

**COMMISSIONERS:**  
**MARK WALLER (CHAIR)**  
**LONGINOS GONZALEZ, JR. (VICE-CHAIR)**

**HOLLY WILLIAMS**  
**STAN VANDERWERF**  
**CAMI BREMER**

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of Adjustment**  
  
**FROM: Len Kendall, Planner I**  
**Beck Grimm, EI Engineer I**  
**Craig Dossey, Executive Director**  
  
**RE: Project File #: BOA-19-005**  
**Project Name: 1510 Trumpeters Court Garage Addition**  
**Parcel No.: 61090-06-008**

**OWNER:**

**REPRESENTATIVE:**

Louis and Janet Judge 1510 Trumpeters Court Monument, CO 80132	Level 1 Homes, Inc. Clint Dufresne 7780 Wildridge Road Colorado Springs, CO 80908
--	--

**Commissioner District: 1**

Board of Adjustment Hearing Date:	8/14/2019
-----------------------------------	-----------

**EXECUTIVE SUMMARY**

A request by Louis and Janet Judge for approval of a dimensional variance to allow a side-yard setback of 50 feet where 100 feet is required within the Hilltop Pines PUD (Planned Unit Development) zoning district. The 2.51 acre property is located on the north side of Trumpeters Court approximately one-third (1/3) of a mile east of the Trumpeters Court and Roller Coaster Road intersection. The applicants have stated in their letter of intent that the proposed garage addition will allow them to create a concept of a stair-free, single level home, which is designed for aging-in-place. The closest surrounding zoning district that is not included in the same PUD zoning district is the RR-5 (Residential Rural) zoning district, where the minimum setback along all lot lines is 25 feet.



**A. REQUEST**

A request by Louis and Janet Judge for approval of a dimensional variance to allow a side-yard setback of 50 feet where 100 feet is required in the Hilltop Pines PUD (Planned Unit Development) zoning district.

**B. APPROVAL CRITERIA**

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2019), states the following:

*The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property. Practical difficulties and hardship, in this context, may exist where the legal use of the property is severely restricted due to:*

- 1) *The exceptional narrowness, shallowness, or shape of the specific piece of property.*

The lot is not restricted due to natural features, however, it is restricted due to the required setbacks of the Hilltop Pines PUD (Planned Unit Development) development plan.

- 2) *The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.*

The lot is not restricted due to exceptional topographic conditions or other extraordinary or exceptional situations or conditions.

However, Section 5.5.2.B.2.a, Variance to Physical Requirements, 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*

This variance would provide permanent relief.

- *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*

The variance request does not include an alternative plan, standards or conditions that mitigate impacts or serve as a reasonably equivalent substitute for current zoning requirements.

- *Some other unique or equitable consideration compels that strict compliance not be required.*

As stated in the applicant's letter of intent, the intention of the property owner is for the home to be a stair-free, single-level home. The applicant also states that alternative locations for the addition were reviewed and discounted for reasons such as slope, extended and additional concrete driveways, excessive costs, a reduction of trees, and including undesirable and unwanted steps for a home designed for aging-in-place and single-level living.

### **C. BACKGROUND**

The 2.51-acre parcel was created via plat as Lot 27 of the Hilltop Pines Filing No. 1 subdivision on June 12, 2007. The property was initially zoned A-5 (Rural) on January 4, 1955, but due to nomenclature changes, became the RR-3 (Residential Rural) zoning district. The property was then rezoned from the RR-3 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district on November 18, 2004, pursuant to the Hilltop Pines Planned Unit Development (PUD-04-008). A single-family dwelling was approved for the property in 2017 (SFD-17-1094) and an addition was approved in 2019 for a garage addition (ADD-19-048), however, later review discovered the additional required setback within the Hilltop Pines PUD, which would cause the addition of the structure to encroach into the required setback. The property owner was notified of the 100-foot setback requirement within the Hilltop Pines PUD zoning district and an Early Assistance meeting was scheduled with staff (EA-19-080). At the Early Assistance meeting, it was determined that Board of Adjustment approval would be required in order to encroach into the 100-foot side-yard setback. The closest surrounding zoning district is the RR-5 (Residential Rural) zoning district, which includes a minimum setback of 25 feet from all property lines.

### **D. ALTERNATIVES EXPLORED**

There are three (3) alternative options for the applicant to come into compliance that would not require approval of a dimensional variance request:

1. Construct the garage addition on the north or east side of the structure in a manner that would comply with the PUD development plan setback requirements.
2. Build a smaller garage addition on the west side of the structure so as to comply with the PUD development plan setback requirements.

3. Apply for and receive approval of administrative relief and construct a garage addition that would comply with the administratively reduced side-yard setback of 80 feet.

**E. APPLICABLE RESOLUTIONS**

Approval: Resolution 3 – Unique and Equitable Circumstances

Disapproval: Resolution 4

**F. LOCATION**

North: PUD (Planned Unit Development)	Single-family residential
South: PUD (Planned Unit Development)	Single-family residential
East: PUD (Planned Unit Development)	Single-family residential
West: PUD (Planned Unit Development)	Single-family residential

**G. SERVICE**

**1. WATER**

Water service is provided by an individual private well.

**2. WASTEWATER**

Wastewater service is provided by an onsite wastewater treatment system (OWTS).

**3. EMERGENCY SERVICES**

The parcel is located within the Tri-Lakes Monument Fire Protection District. The District was sent a referral and has no outstanding comments

**H. ENGINEERING**

**1. FLOODPLAIN**

FEMA Flood Insurance Rate Map (FIRM) panel 08041C02875G shows that the site lies within Zone X, an area determined to be outside of the 500-year floodplain.

**2. DRAINAGE AND EROSION**

The site is located within the West Cherry Creek (CYCY0400) drainage basin. No drainage or bridge fees will be required with this dimensional variance request. No public improvements are required with this dimensional variance request.

**3. TRANSPORTATION**

The property is accessed via Trumpeters Court. A traffic study was not required due to the fact that the dimensional variance is not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the dimensional variance. No public roadway improvements will be required.

**I. RECOMMENDED CONDITIONS OF APPROVAL**

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a dimensional variance for a side-yard setback of 50 feet where 100 feet is required, 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 of approval:

**Conditions**

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed garage addition or to the existing dwelling may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Approval of a residential site plan by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department is required prior to construction of the garage addition.

**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.

**J. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified six (6) adjoining property owners on July 17, 2019, for the Board of Adjustment meeting. Responses will be provided at the hearing.

**K. ATTACHMENTS**

Letter of Intent  
Vicinity Map  
Site Plan

# El Paso County Parcel Information

File Name: BOA-19-005

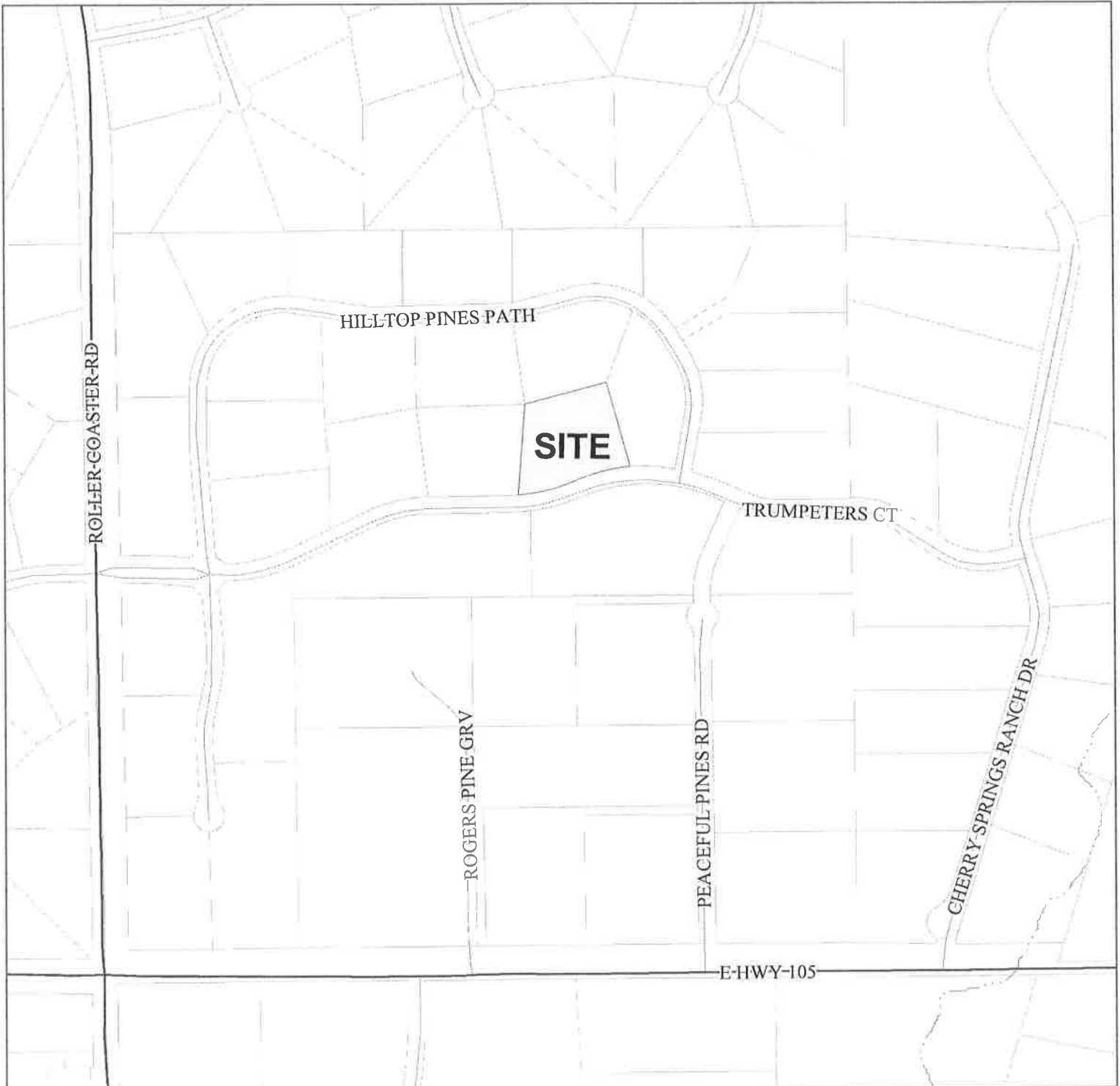
Zone Map No. --

PARCEL	NAME
6109006008	JUDGE LOUIS I

ADDRESS	CITY	STATE
1510 TRUMPETERS CT	MONUMENT	CO

ZIP	ZIPLUS
80132	

Date: July 12, 2019



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (719) 520-6600



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced, used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.



## **Request for Grant of Variance of Specific Setback Standards**

### Project Statement:

Request reduction to a 50'-0" wide west side setback line from the current 100'-0" requirement to accommodate a Garage Addition for the Single Family residence at 1510 Trumpeters Ct, Colorado Springs, CO; Lot 27, Hilltop Pines Filing No. 1, Tax ID No. 61090-006-008.

Total Lot 27 setback requirements per the Hilltop Pines PUD Development Plan: 40'-0" front, 100' west side, 50' east side and 75' rear.

### Site description:

The lot is approximately 2.51 acres. The property is located along a front slightly curved property line next to Trumpeters Ct. As highlighted in the attached pictures, there is a notable lot slope down from the rear of the property toward the front. The site has a moderate spread of coniferous trees.

### Impact on Drainage

The proposed garage will not effectively change the current drainage and will have no impact on neighboring properties.

### Request:

The request is for a variance of a 50' wide setback on the west side of Lot 27. The current requirement of the Hilltop Pines PUD is a west setback of 100' wide. This 100' wide setback does not permit the owner's desired garage addition, whereas a reduction to approximately 50' would accommodate the needed construction. All alternative locations for an additional garage on this site have been closely reviewed and ultimately discounted for a variety of reasons. Included in this decision were slope concerns, use of extended/additional concrete driveways (possibly to the street), excessive costs, unnecessary reduction of trees, as well as including undesirable/unwanted steps for a home designed for aging-in-place and one-level living.

Justification:

Per the PUD, subdivision guidelines use both 50' and 100' side setbacks at each lot. I believe Marcene Reiss, Hilltop Pines Owner, desires to ensure setbacks allow for sufficient separation between custom homes to maintain privacy and the upscale feel of the community. As stated in Marcene's attached e-Mail, she feels that our variance request is in keeping with her subdivision's guidelines and overall intent for the development.

The shape and slope topographic for Lot 27 precludes pursuing the two alternative sites for the garage addition. If placed behind the existing home, the new structure would be approximately 8' higher than the dwelling and would require an extended driveway, unwanted steps and the cutting of valued trees. If placed in front or to the east side of the existing home, the new structure would be approximately 8' lower and have the same concerns as above plus a possible need to create a new driveway entrance from the street. As proposed, by placing the additional garage attached to the existing dwelling the loss of additional trees would be minimal, existing driveway access would be used, no steps would be required and this would be the least costly option for the owner. The distance between the west edge of the new additional garage and the east edge of the dwelling next door is approximately 180', an adequate distance for privacy and visual curb appeal.

Thank you for your consideration,

Sincerely,

Clint Dufresne  
President, Level 1 Homes, Inc.

Date

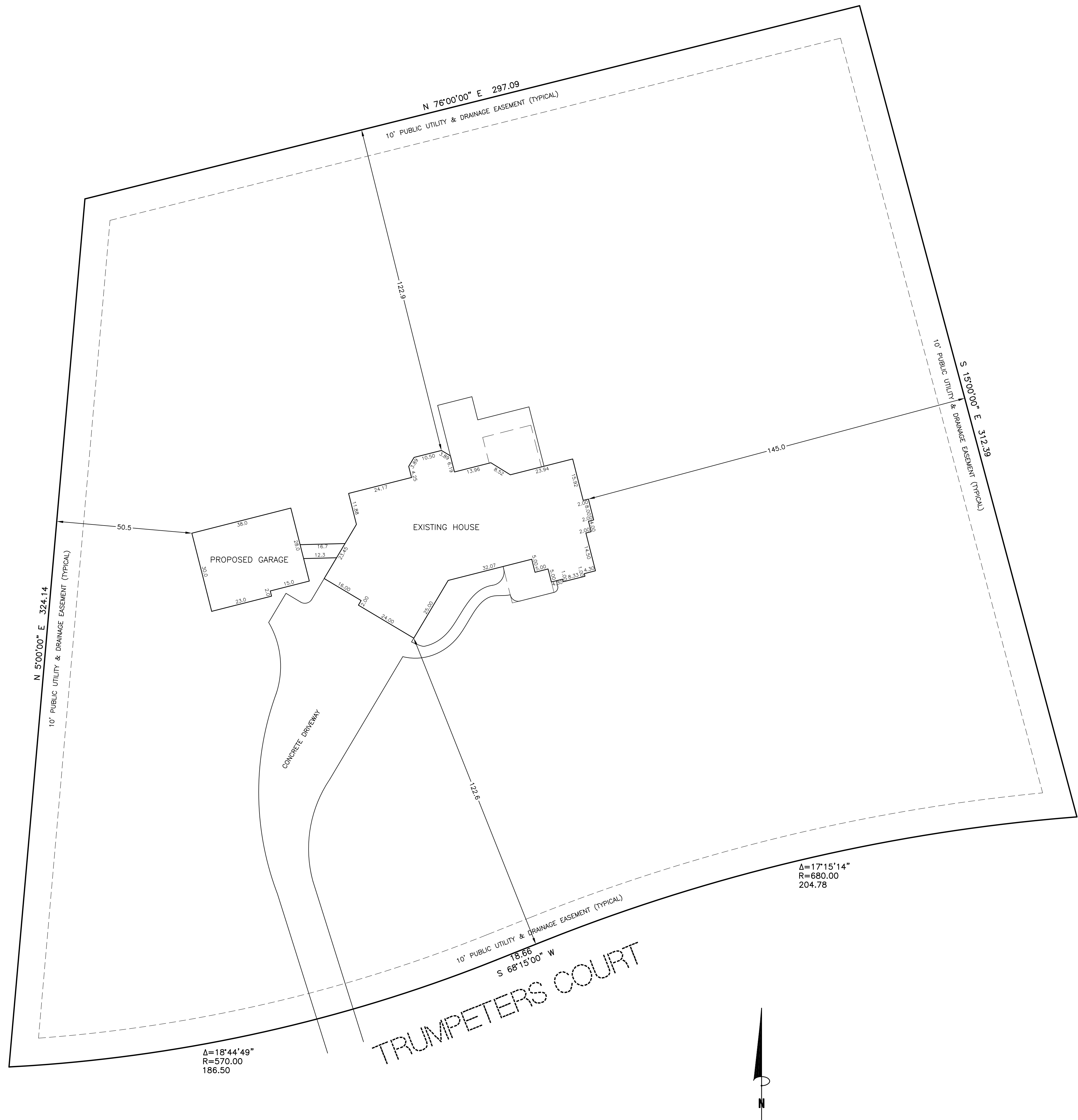


**LEGAL DESCRIPTION:**

Lot 27, Hilltop Pines Filing No. 1, El Paso County, Colorado

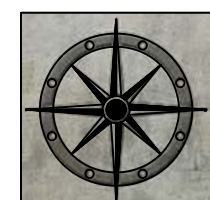
**NOTES:**

- 1) No research was performed for easements or rights of way.
- 2) El Paso County Schedule No.: 6109006008
- 3) Address: 1510 Trumpeters Ct., Monument, CO
- 4) This is not a Land Survey Plat or Improvement Survey Plat.



$\Delta=17^{\circ}15'14''$   
 $R=680.00$   
 204.78

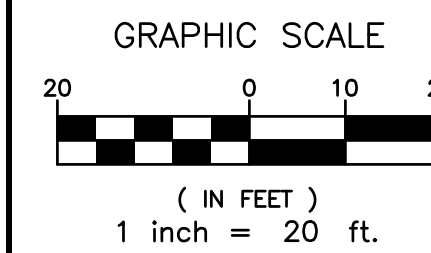
$\Delta=18^{\circ}44'49''$   
 $R=570.00$   
 186.50



COMPASS SURVEYING & MAPPING, LLC  
 721 SOUTH 23RD STREET, SUITE B  
 COLORADO SPRINGS, CO 80904  
 719-354-4120  
 WWW.CSAMLLC.COM

**SITE PLAN**

1510 TRUMPETERS COURT  
 TOWN OF MONUMENT,  
 EL PASO COUNTY, COLORADO



REVISIONS:	

PROJECT No. 17-279  
 FEBRUARY 5, 2019  
 SHEET 1 OF 1