



**Planning and Community  
Development Department**  
2880 International Circle  
Colorado Springs, Colorado 80910  
Phone: 719.520.6300  
Fax: 719.520.6695  
Website www.elpasoco.com

# DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

## 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 <sup>TH</sup> STREET, COLORADO SPRINGS, CO 80905 |  |
| Phone Number :    | 719-260-0887   |  |
| FAX Number :      |  |  |
| Email Address :   | tmconnell@drexelbarrell.com                                |  |

## ENGINEER INFORMATION

|                   |  |                              |
|-------------------|--|------------------------------|
| Company :         | DREXEL, BARRELL & CO.                                      |                              |
| Name :            | TIM MCCONNELL  | Colorado P.E. Number : 33797 |
| Mailing Address : | 3 SOUTH 7 <sup>TH</sup> STREET, COLORADO SPRINGS, CO 80905 |                              |
| Phone Number :    | 719-260-0887   |                              |
| FAX Number :      |  |                              |
| Email Address :   | tmconnell@drexelbarrell.com                                |                              |

## 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:

Table 2-31 Minimum Curb Return Radius and Intersection (Urban Roads) – specifically, minimum 20' radius for a local/local intersection.

State the reason for the requested deviation:

This deviation is a request for approval of 15' radii for all local/local intersections within this project site.

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

The proposed streets within this project site are private and it will be the responsibility of the HOA to maintain the roads, including all curb return areas. The HOA will also be responsible for replacing any damaged curb & gutter resulting from their decision to use smaller than recommended curb return radii.

**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:

These are private roadways. The lots for this project are small and having smaller curb return radii helps to not cut into those small lots more than necessary with associated pedestrian ramps and other improvements.

**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 with smaller curb return radii will help with the small lot size constraints and will improve the lots for each individual homeowner. ADA requirements are still being met and the smaller radii result in traffic calming and slower traffic speeds in the neighborhood.

The deviation will not adversely affect safety or operations.

No impact to safety or operations is anticipated by this design. ADA requirements are still being met and the smaller radii result in traffic calming and slower traffic speeds in the neighborhood.

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

This deviation will not adversely affect maintenance or its associated cost since the roads are to be privately maintained.

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 providing all other standard roadway design elements.

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.

Γ

Γ

L

J

**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.

Γ

Γ

L

J

**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

## **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.