



**Planning and Community  
Development Department**  
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**DEVIATION REQUEST  
AND DECISION FORM**

Updated: 6/26/2019

**PROJECT INFORMATION**

Project Name : PPR2167  
 Schedule No.(s) : 5312111006  
 Legal Description : Lot 1, Block 1, Johnsons Vacation, El Paso County

**APPLICANT INFORMATION**

Company : Drexel, Barrell & Co.  
 Name : Kate Varnum  
 Owner  Consultant  Contractor  
 Mailing Address : 3 South 7th Street, Colorado Springs, CO 80905  
  
 Phone Number : (719) 260-0887  
 FAX Number :  
 Email Address : kvarnum@drexelbarrell.com

**ENGINEER INFORMATION**

Company : Drexel, Barrell & Co.  
 Name : Kate Varnum Colorado P.E. Number : 53459  
 Mailing Address : 3 South 7th Street Colorado Springs, CO 80905  
  
 Phone Number : (719) 260-0887  
 FAX Number :  
 Email Address : kvarnum@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.

*[Handwritten Signature]*

06/20/2023

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature  
And Date of Signature



6/20/2023

**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in **Section 2.5.2.3 Pedestrian Facilities** of the Engineering Criteria Manual (ECM) is requested,

Identify the specific ECM standard which a deviation is requested:

The El Paso County Engineering Criteria Manual – Section 2.5.2.B.2 states that sidewalks shall be installed on both sides of the roadway.

State the reason for the requested deviation:

This deviation from criteria is requested to allow for the sidewalk on the north side of the proposed Chicago Avenue extension to not be installed with this development, but deferred to future development on the north side.

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

The extension of Chicago Avenue along the property frontage is proposed as an urban-local section and will include installation of the 5' sidewalk on the south side of the roadway. The installation of the sidewalk on the north side is proposed to be deferred to the future development of the lots to the north.

**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:

The extension of Chicago Avenue along the property frontage includes sidewalk on the south side to serve this new development. The sidewalk on the north side that is being requested to be deferred, will not provide pedestrian access to anything in the current condition. The installation of this sidewalk by a future developer to the north is appropriate in order to determine adequate pedestrian safety and accessibility for the future layout.

**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.

This deviation will still allow for the intended result of providing public pedestrian access to the proposed improvements. Pedestrian access to the northern side of Chicago Avenue is not necessary at this time, but will be upon future development of adjacent parcels.

The deviation will not adversely affect safety or operations.

Safety or operations will not be adversely affected by this deviation. Public pedestrian access will still be provided, and the existing cross walk at the intersection with Old Meridian Road will provide for a safe public crossing area.

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

Maintenance and its associated cost will not be adversely affected by this deviation request.

The deviation will not adversely affect aesthetic appearance.

Aesthetic appearance will not be adversely affected by this deviation.

The deviation meets the design intent and purpose of the ECM standards.

This deviation meets the design intent by providing public pedestrian access to the public right-of-way.

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.

N/A

**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.

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**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.

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**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.