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**El Paso County Planning & Community Development**  
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**Board of County Commissioners**  
 Holly Williams, District 1  
 Carrie Geitner, District 2  
 Stan VanderWerf, District 3  
 Longinos Gonzalez, Jr., District 4  
 Cami Bremer, District 5

**TO: El Paso County Board of Adjustment**  
**Jay Carlson, Chair**

**FROM: Matthew Fitzsimmons, Senior Planner**  
**Edward Schoenheit, Engineer I**  
**Kevin Mastin, Interim Executive Director**

**RE: Project File #: BOA-22-001**  
**Project Name: 4576 Hennings Drive - Carport**  
**Parcel No.: 65112-12-032**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Terry and Nina Salazar 4576 Hennings Drive Colorado Springs, CO 80911	Terry and Nina Salazar 4576 Hennings Drive Colorado Springs, CO 80911

**Commissioner District: 4**

Board of Adjustment Hearing Date: <span style="float: right; padding-left: 100px;">6/22/22</span>
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**EXECUTIVE SUMMARY**

A request by Terry and Nina Salazar for approval of a dimensional variance to allow a front setback of five (5) feet, where 25 feet is required for a carport. The 5000 square-foot property is zoned RS-5000 (Residential Suburban) and is subject to the CAD-O (Commercial Airport District Overlay) and is located east of the intersection of E. Las Vegas Street and South Academy Boulevard and is within Section 11, Township 15 South, Range 66 West of the 6th P.M. (Parcel No. 65112-12-032) (Commissioner District 4)

**A. REQUEST**

To allow a front setback of five (5) feet, where 25 feet is required for a carport.

**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.*

This property is of no exceptional narrowness, shallowness, or shape compared with other lots in the neighborhood. As with most lots in the neighborhood on straight sections of the street, the property is 5,000 square feet in size, is rectangular in shape, and is 50 feet wide at the front setback. The depth of the lot is 100 feet, and the house is estimated to be 31 feet from the property line at the garage. The front setback requirement is 25 feet in the RS-5000 zoning district.

The proposed 17-foot by 22-foot permanent carport is proposed to be located 3 feet away from the garage/house and is proposed to cover the driveway. The carport is proposed to be set back 5 feet from the front property line and is not proposed to encroach into the sidewalk.

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

No exceptional topographic condition or other extraordinary or exceptional situation was found on this property. This 5,000 square foot (50'x100') lot is relatively flat.

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 applicant with this application.

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

According to the applicant's letter of intent, they have experienced hail damage to their vehicles in the past and they want to prevent it from happening again. The property currently has a two-car attached garage; however, their truck is two feet longer than the length of this garage, not allowing the garage door to close to secure the space. As a result of these two items, they believe a permanent carport is the best way to protect their truck.

The El Paso County Land Development Code section 5.4.3.E states: *An open sided temporary carport, metal or canvas, which is not classified as a structure under the Building Code, may extend into the required front yard setback to a point 15 feet from the property line as long as any site visibility is maintained, and into the side and/or rear yard setback.* The applicants are not proposing a temporary structure nor are they proposing to have the carport 15-feet from the property line.

### **C. BACKGROUND**

The property was platted as Lot 4 of the Bradley Ranch Filing No. 2 (Plat No. 7506) on May 10, 1942. The lot is 5,000 square feet in size (50-feet wide by 100-feet deep). The property was initially zoned R-2 (Residential). Due to nomenclature changes of the Land Development Code, the R-2 zoning district was renamed as the RS-5000 (Residential Suburban) zoning district. The current single-family house, and the only structure on the property, was built in 1992.

### **D. ALTERNATIVES EXPLORED**

There are three alternatives that would not require a dimensional variance request:

1. Expand the garage to incorporate the full length of the truck.
2. The carport could not be constructed.
3. Install a temporary carport that meets the dimensions standards listed above.

### **E. APPLICABLE RESOLUTIONS**

Approval: Resolution 3

Disapproval: Resolution 4

### **F. LOCATION**

North: RS-5000 (Residential Suburban)

Single-Family Dwelling

South: RS-5000 (Residential Suburban)

Single-Family Dwelling

East: RS-5000 (Residential Suburban)

Single-Family Dwelling

West: RS-5000 (Residential Suburban)

Single-Family Dwelling

## **G. SERVICE**

### **1. WATER**

Water is provided by Security Water District. The District was sent a referral and has no outstanding comments.

### **2. WASTEWATER**

The parcel is located within the Security Sanitation District. The District was sent a referral and has no outstanding comments.

### **3. EMERGENCY SERVICES**

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

### **4. CITY UTILITIES**

Colorado Springs Utilities (CSU) maintains the services all the way to the meters for gas and electric. They indicated that they will not approve if gas or electric lines are under the carport. The applicant was requested to show where these lines were located to gain approval from CSU.

## **H. ENGINEERING**

### **1. FLOODPLAIN**

The site is not located within a defined floodplain as determined by staff following a review of the FEMA Flood Insurance Rate Map Panel No. 08041C0561G, effective on December 7, 2018

### **2. DRAINAGE AND EROSION**

The property is located within the Security drainage basin (FOFO2900). Drainage basin and bridge fees are not applicable in this case due to no new platting or subdivision action. It is understood that there will be no soil or lot disturbance by placement of the carport on the existing concrete driveway. No drainage or erosion issues are expected, and it will be the homeowner's responsibility to assure no adverse impact to the adjacent properties due to drainage.

### **3. TRANSPORTATION**

The property is currently accessed from a singular residential driveway off Hennings Drive, currently classified as an urban local road with sixty (60) foot right of way. Hennings Drive is not part of the EPC 2016 Major Transportation Corridors Plan Update (MTCP). A traffic impact memorandum was not required pursuant to Section B.1.2.C of the El Paso County Engineering Criteria Manual. County Road impact fees are not applicable. A residential driveway access permit will be required.

## **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 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 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 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 structures.

## **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 6 adjoining property owners on June 8<sup>th</sup>, 2022, for the Board of Adjustment meeting. Responses will be provided at the hearing.

## **K. ATTACHMENTS**

Letter of Intent  
Vicinity Map  
Site Plan

April 21, 2022

El Paso County Board of Adjustment  
2880 International Circle  
Colorado Springs, CO 80910

RE: Application for Set Back Variance, Parcel ID 6511212032

Dear Members of the Board:

Please accept this letter as attached to and made a part of the Application for a Set Back Variance for El Paso County Assessor Parcel ID 6511212032, also known as 4576 Hennings Drive, Colorado Springs, CO 80911 (the property).

This project is in front of the Board on an application to approve a setback variance to allow for a detached structure (a carport) to be located on the concrete pad that exists on this property mentioned above. The property is owned by Terry and Nina Salazar and was purchased by them in 2007. The carport would be a detached structure measuring 22' L, 17' W, and 8' H. There is nothing that will obscure the vision of the walkway while backing out of the drive pad. We have remeasured the length of this proposed carport and dropped one foot back from 23' to 22' to stay compliant with what your engineer, Ed Schoenheit, had emailed Kylie Bagley upon his Google map view. His Google map view displayed three trees that we had removed last year so that opened up that view to the street. There are split fences on each side of the front of the house that separate me from my neighbors on both sides. This location faces east so again there is visibility of people that may walk by and does not encroach on the ROW.

This is an intent to construct a carport on the concrete pad, which faces east on our property, of 4576 Hennings Drive. Since we have been impacted by severe hail storms since 2016 we decided it was time to have a carport put up to eliminate damage to our vehicle and stop the continual insurance claims we have made with our homeowners insurance.

We have a two car garage, but we are unable to park our truck inside, as the garage measures 18' long and our truck is 20' 8" long. Therefore, the garage is too short for us

to stick another vehicle inside, as we currently store a classic car in it. Due to severe weather it has been a financial hardship to recover these past years with placing insurance claims year after year, which caused our insurance rate to go up and then fearing they would drop our coverage. This is not a want, but a need to protect our vehicles, and ourselves from running through storms to get to the front door of our home.

After the EA meeting that was held September 2021, I was diagnosed with cancer and for the following five months I was not able to proceed with applying for the BOA. I had gone through a major surgery and was not able to complete the packet, but now I am able to proceed by submitting this application and paying for the driveway permit.

This structure will not be encroaching on anyone's property nor is there impaired visibility to the sidewalk facing south, east and north. There is no foreseeable flooding that would occur with this structure being put up in front of our garage. All surrounding neighbors are in agreement and have signed your form indicating they have no problem with us putting a carport on our drive pad. The requested variance would not be detrimental to anyone and these unique measurements of this project would fit on the existing concrete pad that this structure would sit upon.

Sincerely,



Nina Salazar  
4576 Hennings Dr  
Colo. Springs, CO 80911

# El Paso County Parcel Information

PARCEL	NAME
6511212032	SALAZAR TERRY L.

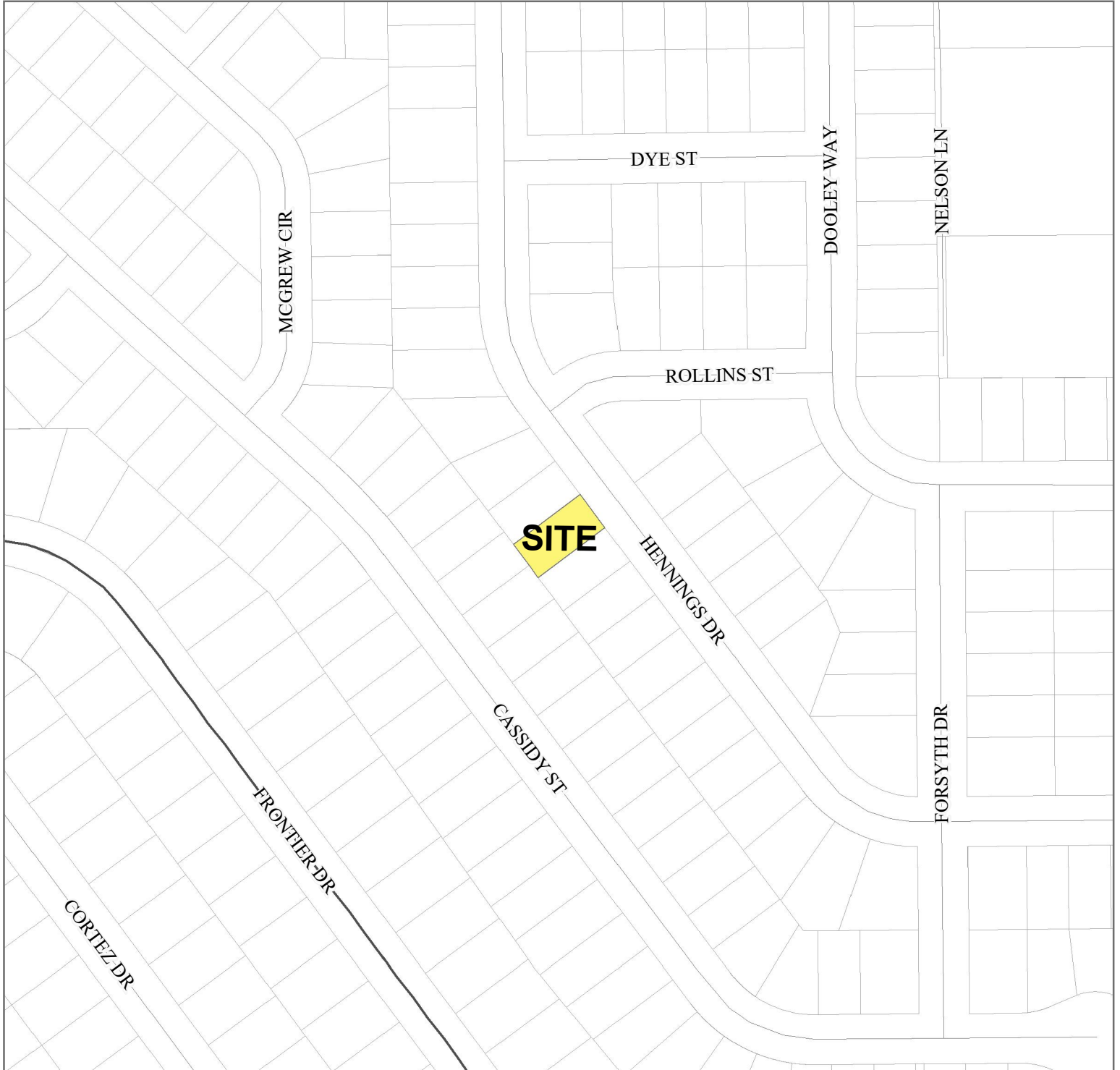
File Name: BOA-22-001

Zone Map No.: --

ADDRESS	CITY	STATE
4576 HENNINGS DR	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80911	3224

Date: June 7, 2022

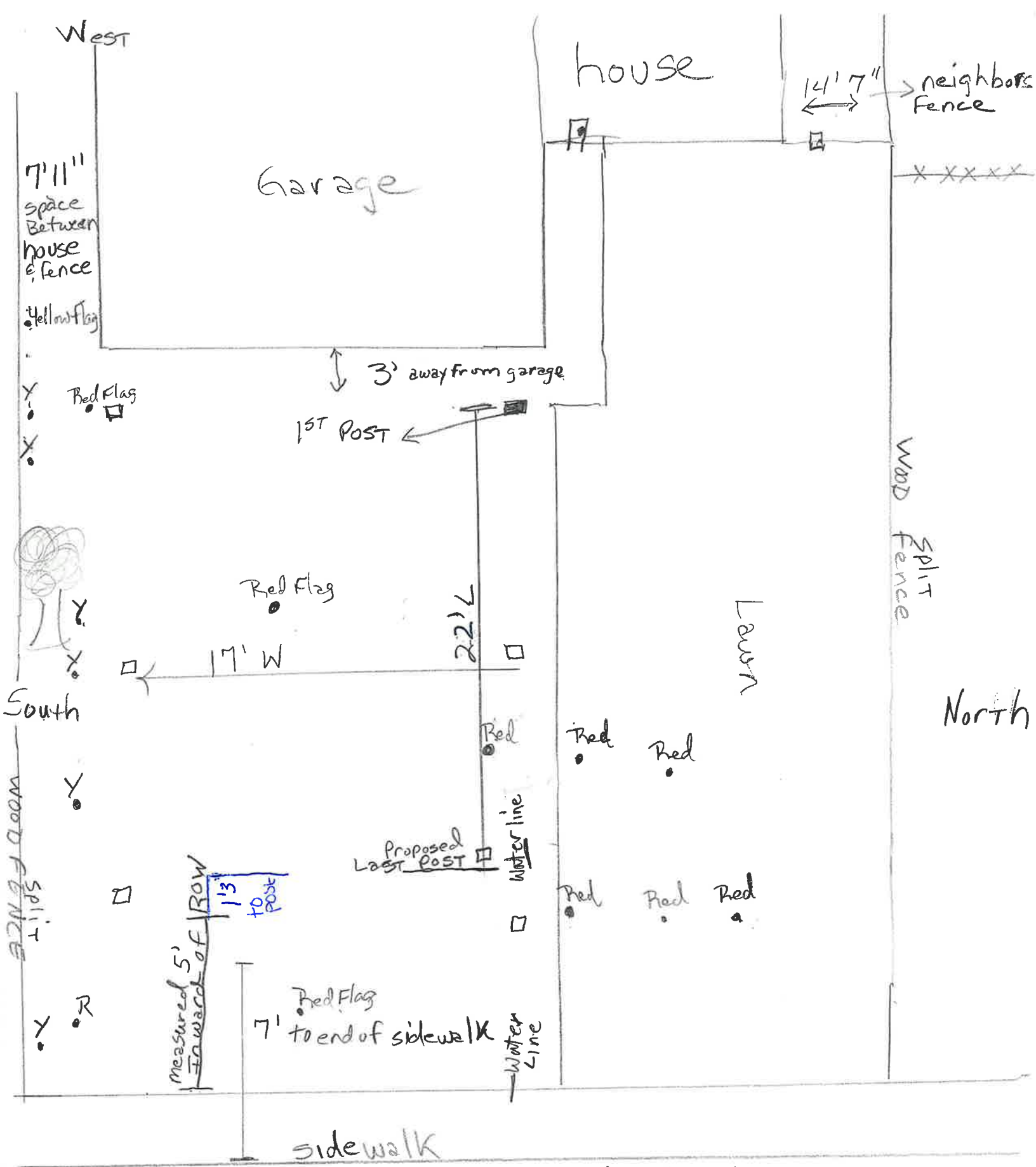


Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (719) 520-6600



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Y = Gas Line  
 R = Electricity Line

4576 Hennings Dr

Site Plan showing where flags were a