

**AGRICULTURAL STRUCTURE EXEMPTION FROM THE BUILDING CODE
APPLICATION**Date: Oct. 16, 2019Floodplain: Zone XOwner/Applicant: Breck & Timmie CunninghamPhone No: (720) 838-6809 Email: bc1@q.comProperty Address: 17505 Black Forest RoadParcel No: 5117001001 Zone: RR-5 Acreage: 12.38**BUILDING INFORMATION- to be completed by the owner/applicant**

The following types of structures and materials are prohibited and may not be used as or for the construction of an agricultural structure: portable or temporary structures, shipping or storage containers, carports, canopies, mobile homes, semi-trailers, tires, fabric, tarpaulins or other structures and materials that are prohibited by the PCD Director.

- Is this new construction ☒ or an existing structure ☐ (**check one**)
For new construction, what is the estimated date of completion? start date plus nine months (estimate)

- Square footage 11,328

The size of the structure shall not exceed two (2) times the size of the building footprint of the principal use (residence) or 5,000 square feet, whichever is greater. Any agricultural structure exceeding the allowance shall require special use approval

- Exterior appearance:

☒ Required: appropriately sized doors to allow for livestock and/or agricultural implements and machinery to enter and exit the structure

AND

A minimum of three of the following design features are required: (**check all that apply**)

- ☐ Dutch doors,
- ☒ Barn breezeway,
- ☐ Gambrel roof,
- ☐ Barn cupola,
- ☒ Exterior stalls,
- ☒ Shelter overhang,
- ☐ Dormer Windows,
- ☒ Appropriate siding material for weather exposure, and/or,
- ☐ Finished wood panels, vinyl siding, brick or stone veneer siding, stucco, etc.

If the structure will not meet the above exterior appearance requirements, you may propose an alternative design on a separate sheet of paper and attach it to this application. Requests for alternative design(s) require approval from the PCD Director.

USE OF THE STRUCTURE- to be completed by the owner/applicant

The following uses are prohibited: commercial and/or non-commercially related uses allowing public access, marijuana related uses, residential (personal storage, vehicle storage, etc.), and non-agricultural related uses.

- The structure must be used solely for one or more of the following uses on the subject parcel for which the agricultural use is located: **(check all that apply)**
 - ☒ Shelter for livestock (including hen chickens) or for the storage of the feed and equipment relating to the care, training, raising, and/or maintenance of the livestock (including hen chickens); or
 - ☐ Agricultural products associated with horticultural, dairy, livestock, hen chickens, as well as other products customarily produced on a farm or ranch, or;
 - ☐ Agricultural implements and machinery, such as tractors and tractor attachments, when used as part of a farming or ranching operation as defined in Chapter 1 of this Code. (Minimum of 35 acres).

Describe in detail the agricultural use for the building:

Stabling, feeding, and training of horses, storage of hay/feed, and storage of tractor to be used to maintain pasture, spread manure, and move hay.

Additional Requirements

- Affidavit
- Site plan
- Compliance with the Building Code is required for all electrical, plumbing, and/or mechanical work installed within a structure for which an Agricultural Structure Exemption from Building Code has been granted. Please contact the Pikes Peak Regional Building Department at 719-327-2880 for more information.

**AGRICULTURAL STRUCTURE EXEMPTION FROM THE BUILDING CODE
AFFIDAVIT**

I, Breck & Timmie Cunningham, have applied for approval of an agricultural structure exemption from the Building Code for the purposes stated under the file number listed above. Under this Agricultural Structure Exemption from the Building Code application file number and being duly sworn on oath deposes and says:

I, as applicant, owner and hold title to the following described real property (hereinafter referred to as "the PROPERTY"):

17505 Black Forest Road Street Address

Lot 1, Filing 1, Cherry Creek Springs Legal Description

5117001001 Assessor Tax Schedule Number

El Paso County, Colorado

I hereby acknowledge and agree to the following:

Pursuant to Section 1.15 of the El Paso County Land Development Code, I understand that an agricultural structure, for the purpose of determining an agricultural structure exemption from the Building Code, shall be used for the sole purpose of providing shelter to livestock (including hen chickens) or for the storage of the feed and equipment relating to the care, training, raising, and/or maintenance of the livestock (including hen chickens) or for the storage of agricultural products associated with horticultural, dairy, livestock, hen chickens, as well as other products customarily produced on a farm or ranch, or for the shelter of agricultural implements and machinery such as tractors, plows, harrows, fertilizer spreaders, seeders, balers, harvesters, and similar agricultural implements and machinery when used as part of a farming or ranching operation, as intended in C.R.S. 30-28-201(1).

I attest the information provided on the Agricultural Structure Exemption from the Building Code application is accurate and demonstrates an agricultural use on the PROPERTY. An agricultural structure shall not be exempt from obtaining a building permit unless an affidavit is signed and recorded in the Office of the El Paso County Clerk and Recorder whereby I, as the Owner, acknowledge and agree that the agricultural structure shall not be converted to a use other than an agricultural use without obtaining all applicable permits and approvals. Such permits and approvals will, at a minimum, include:

- Building permit(s) from the Pikes Peak Regional Building Department; and
- Site Plan approval from the El Paso County Planning and Community Development Department

By signing this affidavit, I authorize inspections pursuant to the El Paso County Land Development Code by the El Paso County Planning and Community Development Department for the purpose of verifying the use of the structure as an agricultural building and compliance with the building code. I understand that if I refuse inspection of the structure or if an inspection reveals the use of the structure is not solely for agricultural purposes; the Planning and Community Development Director may schedule a hearing before the Board of County Commissioners and request that the Board revoke or rescind approval of this application and a building permit will therefore be required. This affidavit shall be recorded with the El Paso County Clerk and Recorder and shall be binding for the PROPERTY on all successors' heirs and assigns.

I, BRECK CUNNINGHAM
TIMMIE (TIMOTHY) CUNNINGHAM, being duly sworn, state that the foregoing facts and contents of this application for an agricultural structure exemption from the Building Code are true and correct to the best of my knowledge, information, and belief.

Breck Cunningham
 Signature

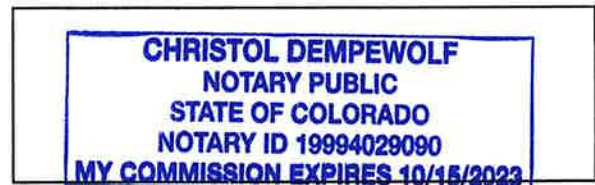
State of Colorado
 County of El Paso

Signed before me on October 16, 2019
 by Breck Cunningham (name(s) of individual(s) making statement)
Timothy Cunningham

Christol DempeWolf
 (Notary's official signature)

Notary
 (Title of office)

10-15-2023
 (Commission Expiration)



I, _____, being duly sworn, state that the foregoing facts and contents of this application for an agricultural structure exemption from the Building Code are true and correct to the best of my knowledge, information, and belief.

 Signature

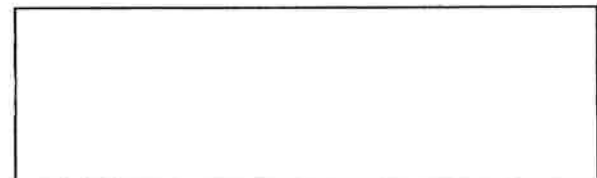
State of _____
 County of _____

Signed before me on _____, 20____
 by _____ (name(s) of individual(s) making statement).

 (Notary's official signature)

 (Title of office)

 (Commission Expiration)



APPLICABLE STATUTES AND REGULATIONS

EL PASO COUNTY LAND DEVELOPMENT CODE (LDC)

Section 1.15: Definitions: Agricultural Structure : For the purpose of determining an agricultural structure exemption from the Building Code, a structure used for the sole purpose of providing shelter to livestock (including hen chickens) or for the storage of the feed and equipment relating to the care, training, raising, and/or maintenance of the livestock (including hen chickens) or for the storage of agricultural products associated with horticultural, dairy, livestock, hen chickens, as well as other products customarily produced on a farm or ranch, or for the shelter of agricultural implements and machinery such as tractors, plows, harrows, fertilizer spreaders, seeders, balers, harvesters, and similar agricultural implements and machinery when used as part of a farming or ranching operation, as intended in C.R.S. 30-28-201(1).

Section 2.1.2 of the LDC provides authority for the PCD Director to establish processes, standards, and procedures to support the efficient review of development applications for conformance with the LDC and State statute.

Section 2.2.4 of the LDC designates the PCD Director as the official charged with the administration of the LDC. The PCD Director may establish application and submittal requirements and schedules for review of applications pursuant to the LDC.

Section 11.1.4 (B)(1) Permission to Enter Property Until Action is Completed: Signing any application for a development permit, except those specifically listed in paragraph (2) below, shall constitute permission for the PCD Director to enter and inspect a property until the use, activity, development, subdivision or construction that is the subject of the development application or permit has concluded.

*** Full text of LDC available at www.elpasoco.com

OFFICE USE ONLY

APPROVED **DENIED**

Notes/conditions: NO commercial use

Planning and Community Development Department Representative:

Signature: [Signature] Date: 1/9/2020

Cc: El Paso County Assessor
Pikes Peak Regional Building Department



Planning and Community Development Department - SITE PLAN

Use for Additions to Property/Residence or Placement of Manufactured Homes/Mobile Homes

Applicant Name Breck & Timmie Cunningham (720) 838-6809 bc1@q.com
 Contractor Name All Specialty Buildings, Inc. (James Castanien) (719) 683-4386 asbjcc@aol.com
 Property Address 17505 Black Forest Road, Colorado Springs, CO 80908
 Zoning RR-5 Parcel Number 5117001001 Legal Description Lot 1, Filing 1, Cherry Creek Springs
 Proposed Structure & Use Ag Structure (Barn 36'x48'/Arena 80'x120') for horse care/training New Structure sq. ft. 11,328
 Lot sq. ft. 12.38 acres Existing + new structure sq. ft. 16,284 % Lot coverage 3% New Structure height 24'

All Site Plans **MUST** include the following **LEGIBLE** minimum standards and drawn to a scale determined by applicant:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Lot configuration and boundary measurements | <input checked="" type="checkbox"/> Building setbacks, highways or rights-of-way |
| <input checked="" type="checkbox"/> All streets, roads, or highways adjoining the property | <input checked="" type="checkbox"/> Location of easements, driveway(s), well and septic system |
| <input checked="" type="checkbox"/> Dimensions & square footage of existing and proposed structures | <input type="checkbox"/> Contours if slope is greater than 10% |
| <input checked="" type="checkbox"/> Building location with reference to distance from property lines | <input checked="" type="checkbox"/> Building coverage calculation (% of lot coverage) (PLEASE SEE ABOVE) |
| <input checked="" type="checkbox"/> Location of NO-BUILD areas, watercourses, drainage facilities | |

Any approval given by El Paso County does not obviate the need to comply with applicable Federal, State or Local Laws or regulations. Planning and Community Development Department approval is contingent upon compliance with all applicable notes on the recorded plat. An access permit must be granted by the Planning and Community Development Engineering Division prior to the establishment of any Driveway onto a County road, or a waiver granted for access to a private road. Diversion or blockage of any drainage way is not permitted without the approval of the Planning and Community Development Engineering Division.

Fees are payable at the time of submittal and are **NON-REFUNDABLE**, regardless of approval or denial
 Site Plans may be delayed or denied if information is omitted. **APPLICANT IS RESPONSIBLE FOR ACCURACY OF SITE PLAN**

Signature

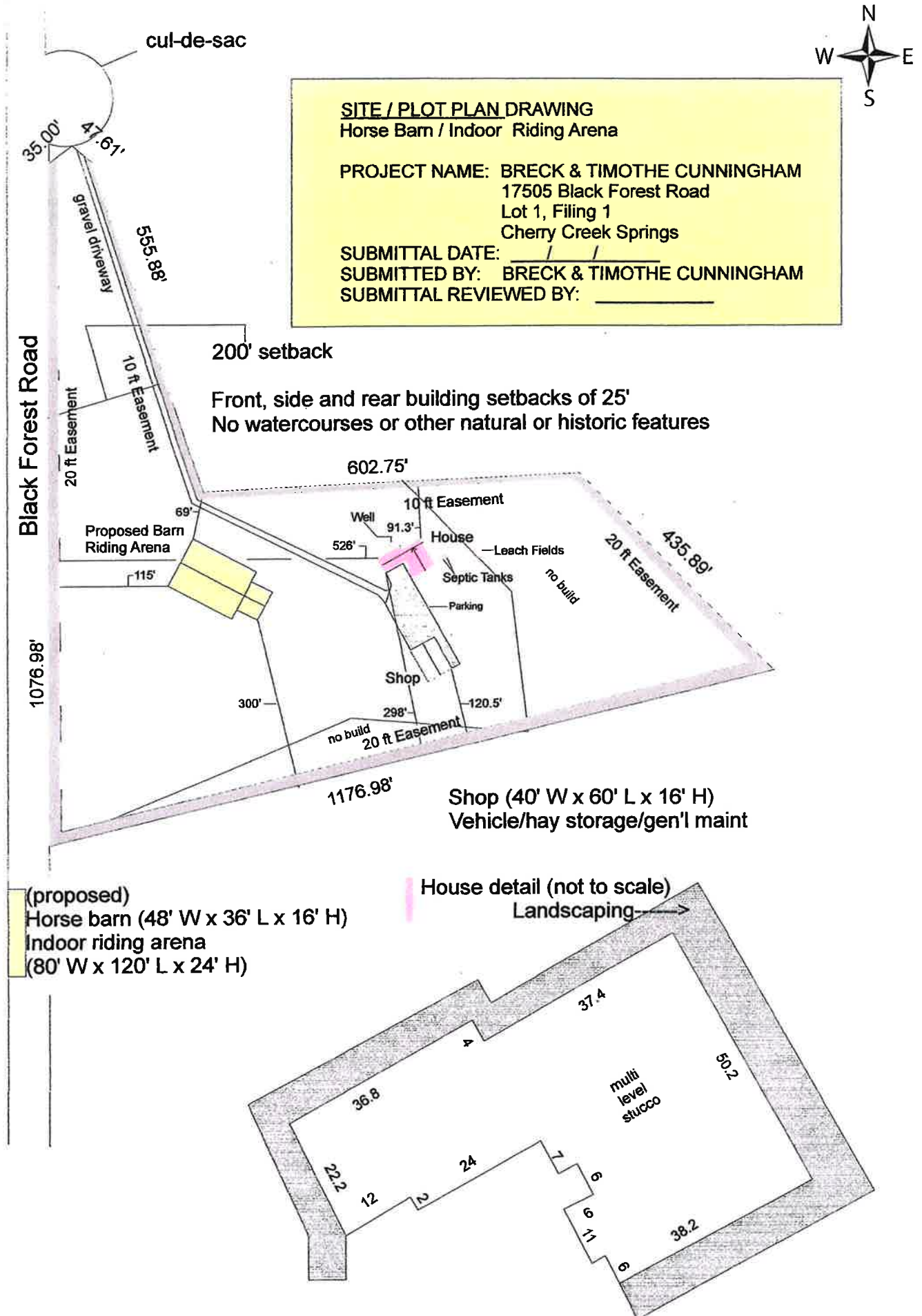
Breck Cunningham
Timmie Cunningham

Date

10/16/2019
10/16/2019

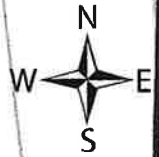
Office Use

Plat No. _____ Note: _____



VICINITY / LOCATION MAP

Walker Rd



Breck & Timothe Cunningham
17505 Black Forest Road
Colorado Springs, CO 80908

Black Forest Rd

Franktown
Parker FPE-3
Reservoir

Jill M. Jones-Bird
17775 Black Forest RD
Colorado Springs, CO 80908-1417

Steve G. Abeyta
Suzanne L. Abeyta
17685 Black Forest RD
Colorado Springs, CO 80908-1417

Daniel A. Krucoff
Kathleen Krucoff
17595 Black Forest RD
Colorado Springs, CO 80908-1417

Delmer L. Davisson
Iris A. Davisson
17810 Black Forest RD
Colorado Springs, CO 80908
(mailing address)
1425 Symphony Heights
Monument, CO 80132-8966

Todd Kevin Moritzky
Kathleen Moritzky
6920 Ropers Point
Colorado Springs, CO 80908

James F. Bowlin, Jr.
Shauna L. Bowlin
17310 Papago Way
Colorado Springs, CO
80908-1444

Cherry Creek Springs
Homeowners Association
7365 Paleo Way
Colorado Springs, CO 80908
Location - 7235 Walker Road
Common Area
Legal - Tracts A, B & C,
Cherry Creek Springs Filing 1

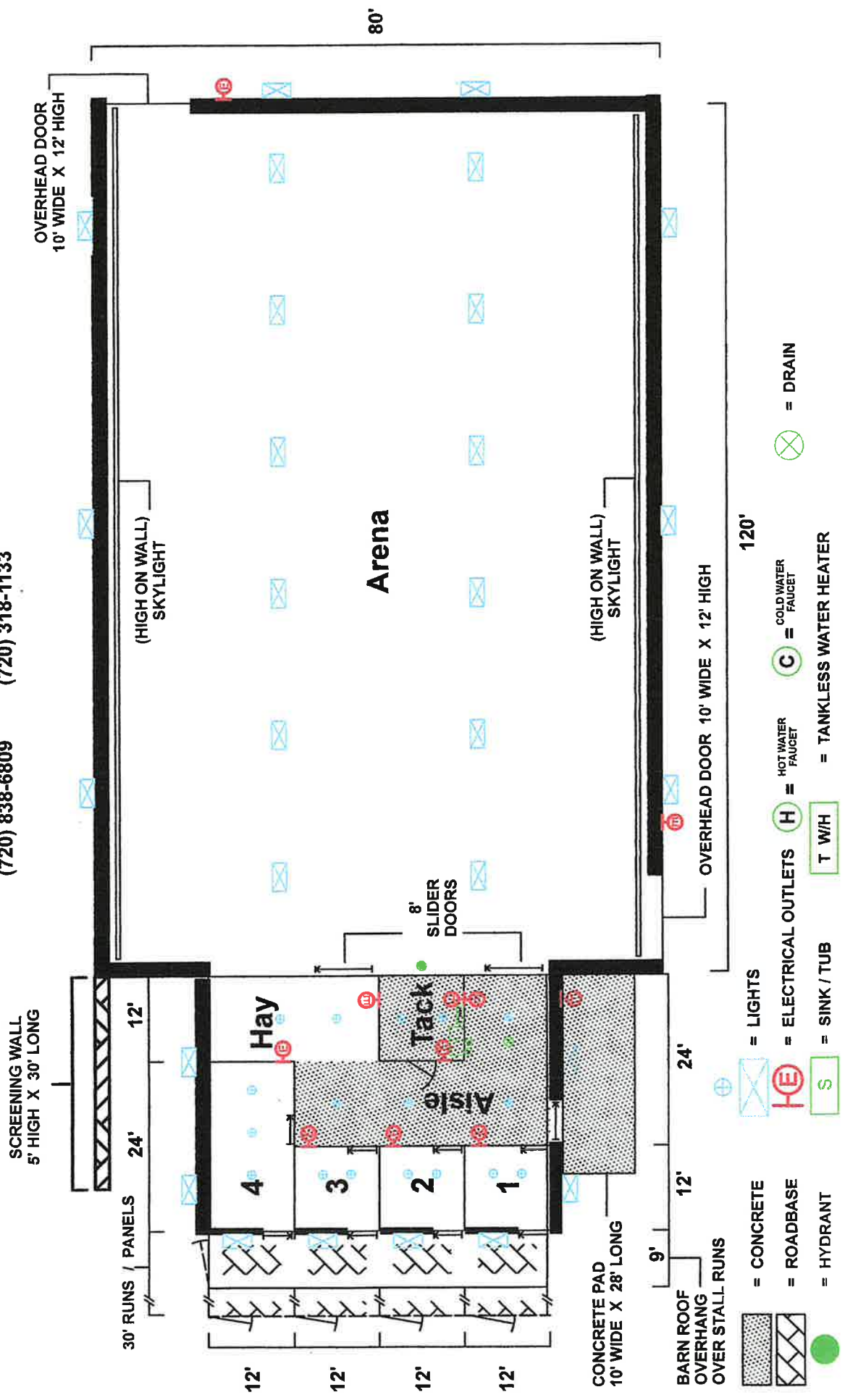
Zakary J. Payne
Verna J. Payne
17315 Papago Way
Colorado Springs
CO 80908-1444

Ropers Point

Hodgen Road



Breck & Timmie Cunningham
 17505 Black Forest Road, Colorado Springs, CO 80908
 (720) 838-6809 (720) 318-1133

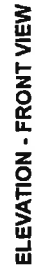


STALLS = KICK WALLS W/FLOORS OF DIRT, GRAVEL, RUBBER MATS
 HAY ROOM = DIRT
 ALL OUTSIDE ELECTRICAL OUTLETS TO HAVE LATCH - COVERS

Breck & Timmie Cunningham

17505 Black Forest Road, Colorado

(720) 838-6809



10'

14.

**ROOF PITCH
3:12 (RISE : RUN)**

16" Soffit

6

16" Soffit

WAINSCOT—

—10—

16

12.

12'

12'

12'

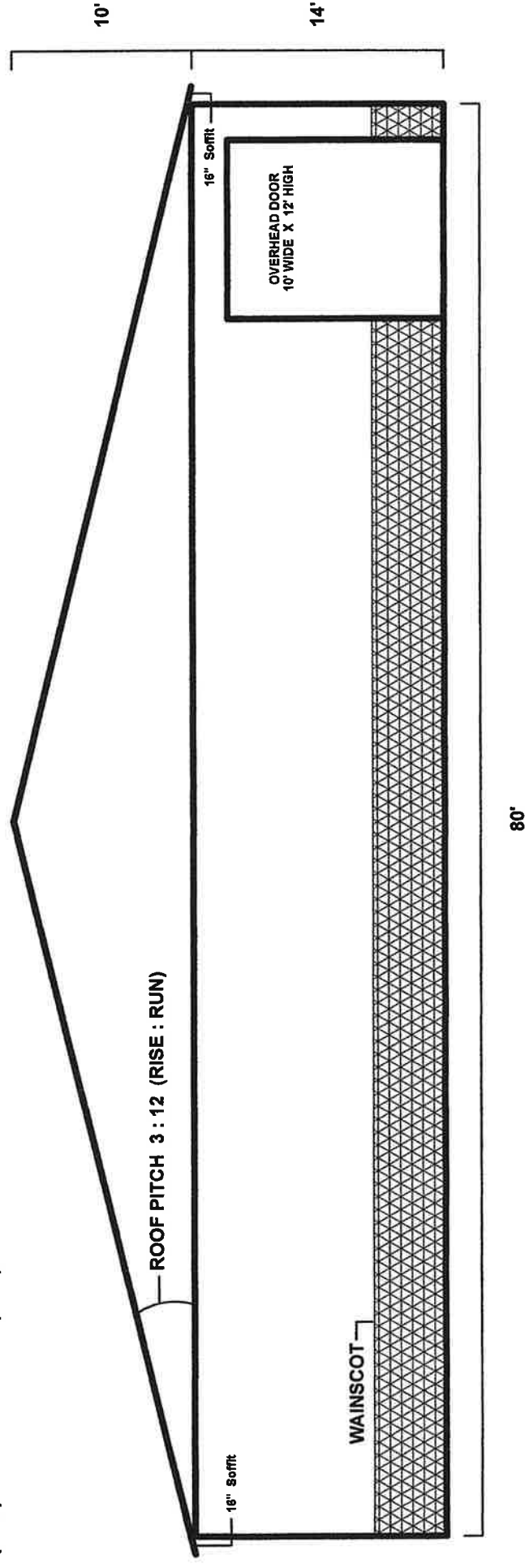
16'

80

80

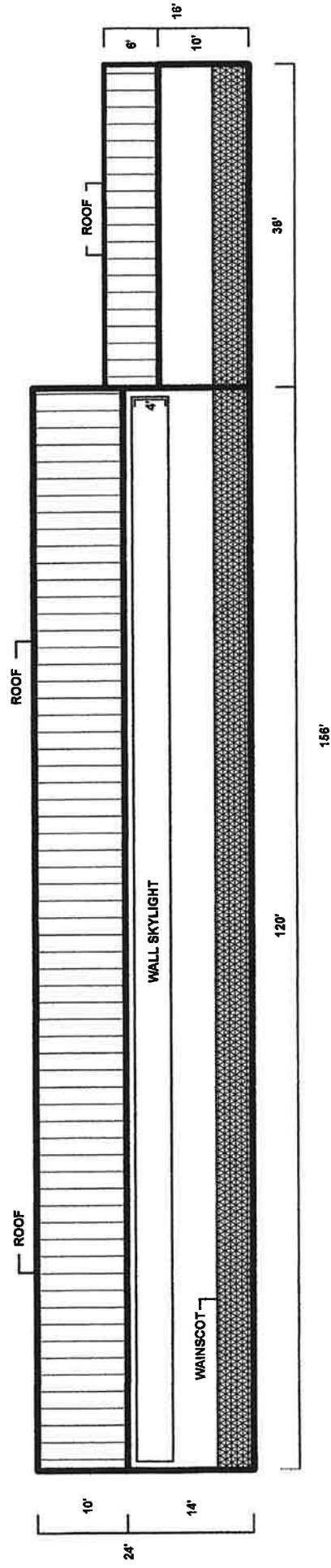
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ELEVATION - REAR VIEW



Breck & Timmie Cunningham
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ELEVATION - LEFT SIDE VIEW



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ELEVATION - RIGHT SIDE VIEW

