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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

After discussion with the engineering manager, a deviation request for the removal of the 5.5' buffer in not required as the proposed roadway cross section (sidewalk/C&G/paved width) meets the County standard (urban local low volume) and ROW width is a private road allowance included in LDC8.4.4.E.3.

Comments have been provided in the TIS regarding the classification of the proposed roadway and the adequacy of an urban local low volume cross section. Should a roadway cross-section be proposed that differs from the County standards, a deviation request will be required.

PROJECT INFORMATION

Project Name :	HAVEN VALLEY
Schedule No.(s) :	6512200001
Legal Description :	ELY 780 FT OF N2NW4NW4 SEC 12-15-66

APPLICANT INFORMATION

Company :	DREXEL, BARRELL & CO.		
Name :	TIM MCCONNELL		
	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Contractor
Mailing Address :	3 SOUTH 7 TH STREET, COLORADO SPRINGS, CO 80905		
Phone Number :	719-260-0887		
FAX Number :			
Email Address :	tmccconnell@drexelbarrell.com		

ENGINEER INFORMATION

Company :	DREXEL, BARRELL & CO.	
Name :	TIM MCCONNELL	Colorado P.E. Number : 33797
Mailing Address :	3 SOUTH 7 TH STREET, COLORADO SPRINGS, CO 80905	
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OWNER, APPLICANT, AND ENGINEER DECLARATION

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal will be cause to have the project removed from the agenda of the Planning Commission, Board of County Commissioners and/or Board of Adjustment or delay review until corrections are made, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval.

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature
And Date of Signature

DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **2.2.4.B.7** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section 2.2.4.B.7, Figure 2-17 Typical Urban Local (low volume) Cross Section – specifically, the 50' Total ROW width.

State the reason for the requested deviation:

This deviation is a request for approval of an alternate private roadway cross section.

Explain the proposed alternative and compare to the ECM standards (May provide applicable regional or national standards used as basis):

The private street section is proposed as 39-ft from back of sidewalk to back of sidewalk. A 5.5-ft public utility and stormwater easement will be provided on either side of the sidewalk. As the streets are to privately owned and maintained no other public improvements are anticipated.

LIMITS OF CONSIDERATION

(At least one of the conditions listed below must be met for this deviation request to be considered.)

- ☐ The ECM standard is inapplicable to the particular situation.
- ☒ Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- ☐ A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

Provide justification:

The size and topographical constraints of this site have resulted in the need for narrower street section than that outlined in the ECM. The privately owned and maintained roadway pavement and sidewalk are to remain within criteria, but with a reduced buffer behind the sidewalk on either side. This 5.5-ft buffer is proposed to be utilized as a public utility and stormwater easement.

CRITERIA FOR APPROVAL

Per ECM section 5.8.7 the request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

The proposed private street section will provide for the intended result by allowing for a roadway width within criteria, but with reduced buffer on either side to allow for development within the site constraints.

The deviation will not adversely affect safety or operations.

No impact to safety or operations is anticipated by this design as the street pavement and sidewalk width are both within criteria.

The deviation will not adversely affect maintenance and its associated cost.

This deviation will not adversely affect maintenance as the street pavement and sidewalk width are both within criteria.

The deviation will not adversely affect aesthetic appearance.

Aesthetic appearance will not be affected by this variance.

The deviation meets the design intent and purpose of the ECM standards.

The proposed private street section will still meet the intent and purpose of the ECM standards, by allowing for a roadway width within criteria, but with reduced buffer on either side to allow for development within the site constraints.

The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

This site is subject to a Stormwater Management Plan, which meets Part I.E.3 and Part I.E.4 of the County's MS4 permit.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section _____ of the ECM is hereby granted based on the justification provided.

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Denied by the ECM Administrator

This request has been determined not to have met criteria for approval. A deviation from Section _____ of the ECM is hereby denied.

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ECM ADMINISTRATOR COMMENTS/CONDITIONS:

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1.1. PURPOSE

The purpose of this resource is to provide a form for documenting the findings and decision by the ECM Administrator concerning a deviation request. The form is used to document the review and decision concerning a requested deviation. The request and decision concerning each deviation from a specific section of the ECM shall be recorded on a separate form.

1.2. BACKGROUND

A deviation is a critical aspect of the review process and needs to be documented to ensure that the deviations granted are applied to a specific development application in conformance with the criteria for approval and that the action is documented as such requests can point to potential needed revisions to the ECM.

1.3. APPLICABLE STATUTES AND REGULATIONS

Section 5.8 of the ECM establishes a mechanism whereby an engineering design standard can be modified when if strictly adhered to, would cause unnecessary hardship or unsafe design because of topographical or other conditions particular to the site, and that a departure may be made without destroying the intent of such provision.

1.4. APPLICABILITY

All provisions of the ECM are subject to deviation by the ECM Administrator provided that one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

1.5. TECHNICAL GUIDANCE

The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

1.6. LIMITS OF APPROVAL

Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

1.7. REVIEW FEES

A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.