveway to the building site at the end of Northfield Road. The topography has a reasonably tight building pad area with slopes on the North, South and West side. The majority of the lot to the east is very steep, with very limited areas where a home site could be. It would face North instead of the West with views of Pikes Peak and therefore undesirable for building a home.

The attached site and topography shows the limited location for a building site. Given the setbacks in this Zone requiring 25' side yard and with the area of the site that has a reasonable topography, it restricts the ability to build a home of reasonable size-comparative to other homes in the area and therefore a request to reduce the setback to 10'. A number of homes in the area are Ranch Style homes with three (3) car garages. The adjacent property to the South is currently owned by the owner. The new proposed home would not impact the home to the South with the proposed design. The other adjacent homes to the West are significantly farther away from the proposed new home and significantly lower in elevation.

The proposed new home will fit the topography of this site. The only portion of the site that will be past the 25' setback will be for a Greenhouse space set at a basement grade with a shallow pitch roof and a small corner of a bedroom space and a very small corner of deck space. The impacts to the new proposed floorplan meeting the setbacks would create odd shaped spaces in order to comply with setbacks, thus it would create functional obsolescence to the floorplan. The intent is for one level living for the owners as they age in place and to create a home valued for resale long into the future. Restricting that use by a small impact to a side setback with a site of such unusual topography truly restricts any owner on the use of their property.

Currently there is no known overlay restrictions.

The homes in the neighborhood as noted above in this overall area are either being remodeled with additions, or newly built homes of larger stature. Therefore, the request has minimal impact to the surround area and homes in this neighborhood.

El Paso County Parcel Information

| PARCEL | NAME |
|------------|--------------------|
| 7301001003 | KRAFT EDWIN ARTHUR |

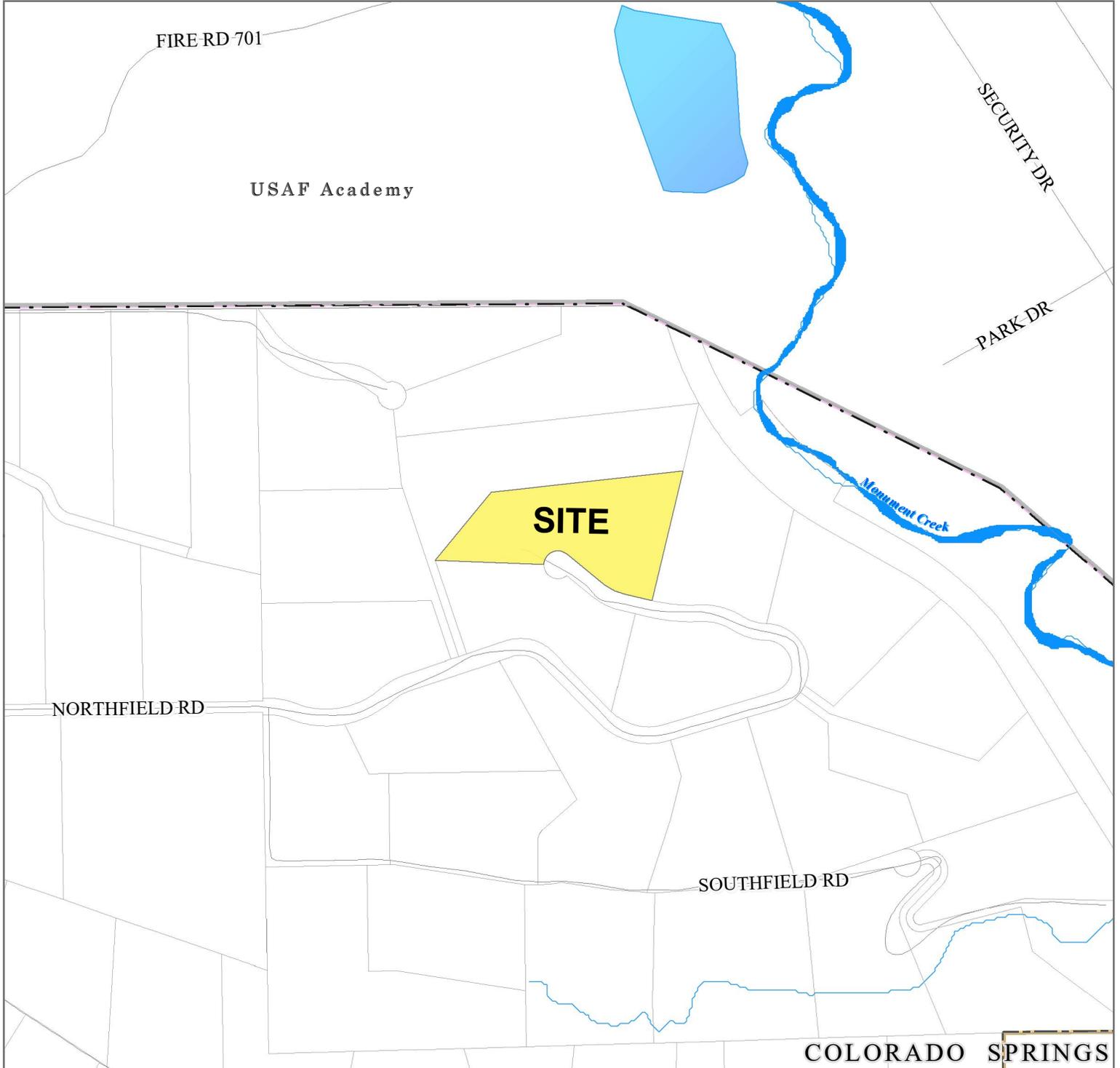
File Name: BOA-22-004

Zone Map No.: --

| ADDRESS | CITY | STATE |
|-------------------|------------------|-------|
| 230 NORTHFIELD RD | COLORADO SPRINGS | CO |

| ZIP | ZIPLUS |
|-------|--------|
| 80919 | |

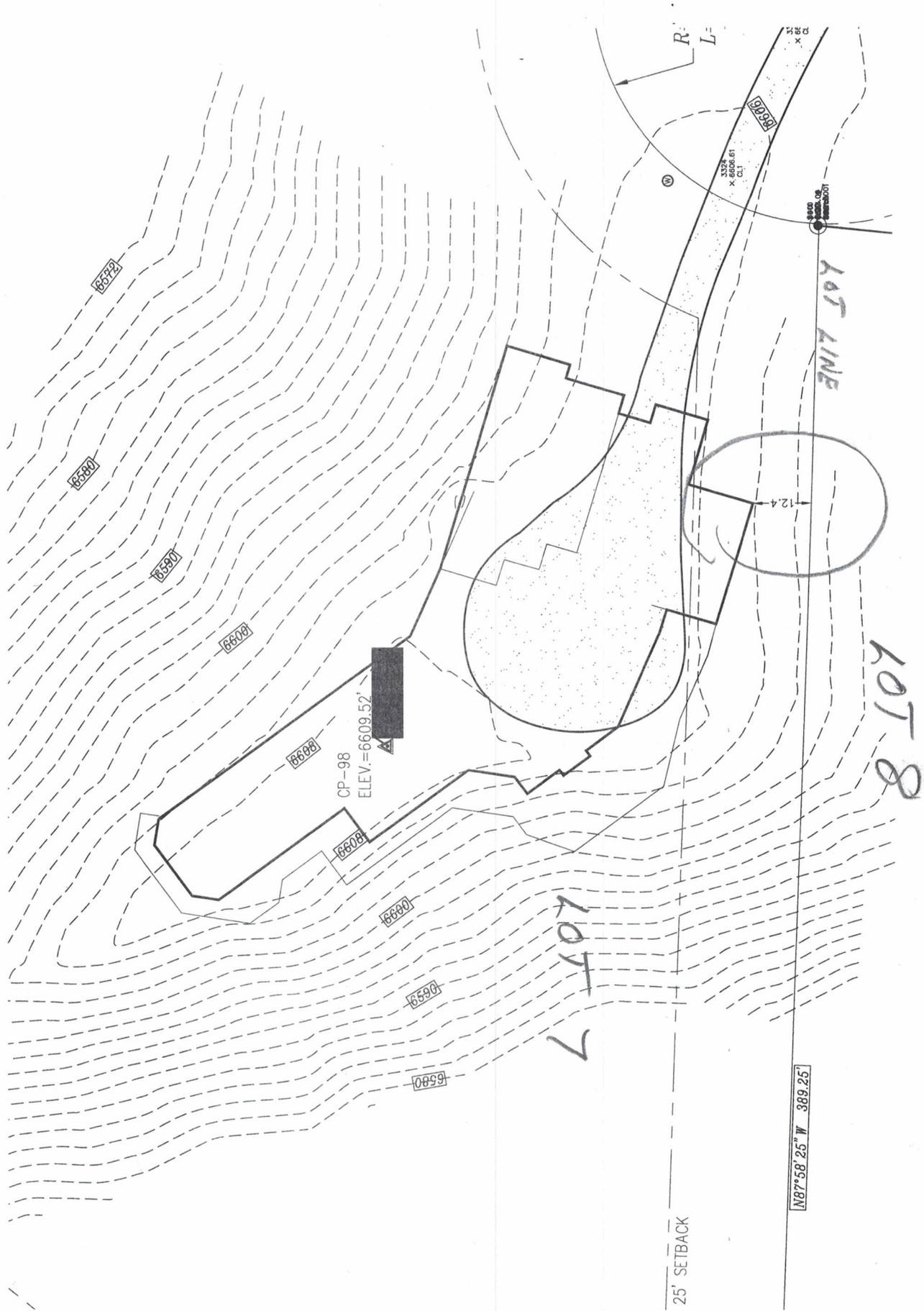
Date: June 7, 2022



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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6570

6580

6590

6600

6608

6608

6608

6590

6580

CP-98
ELEV.=6609.52'

25' SETBACK

187° 58' 25" W 389.25'

LOT LINE

LOT 7

LOT 8

12.4

R=L

3375
X-CHISEL
CL

6600
X-CHISEL
CL

LOT BOUNDARY

10'

WEST WIND

COVERED PATIO

REAL FIRE + TV

BEDROOM
BATH
CRAFTS/ BED ROOM

GARAGE
STORAGE
COUNTER W/ SINK
FREEZER
FRIG
PANTRY

SEPTIC

STEEP DROP OFF

HOT TUB

DROP OFF

1/2 BATH

1/4" = 5'

GLASS
SWIM
SPR
EXERCISE

CL. BED

CL. BATH

CL. BED

MASTER
ELECT
No WINDSH

DROP OFF

