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October 31, 2018

El Paso County Board of Commissioners
Board of Adjustment
c/o El Paso County Planning Department
2880 International Circle
Colorado Springs, CO 80910

Re: EA 18248 - Letter of Intent for Board of Adjustment Application concerning 13980 Black Forest Road

Dear County Commissioners and Board of Adjustment Members,

I represent the applicant named below and am submitting this request on the applicant's behalf. This letter is divided into the sections required for a letter of intent pursuant to Chapter IV, Section 36, of the El Paso County Land Development Code. The Applicant respectfully requests that you review the Type D application submitted herewith and approve the action requested herein.

The Owner/Applicant: Goebel Construction, Inc., c/o Marvin Goebel
6840 Brentwood Drive, Colorado Springs, CO 80908
719-650-8586

The Consultant/Attorney: Mark D. Francis, Esq.
1880 Office Club Pointe, Suite 1000
Colorado Springs, CO 80919
719-265-6900

Project Manager: Len Kendall, Planner 1, El Paso County Planning

The Site Location: 13980 Black Forest Road and 6770 Jicarilla Drive

The Size: 5 acres at present

The Zoning: RR-5

Address right of way dedication and how that will affect the lot size in the future when Black Forest Road is widened.

The Request and Justification:

This is a request to reinstate an interior lot line that was vacated in 1991 so as to reestablish the original platting of the now 5 acre property into the two separate 2.5 acre parcels that were originally approved for the neighborhood.

The Applicant owns Lot 7, Block 1, Apache Woods Subdivision. The Applicant is requesting that the interior lot line that was vacated by the planning commission on September 18, 1991, to create a five acre Lot 7 now be reinstated in its original location (as shown on the attached drawings from Rocky Mountain Land Services dated October 26, 2018) so that the property will be returned to its original configuration and so that the properties will be once again legally described as Lot 6, Block 1, Apache Woods Subdivision, and Lot 7, Block 1, Apache Woods Subdivision.

This property is located on the corner of Black Forest Road and Jicarilla Drive. As noted above, the interior lot line between Lots 6 and 7 was vacated and the two lots were combined into Lot 7, Block 1, Apache Woods Subdivision, through an Administrative Vacation of Interior Lot Lines that was approved by the El Paso County Planning Department on September 18, 1991. The Recording information for the approval was recorded in the El Paso County real property records on September 19, 1991, at Book 5883, Page 813.

On June 6, 2018, the Applicant secured a permit from the El Paso County Planning Department for driveway access from Lot 7 onto Black Forest Road (Permit Number ESR18-123). Lot 7 has been assigned the address of 13980 Black Forest Road. Lot 6 fronts Jicarilla Drive and will continue to have an address of 6770 Jicarilla Drive. Therefore, both properties will continue to have direct access to public roads.

There will be no detriment to the adjoining properties from approving this request as the surrounding properties are all also 2.5 acre parcels. The reestablishment of the original lot configuration will not increase development density or traffic nor be inconsistent with the character of the surrounding properties. There will be no appreciable increase in traffic as traffic from the reestablished properties will be no more than was originally envisioned when the plat was initially approved. Therefore, the reestablishment of the original platting will not have any detrimental effect on the adjoining properties.

The smallest parcel in the vicinity is 2.67 acres.

This would be considered an increase in development density.

Existing and Proposed Facilities, Structures, Roads:

This is a vacant lot with no existing facilities or structures. If this request is approved, two new residential units will be constructed on the properties and the density will be identical to the adjoining properties, 1 unit on each 2.5 acre parcel. The roads accessing the properties are public roads that already exist. The reestablished Lot 7 will have access from Black Forest Road and the reestablished Lot 6 will have access from the existing Jicarilla Drive.

Water and Sewer:

Well water is available to both lots and both lots will have septic systems installed in accordance with all applicable regulations.

Waiver Requests: The applicant is not making any requests for waivers.

The applicant respectfully requests that the Board of Adjustment approve the request as stated in this application so as to reestablish the original platted lots legally described as Lot 6, Block 1, Apache Woods Subdivision, and Lot 7, Block 1, Apache Woods Subdivision.

Please let me or the Applicant know how else we can help. Thank you

With best regards,

The access onto Black Forest Road can remain until either the County Engineer deems it unsafe or once Black Forest Road is widened to its planned classification of Minor Arterial, per the El Paso County 2040 MTCP. When this access is closed, the parcel must take access off of Jicarilla Drive.

-The approved driveway access permit #28048 states under Requirements, "7. This permit is not good for access to planned arterial roadways."

-Engineering Criteria Manual, Section 2.3.2 Design Standards by Functional Classification, Table 2-4 shows that access is not permitted on roads classified as Rural Minor Arterial.

-Engineering Criteria Manual, Section 5.4.5.F Driveway Permit Review and Issuance - County Authority Preserved states, "The County, notwithstanding the issuance of any permit or construction of any driveway, reserves the right to make any changes, additions, repairs or relocation of any part of a driveway within the dedicated right-of-way at any time, including but not limited to, in connection with the relocation, reconstruction, widening and maintaining the road or right-of-way, without compensating the owner of the driveway for the damages to or destruction of the driveway."

-Engineering Criteria Manual, Section 5.4.8 Driveway Permit Suspension or Revocation states, "The ECM Administrator may suspend or revoke any Driveway Permit, in writing, issued under the provisions of these Standards whenever the Driveway permit is issued in error or on the basis of incorrect information supplied by the applicant or whenever the Driveway Permit may have been issued in violation of any provisions of these Standards. In the event a Driveway permit is suspended or revoked, no refund of permit fees shall be made unless issued in error by the ECM Administrator."

Markup Summary

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No. BOA 188

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Subject: Engineer
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County Commission
Meeting # 2018-014
Planning and Zoning Committee
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