

EL PASO COUNTY

COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
 Brian Risley, Chair

FROM: Lindsay Darden, Planner II
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director

RE: Project File #: VA-19-006
 Project Name: Quarter Circle/Three Quarter Circle Lazy J Variance of Use
 Parcel No.: 62140-00-119

OWNER:	REPRESENTATIVE:
Quarter Circle Lazy J Trust Three Quarter Circle Lazy J Trust 4065 Crosslen Lane Colorado Springs, CO 80908	Tanya Larocque 8045 Danford Lane Colorado Springs, CO 80908

Commissioner District: 1

Planning Commission Hearing Date:	10/15/2019
Board of County Commissioners Hearing Date	11/12/2019

EXECUTIVE SUMMARY

A request by trustees of Quarter Circle Lazy J and the Three Quarter Circle Lazy J Trusts, hereafter referred to as the applicants, for approval of a variance of use for a second dwelling. The 10-acre property is zoned RR-5 (Residential Rural) and is located on the south side of Crosslen Lane, approximately one-quarter (1/4) of a mile east of the intersection of Howells Road and Crosslen Lane. The property is within the boundaries of the Black Forest Preservation Plan (1987).



The additional dwelling unit, if approved, would increase the density of the subject property to one (1) dwelling unit for every 5 acres of land, causing it to remain in compliance with the minimum density of the RR-5 (Residential Rural) zoning district.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by trustees of Quarter Circle Lazy J and the Three Quarter Circle Lazy J Trusts, hereafter referred to as the applicants, for approval of a variance of use for a second dwelling. The 10-acre property is zoned RR-5 (Residential Rural) and is located on the south side of Crosslen Lane, approximately one-quarter (1/4) of a mile east of the intersection of Howells Road and Crosslen Lane.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request.

Authorization to Sign: There are no documents associated with this application that require signature.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code (2019), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- 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 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 use will comply with all applicable requirements of this Code

and all applicable County, State and federal regulations except those portions varied by this action;

- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- 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.

D. LOCATION

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

E. BACKGROUND

The 10-acre parcel was created on July 21, 1970 and is considered a legal zoning parcel. In 1989, the parcel was combined for tax purposes and assigned a joint parcel tax identification number with another 10-acre parcel that was created in 1977, after subdivision regulations were adopted in Colorado. There are no deeds on record that indicate the two parcels were ever merged and the legal descriptions remained unchanged, designating them as individual parcels. In January of 2016, the subject 10-acre parcel was detached from the parcel created for tax purposes and assigned a new parcel number, again with the legal description remaining unchanged. The property was initially zoned A-5 (Rural) on January 4, 1955, which, due to nomenclature changes is now currently known as the RR-5 (Residential Rural) zoning district.

Two of the trustees for the Quarter Circle Lazy J and the Three Quarter Circle Lazy J Trusts, Shawna Boller and Tanya Larocque, are the applicants on this request. In April 2019, they requested an administrative determination from the Planning and Community Development Director to establish the legality of the parcel (ADM 19-008) and it was issued based on the information above. In July 2019, the applicants submitted a residential site plan (SFD-19-950) and associated access permit (AP19-1039) for a 3,696 square foot detached single family dwelling. The applicants are requesting approval of a variance of use for a second dwelling (3,516 square foot) to allow the trustees to live adjacent to one another. The hardship stated in the applicants' letter of intent is based on familial need. The applicants, Shawna Boller and Tanya Larocque are sisters. Ms. Boller has two children with special needs that

require full-time care. Other than the Larocques, there are no other family members who can provide assistance or available resources for long term care for the children. The Larocques plan to relocate to Colorado Springs to assist Ms. Boller with caring for her children in the event of emergency and/or to provide relief by assisting with day-to-day care.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Land Development Code (2019) allows one single-family residence per parcel in the RR-5 (Residential Rural) zoning district. The requested use is not consistent with the RR-5 zoning district without approval of a variance of use.

2. Zoning Compliance

Both proposed dwellings on the 10-acre property will comply with the zoning regulations in the RR-5 zoning district.

The requirements of the RR-5 zoning district are as follows:

- Minimum lot size: 5 acres
- Minimum width (at front setback line): 200 feet
- Minimum front yard setback: 25 feet
- Minimum rear yard setback: 25 feet
- Minimum side yard setback: 25 feet
- Maximum lot coverage: 25 percent
- Maximum height: 30 feet

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.2.11- Encourage compatible physical character, density and scale in existing neighborhoods.

Policy 6.2.12- Ensure that proposed zone changes and/or use variance in established neighborhoods are of compatible scale and physical character.

The subject parcel is surrounded on the west, north, and east by 10-acre parcels zoned RR-5 (Residential Rural). Adjacent to the south are 5-acre parcels that are also zoned RR-5 (Residential Rural). The density of this parcel, if the variance of use for the second dwelling is approved, would be one dwelling unit per 5 acres.

4. Small Area Plan Analysis

The property is within the Black Forest Preservation Plan (1987), specifically Planning Unit 1 (Timbered Area).

Planning Unit 1 emphasizes open space and rural residential development and calls for large lot clusters to protect meadows and ponds and preserve open space character. The Plan further states that overall residential densities should be held to an average of one dwelling unit per 5 acres.

Consistency with the Plan is not a required review criterion for a variance of use request. The current request is to allow an additional dwelling unit on a 10-acre property that is surrounded by single-family lots. The two structures are located in the general vicinity of each other which could be considered a small cluster. The parcel is eligible to be subdivided into approximately two (2) lots based on lot area; however, such subdivision process would require approval of a minor subdivision.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies eolian deposits (windblown sands and salt) in the area of the subject parcels. A mineral rights certification was prepared by the applicants indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No physical hazards were identified in the review of the variance request.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0295G, dated December 7, 2018.

4. Drainage And Erosion

The property is located within the Kettle Creek (FOMO3000) drainage basin. Although the Kettle Creek drainage basin is a fee basin, no drainage or bridge fees are required for a variance of use request. Staff does not anticipate any adverse drainage impacts with the proposed variance of use.

5. Transportation

The property is accessed via Crosslen Lane, which is an existing private road west of Howells Road. A traffic impact study was not required and the County road impact fee does not apply to this request as the proposed variance of use is not expected to generate 100 daily vehicle trips more than the property would be expected to generate currently. The proposed variance of use will have a minimal impact to the County's transportation network.

H. SERVICES

1. Water

Water will be provided by a shared well.

2. Sanitation

Wastewater will be provided by two separate onsite wastewater treatment systems (OWTS).

3. Emergency Services

The property is within the Black Forest Fire Protection District.

4. Utilities

Electrical service is provided by Mountain View Electric Association and natural gas service is provided by Black Hills Energy.

5. Metropolitan Districts

The property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a variance of use application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a variance of use application.

I. APPLICABLE RESOLUTIONS

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Disapproval Page 52

J. STATUS OF MAJOR ISSUES

There are no major issues.

K. RECOMMENDED CONDITION AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.4 of the El Paso County Land Development Code (2019); staff recommends the following conditions and notations:

CONDITION

1. Any subsequent addition or modification to the additional dwelling unit beyond that described in the applicants' letter of intent and as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial change, then such addition or modification shall be subject to review and approval by the Board of County Commissioners.

NOTATIONS

1. Variance of use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or variance of use conditions/standards are being violated, preceded by notice and public hearing.
3. If the variance of use is discontinued or abandoned for two (2) years or longer, the variance of use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on September 24, 2019, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan

El Paso County Parcel Information

File Name: VA-19-006

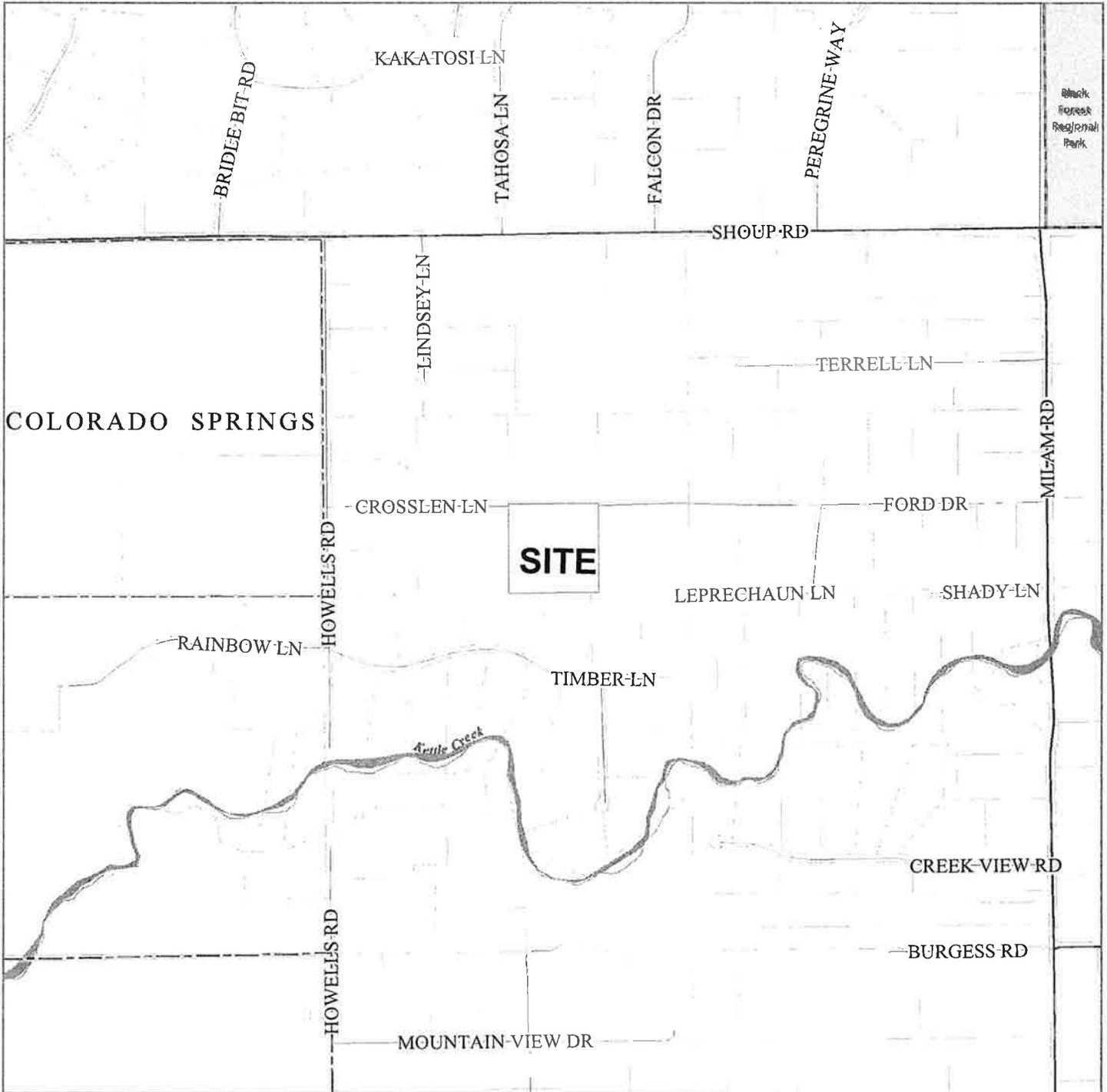
PARCEL	NAME
6214000119	QUARTER CIRCLE LAZY I TRUST

Zone Map No. --

ADDRESS	CITY	STATE
PO BOX 2996	MONUMENT	CO

ZIP	ZIPLUS
80132	

Date: September 24, 2019



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 819) 520-6600



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To: EDARP
Fr: Tanya Larocque
Re: 4065 Crosslen Lane

PCD FILE# VA-19-006

My sister and I worked with PPRD office and El Paso County Clerk and Records office in March and April prior to purchasing a ten-acre parcel at 4065 Crosslen Lane.

Shawna Boller has two special needs children and is a single parent. Tanya Larocque is her sister. Tanya and her husband lived in Perry Park and sold their home to move down to the Springs to help Shawna and the boys. Ryan Boller has seizures and is too heavy to lift and relocate from a floor to a couch/bed without assistance. Tanya and her husband, Robert, agreed to purchase two homes side by side or a property whereby we can build side by side so that someone is always available to help Shawna with the kids when an emergency arises.

We worked with both County offices, PPRD and El Paso County Clerk and Recorder's office, digging up deeds that were needed to confirm the property was actually a legal lot as there was a question that arose when we went to check prior to purchasing. We found all of the historical deeds and provided them to PPRD office, including our well permit.

We were told that while the permit states we can have three single family homes, we could only have two, which was perfect as that is all that is needed.

Once PPRD confirmed the legitimacy of the 10-acre parcel and our real-estate agent also confirmed; we proceeded with the purchase and began the building process. Our builder has submitted our plans and while Shawna's was approved, Tanya and Robert's was not. We were then told that only one house is allowed despite the well permit allowing for three and El Paso County allowing for two.

We are open to whatever process we need to follow to fix the situation. We were told while at the counter at PPRD office, that we could NOT have three homes only two are allowed. We understood and said that was no problem we only need two. We understand the best solution is to request a variance.

Our builder has given us our pricing based on building both homes together to save costs. In the future each one of the boys will have a house with their caregiver when my sister and I pass. Currently one child will be able to live with Tanya and her husband and the youngest will remain with Shawna as he has grand mal seizures. Our plans for the two homes are in such a fashion that they both flow into the surrounding area where some homes are on 2.5 acres, 5 acres and 10 acre sites. The proposed two homes do not adversely impact any of the adjacent properties or drainage to the area. The site where the two homes are to be located is a 10-acre parcel. Our proposed homes do not adversely affect any surrounding neighbors, wildlife or the existing area and typical use. We are not changing the use of the property, we are simply building two homes for the two sisters to be side by side to provide support and long-term care in our homes for the two special needs children. Our proposed homes are located off Crosslen Lane which is a Private Road.

We are asking for a variance for approval to allow the building process of the two homes. We ask for your approval so that we will not have to absorb additional excessive costs of building and that so we can continue to build and be in by the end of the year. Currently, Tanya and her husband have temporary housing until November when their home is currently expected to be completed if we can proceed in the building of the two homes. Please direct us on which process you want us to follow in order to get the appropriate approval for our two homes. It is imperative from a cost perspective to allow our builder to continue to build both homes simultaneously as our construction costs are critical. We have no other family members to assist or resources for long term care. The two sisters are all we have, and our goal is to pay for our homes prior to our deaths so the boys can stay at home with a caregiver for the remainder of their lives.

