

**Letter of Intent: Studer Subdivision**

**Owner:**

**Harry J. Studer Trust**  
**2915 W. 119<sup>th</sup> Ave**  
**Denver, Colorado 80234**  
303-650-9582

**Applicant:**

**Harry J. Studer Trust**  
**2915 W. 119<sup>th</sup> Ave**  
**Denver, CO 80234**  
303--650-9582

**Consuktant:**

**John H. Keilers**  
**9920 Otero Ave**  
**Colorado Springs, Colorado 80920**  
719-649-9243

**Site Location: 2727 Evergreen Road, Colorado Springs, CO,**

A tract located in the Northeast Quarter of Section 33, Township 11 South, Range 66 West of the 6<sup>th</sup> P.M., El Paso County, Colorado, more particularly described as follows:

Commencing at the Northeast corner of said Section 33; thence Westerly along the North line of said Northeast Quarter of Section 33, 532.0 feet; thence Southerly, parallel with the East line of said Section 33, 411.0 feet for the Point of Beginning; thence Westerly, parallel with the said North line of the Northeast Quarter, 530.0 feet; thence South, parallel with said East line of the Northeast Quarter, 924.0 feet; thence East, parallel with said North line of the Northeast Quarter, 1062.0 feet; thence North, along the East boundary of said Northeast Quarter, 331.0 feet; thence Westerly, parallel to North line of said Northeast Quarter, 532.0 feet; thence Northerly, parallel to the East line of said Northeast Quarter, 593.0 feet to the Point of Beginning, subject to a 30.0 foot easement described by Book 5078 at Page 513, containing 15.28 acres, more or less.

**Zoning: Rural Residential-5.** RR-5 requires 5 acre minimum lot size residential parcels., 25' setback on all sides, 25% coverage, 30' maximum building height. New structures will need to meet the dimensional requirements.

**Request & Justification:**

Owner requests the platting of the existing 15.28 acre tract into 3 each 5 + acre lots. Currently the existing residence is built on the northerly portion of the described tract. Studer Subdivision would consist of 3 each 5 + acre lots. The existing driveway easement, as described in Book 5078 at Page 513, has been used as an access drive for the existing tract. Further access for the newly created lots the proposed Studer Subdivision would use the same access to Evergreen Road or using a 30 foot easement, as shown on the plat of Tall Pine Estates as recorded in Plat Book T-2 at Page 119. The easement is over the easterly 30 feet of said Tall Pine Estates begins at the south line of 15.28 acre tract and ends at the northerly right of way line of Stagecoach Road.

El Paso County Policy Plan Comments:

**Policy 6.1.3:** The development of the new lots will be contiguous to existing 4.9 to 50 acre tracts that surround the proposed subdivision. Contiguous to the proposed subdivision are: one 2 acre, one 2.8 acre, six 5 acre tracts, one 8 acre tract, one 12 acre tract, one 31 acre tract and one 50 acre tract. The density of the area with the new lots will be compatible with all of the residences accessed by the existing streets and roads. The land use of the new lots will remain zoned RR-5 as are all the other local lots and residences accessed by existing streets and roads.

Policy 6.1.11 & 6.1.8: The new lots will be zoned RR-5 to allow the prospective owners to construct residences that will be aesthetically integrated within the context of the surrounding

residences and will function the same as the surrounding homes. No buffers or transitions will be required as the development will be of the same use as existing development.

All of the other residences in the area are served with individual water wells and on-site sewerage facilities.

The site is located in the Tri-Lakes Planning Area. Water and sanitary sewer services are provided by the owners of each tract with local septic systems and wells for water as shown in the accompanying "Water Rights of Harry Studer," under Consolidated Case Nos. 04CW61 and 04CW189. Electric service is provided by Mountain View Electric. Natural gas service provided by Black Hills Energy.

**Justification:**

The proposed Studer Subdivision will create 3 lots, with a minimum area of 5.0 acres, or more, two of which are to be sold for future construction of a new residences matching the other homes in the area in size and use. New lots will remain zoned RR-5.

**Wavier Requests:**

Wavier of Minimum 30 foot lot frontage requirement (8.4.3©(2)(e) is required.

Access is guaranteed by existing Ingress/Egress access and easement. The existing access has been used for several decades and to provide a wider lot frontage is not in the best interests of the current or future property owners. A wider lot frontage would require the removal of many existing, mature trees and would not enhance the compatible use request of the Planning Department.

Owner/Developer requests a waiver of the 30' of Lot frontage onto a county road citing the following requirements:

**7.3.3. Criteria for Approval of Waivers**

A waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

§The waiver does not have the effect of nullifying the intent and purpose of this Code;

§The waiver will not result in the need for additional subsequent waivers;

§The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

§The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;

§A particular non-economical hardship to the owner would result from a strict application of this Code;

§The waiver will not in any manner vary the zoning provisions of this Code; and

§The proposed waiver is not contrary to any provision of the Master Plan.

