

VA264, 11485 Old Pueblo Rd



2880 International Circle, Suite 110  
Colorado Springs, CO 80910  
Phone 719-520-6300

**EL PASO COUNTY PLANNING AND  
COMMUNITY DEVELOPMENT  
DEPARTMENT**

**VARIANCE OF USE LETTER OF INTENT CHECKLIST**

Revised: October 2023

**Variance of Use Letter of Intent Requirements**

The letter of intent for a variance of use application should summarize the particular use and activity being requested. The letter should also discuss any proposed methods for mitigating any anticipated impacts. Any anticipated phasing of the proposed use should also be discussed in the letter of intent. The PCD Director may modify the applicable requirements, including requiring additional items or removing items, based upon the project and site-specific circumstances.

**Letter of Intent**

- Owner name, contact telephone number, and email for responsible party □ PCD File No. VA264
- Applicant name (if not owner), contact telephone number, and email for responsible party
- Property address
- Property tax schedule number
- Current zoning of the property
- A detailed analysis summarizing how the request complies with each of the following Criteria of Approval in Chapter 5 of the Land Development Code:
  - 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 not adversely affect wildlife or wetlands **N/A**
  - 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
  - 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
- A discussion identifying and acknowledging any applicable overlay zoning (e.g., CAD-O, etc.).
- A discussion summarizing the proposed request and compliance with the applicable requirements of the Land Development Code
- A discussion regarding how the proposed request complies with the definition of the proposed use and any applicable use specific standards within the Land Development Code.
- A discussion regarding anticipated traffic generation and access, unless a separate traffic study is required and is being provided.

Attached  
SEE LDC 5.3.4

• Business Event  
• Retail Sales  
• Setbacks  
• Development Standards

eng. has comments



5.3.4. Variance of Use

(A) **Purpose.** Occasionally, a use is proposed that is not allowed in the applicable zoning district. The BoCC may grant a variance of use to allow the proposed use if it determines that it meets the criteria contained in this Code.

(B) **Applicability.**

(1) **Where Applicable.** Those uses that are not otherwise an allowed use or special use in a zoning district, except in a PUD Zoning District, may be considered for a variance of use. A variance of use may not be considered in a PUD Zoning District. The power of the BoCC to vary the provisions of this Code is permissive, not mandatory, and shall not be exercised in such a way as to frustrate the scheme or intent of this Code. The power to grant variances shall be exercised sparingly.

(2) **Variance of Use to Comply with Review Criteria and Other Standards.** The BoCC evaluates each proposed variance of use for general compliance with the review criteria in this Code and the development standards that apply to all development.



**Criteria.** In approving a variance of use, the following criteria may be considered:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The variance of use is generally consistent with the applicable Master Plan;
- 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; AG?
- 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 → are alternatives needed?
- 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. TIS?

Required at Variance

NOTE →

(D) **Limit of Approval.** Issuance of a variance of use permit shall authorize only the particular use and activity for which it is issued, for the time period, if specified, and in accordance with the permit conditions imposed. The variance of use runs with the land. The variance of use is based on the parcel size stated in the application. A reduction or increase in parcel size is considered a substantial modification of the variance of use unless specifically provided for in the approval. The variance of use permit does not relieve the owner from compliance with any other permits, standards and regulations of this Code. No building permit shall be authorized to implement the use until the variance of use permit is approved.

The Board of County Commissioners may impose time restrictions on the approved variance of use permit as a condition of approval as it deems necessary.

(E) **Renewal/Expiration.** If the existing variance of use is subject to expiration, continued operation of the use after expiration of the variance of use permit constitutes a violation, subject to the requirements of Chapter 11. Therefore, the applicant shall submit a new application prior to expiration of the permit conforming to the requirements in place at the time of submittal in order to renew the variance of use permit. If the permit expires, in order to resolve the violation, Applicant shall be required to submit a new application for a new variance of use permit.

(F) **Administrative Renewal Authorized.** Any variance of use renewal may be acted upon by the PCD Director. In renewing a variance of use, the PCD Director shall consider the record of compliance with conditions of approval, proposed modifications in the scope of the land use, criteria for approval pursuant to this Section or as may otherwise be amended, and may consider other relevant factors. The PCD Director, in their sole discretion, is authorized to elevate a variance of use permit renewal to a public hearing.

(G) **Suspension/Revocation.** The violation of any applicable requirement or standard of this Code, or of any condition, safeguard or commitments of record of the variance of use permit shall constitute sufficient grounds for suspension or revocation of the variance of use permit by the BoCC, subject to the requirements of Chapter 11.

NOTE →

(H) **Abandonment.** Unless otherwise specified by the BoCC, variance of use shall be deemed abandoned, and the variance of use permit shall be of no further force and effect, if: (1) the primary intended use or activity has not been substantially implemented within one year of the BoCC's approval; or (2) the primary intended use or activity has been discontinued for a period of one year. For purposes of this provision, a variance of use shall be deemed discontinued if the primary intended use has not been actively and regularly conducted.

(Res. No. 16-164, 5-17-2016; Res. No. 16-233, Exh. A, 6-28-2016; Res. No. 17-374, Exh. A, 12-12-2017; Ord. No. 21-321, Exh. A, 8-10-2021)



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EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Variance Site Plan

Revised: October 2023

Site Plan Requirements

In order to establish a use or obtain a building permit, in most cases, the LDC requires Site Development Plan Review for more complex uses (most often including multi-family, commercial, and industrial uses) to determine conformance of the proposed use(s) or structure(s) with the provisions of the LDC, ECM, or any other applicable regulations or any specific land use approvals or permits, and other rules, regulations, codes and ordinances administered by the PCD. Specifically, many of the requirements for approval of a site development plan can be found in Chapter 6 of the LDC. The use tables in Chapter 5 of the LDC (Table 5-1 and 5-2) identify when the applicant shall submit a Site Development Plan and when a PCD planner and engineer shall review a Site Development Plan to establish a use or to construct a structure. Site Development Plans are approved administratively by the PCD Director, unless otherwise modified by a condition of approval.

Minimum Map Contents: Must contain adequate information to determine compliance of the proposed use with the LDC and ECM, as applicable. If inadequate information is provided to determine whether or not the proposed action conforms to the LDC, more information will be requested. A PUD Development Guide associated with PUD zoning, if applicable, may require additional information and/or specifications to be addressed with the residential site plan application.

Typically, a parking plan, sign plan, landscape plan, lighting plan, elevation drawings, floor plan, grading and erosion control plan, and drainage plan are submitted concurrently as a separate plan set.

The PCD Director may modify the applicable requirements, including requiring additional items or removing items, based upon the project and site-specific circumstances.

Summary Table to Include

- Owner name, contact telephone number, and email for responsible party
- Applicant name (if not owner), contact telephone number, and email for responsible party
- Property address
- Property tax schedule number
- Current zoning of the property
- Legal description
- Lot/parcel size
- Lot area coverage calculation
- Existing/proposed land use and zoning
- Total gross building square footage
- Open space, landscaping, and impermeable surface percentage

PCD File No. VA264

Open space, landscaping, and impermeable surface percentage → requesting LS note

A note stating: The owner agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

Parking computations (required, provided, etc.) → note

Site Plan Drawing to Include

- Date, north arrow, and a graphic scale
- Vicinity map showing the subdivision in relation to section lines and existing or proposed arterial or collector roadways.
- Location and dimension of the all property lines, rights-of-way, and all existing and proposed easements
- Signature block for the Planning and Community Development Director a minimum of 1 inch by 2 inches
- The footprint of all existing and proposed buildings and the setback distances from each existing and proposed structure to the property lines + dimensions + uses
- Location of all sidewalks, trails, fences and walls, retaining walls, or berms
- Location and dimensions of all existing and proposed signage on site different permit
- Traffic circulation on site including all points of ingress/egress into the property
- The layout and location of all off-street parking, loading and other vehicular use areas, unless otherwise depicted in detail on a separate parking plan. If depicted on a separate parking plan then depiction of the parking areas are required. later



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**SITE DEVELOPMENT PLAN CHECKLIST**

- The layout and location of all landscaping, including landscape setbacks, unless otherwise depicted in detail on a separate landscape plan. If depicted on a separate landscape plan then depiction of the landscape areas are required. *later*
- Location of all ADA spaces, ramps and signs, including ADA pathways *later → noted*
- Location of existing and proposed water and wastewater infrastructure, including well and septic locations, if applicable
- Location of all no-build areas, floodplain, drainageways and facilities
- Location of all garbage receptacles with a graphical depiction of the screening mechanism *+ later*
- Location of all existing and proposed utility lines and associated infrastructure *→ later*
- Any additional information required pursuant to any associated conditions of approval or plat notes. *N/A for variance*
- Any other additional items as required by the PCD Director deemed necessary to address the applicable review criteria.