

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR
PLANNING AND COMMUNITY DEVELOPMENT

TO: El Paso County Board of Adjustment
Carrie Geitner, Chair

FROM: Jen Uhler, Planner
Joseph Sandstrom, Associate Engineer

RE: Project File Number: BOA262
Project Name: 2895 Walton Creek Drive Rear Setback Variance
Parcel Number: 5332312001
Commissioner District: 2

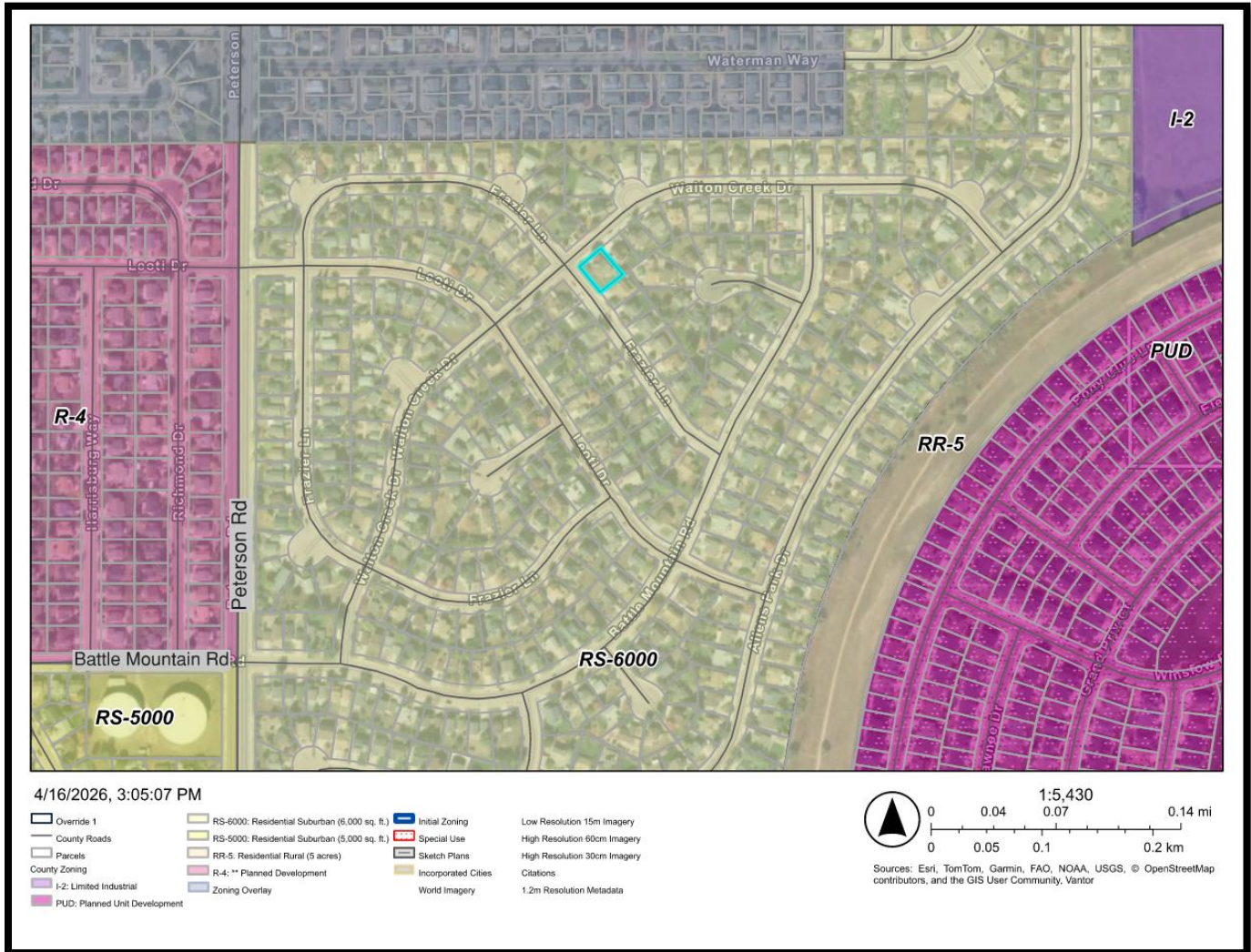
OWNER:	REPRESENTATIVE:
Barbara Kay Bechtold 2895 Walton Creek Drive Colorado Springs, CO 80922	Derek Wilkins We Build Decks 4520 Centennial Blvd, #1036 Colorado Springs, CO 80919
Board of Adjustment Hearing Date: 5/28/2026	

EXECUTIVE SUMMARY

A request by Barbara Bechtold for approval of a Dimensional Variance to allow the principal structure to be constructed 18 feet from the rear property line, where a principal structure would normally be 25 feet from the rear property line. The El Paso County Land Development Code Table 5-4 Density and Dimensional Standards requires a minimum rear setback of 25 feet for principal structures in the RS-6000 Zoning District. Land Development Code §5.4.3.(D)(8) states that attached decks over 18 inches in height from finished grade to finished floor are considered a part of the principal structure and shall meet the same setbacks as

the principal structure. The 8,267 square-foot property is located at 2895 Walton Creek Drive, approximately 0.45 miles northeast of the intersection of Peterson Road and Constitution Ave in Colorado Springs, Colorado.

Vicinity Map



A. APPROVAL CRITERIA

Section 5.5.2.B.2.a (Variances to Physical Requirements) of the Land Development Code (as amended), states the following:

5.4.3. Measurements and Exceptions

(D) Setback Measurement.

(8) Deck Setbacks. Attached decks over 18 inches in height from finished grade to finished floor are considered a part of the principal structure and shall meet the same setbacks as the principal structure. Detached decks over 18 inches in height from finished grade to finished floor are considered accessory structures and shall meet the principal structure setbacks unless separate accessory structure setbacks are provided for in the applicable zoning district. To be considered detached, the deck must not be connected to the principal structure, or located within 9 inches of the principal structure. Decks, slabs, or patios, whether attached or detached 18 inches or less in height from finished grade to finished floor are not considered structures.

Section 5.5.2.B.2.a of the Code continues by stating the following:

The Board of Adjustment may also grant variances from the strict application of any physical requirement of this Code based upon equitable consideration, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property and;

- The variance provides only reasonably brief, temporary relief; or*
- The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements; or*
- Some other unique or equitable consideration compels that strict compliance not be required.*

Section 5.5.2.D of the Code states the following:

(D) Limitations on Approval and Expiration.

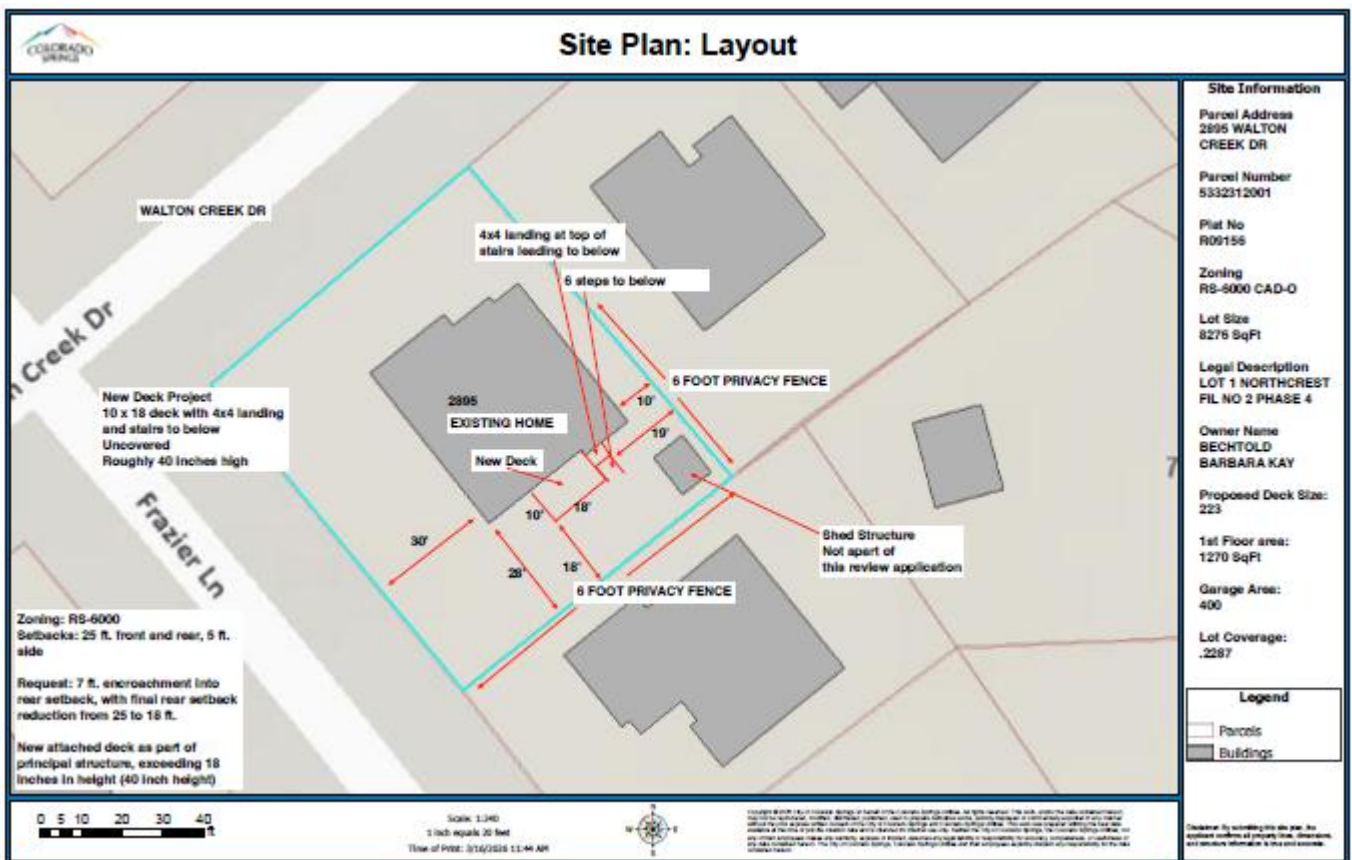
(1) Approval Limited to Proposal Presented. A physical variance is limited to the property configuration and existing or proposed structures actually presented to the Board of Adjustment as part of the variance application.

(2) Expiration of Approval if Action Not Initiated. A physical variance for a proposed structure, except for lot area variances where a plat has been filed for recording, is valid only if construction of the structure is initiated within one year of the date of the Board of Adjustment's approval of the variance.

B. BACKGROUND

The property was formally platted as Lot 1, Northcrest Filing No. 2, Phase 4 in 1994 through Plat # R09156. The single-story, 1,670 square-foot, single-family home was built on the property in 1995. The 8,276 square foot lot is rectangular in shape, with the water and sewer lines running along the rear lot line. The owner proposes to construct an attached deck as part of the principal structure, as shown on the applicant's site plan (reproduced below and included as full size attachment). The attached 10-foot x 18-foot deck is proposed to encroach 7 feet into the 25-foot rear setback.

Site Map provided by applicant



C. LAND DEVELOPMENT CODE AND ZONING ANALYSIS

Zoning on the subject property was established in 1942, as R-1 (Residential Suburban). Due to nomenclature changes in the Code, the R-1 zoning district was renamed RS-6000 (Residential Suburban) zoning district. The density and dimensional standards for the RS-6000 zoning district are as follows:

- Minimum lot size: 6,000 sq ft
- Setbacks for principal (and accessory structures):
 - Minimum front yard setback: 25 feet
 - Minimum side setback: 5 feet
 - Minimum rear setback: 25 feet (5 feet)

- Maximum height: 30 feet
- Lot coverage: 40% (or 45% for single-story ranch)

The property and proposed project meet all other design standards of the RS-6000 zoning district, except for the subject rear setback relief request. Any future proposed structures shall meet all requirements of the RS-6000 zoning district and shall obtain approval of a Residential Site Plan prior to construction.

The request meets the criteria of Section 5.5.2.B.2., where the desired use of the property is restricted due to the existing condition of the property; wherein the nature of corner lot setbacks prohibitively limit the owner's desired use of an attached deck. The double street frontage of the lot required 25-foot setbacks at the time of home construction, pushing the home closer to the rear lot line. Strict application of the 25-foot rear yard setback would limit the deck projection to approximately 3 feet from the home, which is not functional for typical residential use. While decks under 18 inches from grade may be located 5 feet from property lines, decks over 18 inches are required to meet principal structure setbacks. Corner lot front setbacks may be modified, but the Code makes no mention of reducing rear setbacks for corner lots. The proposed deck will abut a fence, with the closest neighboring property structure being a shed.

D. ALTERNATIVES EXPLORED

The applicant has not explored any alternatives,

E. LOCATION

North:	RS-6000 (Residential Suburban)	Residential
South:	RS-6000 (Residential Suburban)	Residential

East:	RS-6000 (Residential Suburban)	Residential
West:	RS-6000 (Residential Suburban)	Residential

F. SERVICES

1. WATER

Water is provided by Cherokee Metro District. The proposed project does not occur over district-owned infrastructure, but the property owner's portion of the pipes, as is typical with pipes from main distribution to individual property. No additional habitable space is proposed, and the Metro District had no objection to the proposal.

2. WASTEWATER

Wastewater is provided by Cherokee Metro District. The proposed project does not occur over district-owned infrastructure, but the property owner's portion of the pipes, as is typical with pipes from main distribution to individual property. No additional habitable space is proposed, and the Metro District had no objection to the proposal.

3. EMERGENCY SERVICES

The property is located within the Cimarron Hills Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and did not return comments.

G. ENGINEERING

1. FLOODPLAIN

The FEMA FIRM map number for this site is 08041C0752G, effective on 12/7/2018. This property is in Zone X, an Area of Minimal Flood Hazard. No floodplain regulations apply to Zone X.

2. DRAINAGE AND EROSION

This property is in the Sand Creek (FOFO4000) drainage basin, which has drainage fees and bridge fees. These fees are not assessed with Board of Adjustment applications. Neither a drainage report nor a grading and erosion control plan were required due to the negligible increase in

imperviousness and disturbance. The letter of intent states that drainage from the proposed structure will not adversely impact neighboring or downstream properties.

3. TRANSPORTATION

The proposed structure will not generate any additional trips to the property. No Traffic Impact Study was required pursuant to Engineering Criteria Manual Appendix B.1.2.D. The El Paso County Road Impact Fee program (BoCC Resolution 25-337, as amended) does not apply to this application.

H. RECOMMENDED CONDITIONS OF APPROVAL AND NOTATIONS

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a Dimensional Variance to allow the principal structure to be constructed 18 feet from the rear property line, where a principal structure would normally be 25 feet from the rear property line in an RS-6000 (Residential Suburban) zoning district, and that the applicant has met the review and approval criteria for granting Variances from the applicable standards, staff recommends the following conditions and notation:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed structure may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Issuance of a building permit from the Pikes Peak Regional Building Department is required prior to the construction of the proposed attached structure.

NOTATION

1. Physical variances approved for a proposed structure (except for lot area variances) are valid only if construction of the structure is initiated within twelve (12) months of the date of the Board of Adjustment approval.

2. The PCD Director may require a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot lines affected to demonstrate compliance with the approval of the Dimensional Variance.

I. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 44 surrounding property owners on 4/27/2026, for the Board of Adjustment meeting. Responses will be provided at the hearing.

J. ATTACHMENTS

Letter of Intent

Site Plan Drawing

Zoning Map

Draft Resolution



Letter of Intent

Variance / Administrative Relief Request

Property Address: 2895 Walton Creek Drive

Parcel Size: 0.18999 Acres

To the El Paso County Board of Adjustment,

This letter is submitted in support of a request for a variance from the rear yard setback requirement for the above-referenced property.

The property owner proposes to construct a residential deck measuring approximately 10 feet by 18 feet, with a finished height of approximately 40 inches above grade. The proposed deck will encroach approximately 7 feet into the required 25-foot rear yard setback, resulting in a setback of approximately 18 feet from the rear property line.

This request satisfies the applicable approval criteria as follows:

1. Exceptional Physical Conditions / Hardship

The subject property is a corner lot, which creates an irregular and constrained backyard configuration compared to typical interior lots within the subdivision. While the overall lot size (0.18999 acres) is consistent with surrounding properties, the location of the lot reduces the amount of usable rear yard area.

This unique condition limits the ability to construct a reasonably sized, functional outdoor living space in compliance with the standard setback requirements. The hardship is directly related to the physical characteristics of the property, specifically its corner lot configuration and reduced buildable area in the rear yard.

Strict application of the 25-foot rear yard setback would limit the deck projection to approximately 3 feet from the home, which is not functional for typical residential use. Therefore, the strict application of the setback requirement is unreasonable given the physical characteristics of the lot and the proposed development.

2. Not Self-Imposed



The hardship is not the result of any action taken by the property owner. The constraints are inherent to the original platting and layout of the lot. The need for relief arises solely from these pre-existing site conditions.

3. Minimum Variance Necessary

The requested encroachment of approximately 7 feet represents the minimum variance necessary to allow for a functional deck design. The deck has been intentionally limited to 10 feet in projection from the home to ensure that the stair system remains within the footprint of the deck and does not extend further into the setback.

Additionally, the stairs are oriented perpendicular to the rear wall of the home, minimizing further encroachment and maintaining a compact layout. Any further reduction in deck size would significantly limit usability and function.

4. No Detriment to Public Welfare or Adjacent Properties

The proposed deck is modest in size and scale and will not adversely affect neighboring properties. At approximately 40 inches in height, the structure remains relatively low-profile.

Even with the requested relief, an 18-foot separation from the rear property line will be maintained, which preserves reasonable privacy and spatial buffering. The improvement is residential in nature and consistent with typical accessory structures found throughout the neighborhood. Stormwater from proposed deck will not adversely impact adjacent or downstream properties.

5. Consistent with the Intent of the Code

The intent of the rear yard setback is to provide adequate spacing, light, air, and privacy between properties. The proposed deck maintains these principles while allowing for reasonable use of the property.

Granting this variance will not confer a special privilege but will instead bring this property closer to parity with neighboring lots that have more usable backyard space due to their standard interior lot configuration.



6. The granting of the variance will not allow an increase in the number of dwelling units

The proposed project consists solely of a residential accessory structure (deck) and will not result in any increase in the number of dwelling units on the property.

6. Precedent and Consistency with Similar Properties:

Approval of the requested variance is consistent with prior decisions made for similarly situated properties within the same zoning district and surrounding area. Corner lots frequently present reduced and irregular rear yard usability due to their configuration, and variances have commonly been granted in comparable circumstances to allow reasonable residential improvements such as decks and accessory structures. The requested setback reduction is minimal in nature and aligns with the scale and function of other existing decks in the neighborhood that operate under similar spatial constraints. Approval of this variance would not grant a special privilege, but would instead allow reasonable development of the property in a manner consistent with the surrounding residential character and the practical use of similarly situated lots.

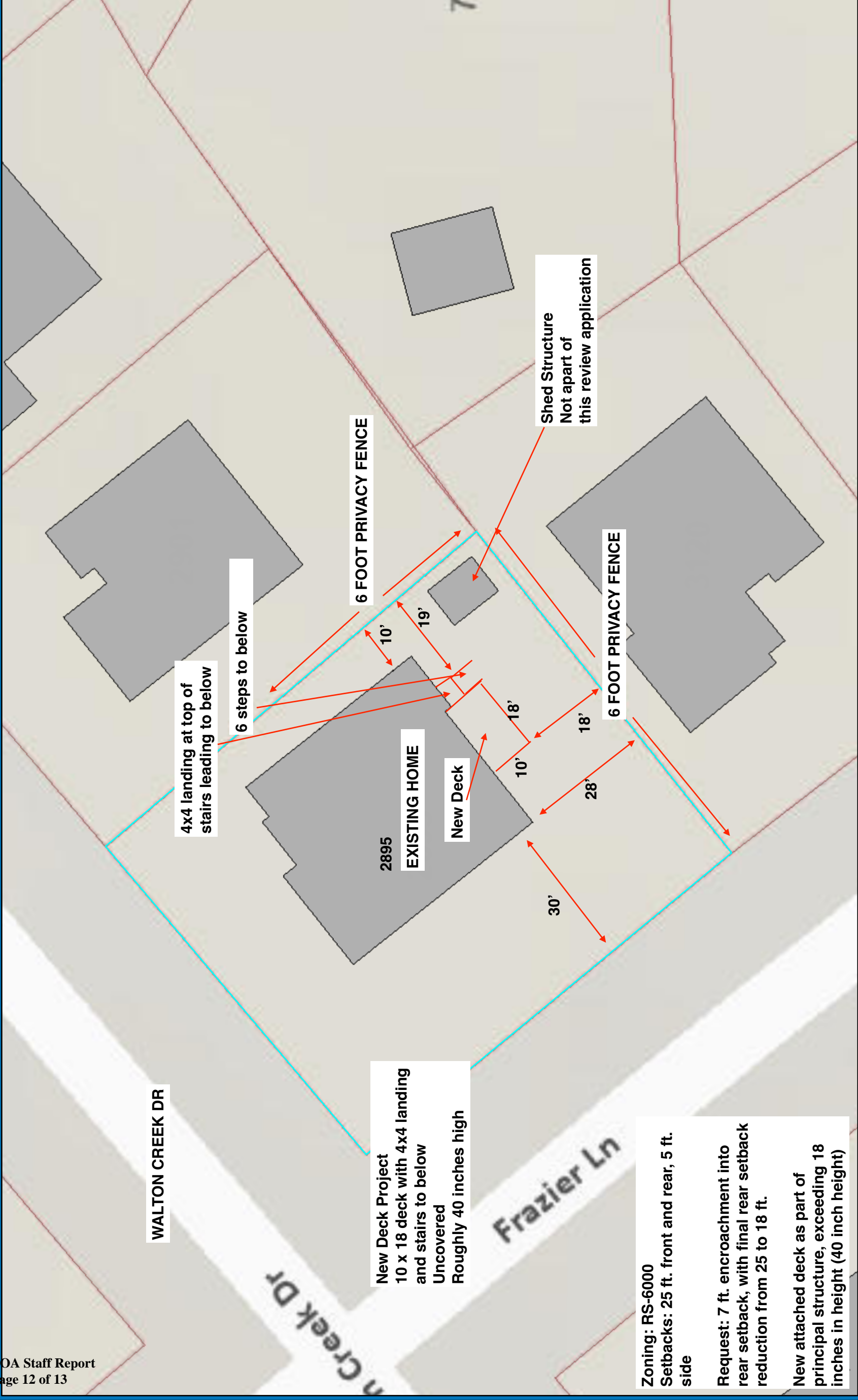
Conclusion

Due to the unique physical constraints of this corner lot, strict application of the rear yard setback would create an unnecessary hardship and prevent reasonable use of the property. The requested variance is minimal, thoughtfully designed, and will not negatively impact surrounding properties or the character of the neighborhood.

For these reasons, approval of this request is respectfully requested.

Sincerely,
Derek Wilkins
We Build Decks
Direct Phone: 719-649-8745

Site Plan: Layout



Site Information	
Parcel Address	2895 WALTON CREEK DR
Parcel Number	5332312001
Plat No	R09156
Zoning	RS-6000 CAD-O
Lot Size	8276 SqFt
Legal Description	LOT 1 NORTHCREST FIL NO 2 PHASE 4
Owner Name	BECHTOLD BARBARA KAY
Proposed Deck Size:	223
1st Floor area:	1270 SqFt
Garage Area:	400
Lot Coverage:	.2287

Legend

- Parcels
- Buildings

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Scale: 1:240
1 inch equals 20 feet
Time of Print: 3/16/2026 11:44 AM

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Zoning: RS-6000
Setbacks: 25 ft. front and rear, 5 ft. side
Request: 7 ft. encroachment into rear setback, with final rear setback reduction from 25 to 18 ft.
New attached deck as part of principal structure, exceeding 18 inches in height (40 inch height)

Disclaimer: By submitting this site plan, the applicant confirms all property lines, dimensions, and structure information is true and accurate.

RESOLUTION NO. 26-

BOARD OF ADJUSTMENT
COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION TO APPROVE A DIMENSIONAL VARIANCE FOR 2895 WALTON CREEK DRIVE – REAR SETBACK in RS-6000

WHEREAS, Barbara Kay Bechtold has requested a Variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 2895 Walton Creek Drive in the RS-6000 (Residential Suburban) zone district, which property is identified by El Paso County Tax Schedule No. 5332312001 and is legally described as follows:

LOT 1 NORTHCREST FIL NO 2 PHASE 4

WHEREAS, the subject property is within the unincorporated area of El Paso County, Colorado; and

WHEREAS, Barbara Kay Bechtold has requested the approval of a Dimensional Variance to allow the principal structure to be constructed 18 feet from the rear property line, where a principal structure would normally be 25 feet from the rear property line; and

WHEREAS, the Board of Adjustment is vested with the power to grant or deny such variances by virtue of Section 5.5.2 of the El Paso County Land Development Code and Sections §30-28-117 and §30-28-118, C.R.S.; and

WHEREAS, based on the evidence presented, the Board of Adjustment makes the following findings:

1. Proper notice procedures, including the notification of all adjoining property owners, have been completed by the El Paso County Planning and Community Development Department.
2. The Variance will permit only those uses specifically enumerated as permitted uses for the zoning district in which the property is located.
3. The burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the subject property.
4. A unique or equitable consideration compels that strict compliance not be required; namely the size of the existing principal use prohibitively limits the applicant's desired use of an accessory structure.
5. The variance will not significantly impair the intent and purpose of the zoning regulations.

6. The variance will not cause a substantial detriment to the public good.
7. The variance will conform with all applicable federal, state, or other local laws or regulations.

NOW, THEREFORE, BE IT RESOLVED that the request for a Variance from the El Paso County zoning regulations as more fully described above is hereby approved with the following conditions and notation:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed accessory structure may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Issuance of a building permit from the Pikes Peak Regional Building Department is required prior to the construction of the proposed attached structure.

NOTATION

1. Physical variances approved for a proposed structure (except for lot area variances) are valid only if construction of the structure is initiated within twelve (12) months of the date of the Board of Adjustment approval.
2. The PCD Director may require a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot lines affected to demonstrate compliance with the approval of the Dimensional Variance.

WARNING: Any violation of the terms of this resolution may result in rehearing and possible revocation.

DONE THIS 28th day of May 2026, at Colorado Springs, Colorado.

ATTEST:

BOARD OF ADJUSTMENT
OF EL PASO COUNTY, COLORADO

Steve Schleiker
County Clerk & Recorder

By: _____
Carrie Geitner, Chair