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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of Adjustment
Kevin Curry, Chair

FROM: Lekishia Bellamy, Planner I
Edward Schoenheit, Engineer I
Meggan Herington, Executive Director

RE: Project File #: BOA237
Project Name: Van Sambeek - Garage & Workshop-BOA
Parcel No.: 8200000115

OWNER:	REPRESENTATIVE:
Edward Van Sambeek (661) 361-3639 evsinav@aol.com	Edward Van Sambeek (661) 361-3639 evsinav@aol.com

Commissioner District: 3

Board of Adjustment Hearing Date: 9/27/2023
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EXECUTIVE SUMMARY

Ed Van Sambeek has submitted a request for a Dimensional Variance to permit a rear-setback of 5 feet, which falls short of the minimum requirement of 25 feet, in the A-5 (Agricultural) zoning district. The purpose of this Variance is to facilitate the construction of a garage and workshop on the property, in an area that is not heavily restricted. Additionally, Mr. Van Sambeek has requested a Dimensional Variance for the lot size, as the existing lot measures 2.3 acres where the minimum requirement in the A-5 zoning district is 5 acres.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. REQUEST

Ed Van Sambeek is seeking approval for a Dimensional Variance to allow a rear setback of 5 feet. The A-5 (Agricultural) zoning district requires a minimum setback of 25 feet. The proposed setback reduction will enable the construction of a garage in an unrestricted area. Ed Van Sambeek also seeks a Dimensional Variance for Lot size. The lot was platted before 1972 and is currently 2.3 acres. However, 5 acres are required in the A-5 zoning district.

B. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the El Paso County Land Development Code (as amended, 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 subject property does have exceptional narrowness, shallowness, size, or shape. The property is 2.3 acres and does not meet the minimum lot size for A-5 zoning. The property's triangular shape creates a shallowness and restricts suitable building location.

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

According to El Paso County's GIS Imagery, the property consists primarily of slopes greater than 30% and has significant geologic hazards.

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
If approved, the variance would provide for 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 applicant proposed an alternative plan, standard, or condition. However, the alternative strategy would necessitate significant excavation and disturbance of an already fragile ecosystem.

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

The applicant states that the principal structure's rear lower level and side abut the mountain. The applicant would like the garage and the workshop angled with the house.

C. LOCATION

North: A-5 (Agricultural)
South: A-5 (Agricultural)
East: A-5 (Agricultural)
West: A-5 (Agricultural)

Single-family Residential
Residential Charitable
Vacant
Teller County

D. ZONING ANALYSIS

The subject parcel is zoned A-5 (Agricultural). The A-5 zoning district is a 5-acre district primarily intended to conserve agricultural resources and ranching operations and accommodate limited residential use. The density and dimensional standards for the A-5 zoning district are as follows:

- Minimum lot size: 5 acres²
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet^{3,4}
- Maximum lot coverage: none
- Maximum height: 30 feet

² *In the event that the land to be partitioned, platted, sold or zoned abuts a section line County Road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.*

³ *Agricultural stands shall be setback a minimum of 35 feet from all property lines.*

⁴ *Sawmills shall be setback a minimum of 300 feet from all property lines.*



The lot does not meet the minimum lot size; however, it does meet the width zoning minimums. This lot was created by a plat before subdivision standards of July 17, 1972. The garage will encroach in the side setback 5 feet.

E. ALTERNATIVES EXPLORED

There is one (1) alternative that would not require a Dimensional Variance request:

The applicant could cease further development on the property.

F. SERVICE

1. WATER

Water is provided by an existing permitted well located on the property.

2. WASTEWATER

Wastewater is provided by an existing permitted on-site wastewater treatment system (OWTS).

3. EMERGENCY SERVICES

The parcel is located within Northeast Teller County Fire Protection. The District was sent a referral and has no outstanding comments.

G. ENGINEERING

1. FLOODPLAIN:

The parcel is not located within a floodplain as determined by a review of the Federal Insurance Rate Map panel number 08041C0250G, effective December 7th, 2018. The property is located in Zone "X" an area of minimal floor hazard determined to be outside the 500-year flood zone.

2. DRAINAGE AND EROSION:

The parcel is within the Trout Creek Drainage Basin. This drainage basin has no associated drainage and bridge fees. Drainage basin fees are not assessed with non-platting applications in accordance with approved resolutions and the El Paso County Engineering Criteria Manual Appendix L. A grading and erosion control plan (GEC) was not required with this Board of Adjustment application because the site disturbance does not meet the 1-acre threshold. The applicant states in their Letter of Intent there will be no impact to existing drainage patterns or new land disturbance.



3. TRANSPORTATION:

The parcel obtains driveway access from Rampart Range Road located in Teller County. No access permit is required from El Paso County. No access is being taken from Loy Creek Road which is an adjacent El Paso County maintained rural collector paved road. Road Impact Fees are not applicable to this project per Resolution 19-47, (as amended). No new trips or uses are being generated with the addition of a detached garage for the primary residence. No Traffic Impact Study was required in accordance with the Engineering Criteria Manual Section B.1.2.D.

H. 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 setback of 5 feet where 25 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 notations of approval:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions beyond those depicted on the associated site plan 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 the garage/workshop by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department is required prior to an addition or expansion of a residential property.

NOTATIONS

1. Physical Variances approved for a proposed structure or use (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 or if the use of the property in the approved location does not cease for a continuous period of greater than twelve (12) months.
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 7 adjoining property owners on 9/6/2023, for the Board of Adjustment meeting. Responses will be provided at the hearing.

J. ATTACHMENTS

Letter of Intent

Vicinity Map

Site Plan



7 Jul 2023

To: Board of Adjustment (BOA), El Paso County Planning and Community Development Department

From: Ed Van Sambeek, 12730 Rampart Range Road, Woodland Park, CO 80863-9321

Subject: Dimensional Variance Letter of Intent (following the suggested checklist)

1. Property owners: Edward and Phyllis Van Sambeek, trustees of the Van Sambeek Living Trust. Text/Phone: (661)361-3639. Email: EVSINAV@AOL.COM.
2. Applicant: Edward Van Sambeek
3. Property address: 12730 Rampart Range Road, Woodland Park, CO 80863-9321.
4. Property Tax Schedule number: 8200000115.
5. Property zoning: A-5 Agricultural.
6. The current dimensional setback for this property is 25 ft from the three property lines of this triangular shaped, 2.3 acre lot. The existing, split-level house was built in 1980 at an angle aligning it with the topography and was "set into" the mountain. The lower level has concrete walls on three sides that were partially backfilled with soil. Currently, the only "flat" ground is the area carved out of the mountain that the house and parking area occupy. It appears that the owner in 1978 (Mr. Leitner) received permission to build the current house on the roughly five-acre lot, which had the address of 2730 Rampart Range Road. The lot consisted of two parcels divided along the Teller/El Paso County line. The house was completed in 1980 and is situated in El Paso County (in Parcel A) with the driveway down to Rampart Range Road in Teller County (in Parcel B). Mr. Leitner sold the lot in 1985 and the new owner (Mr. Higham) decided to build another house on Parcel A (Teller County) by sub-dividing the lot along the county line, which put the existing house (on Parcel B) less than 25 feet from the "new" property. I'm not sure how it all got approved and no one seems to have any records, but "it is what it is". The NW corner of the house is currently 16.9 feet from the property (county) line and the corner of the rear deck is less than nine feet away from the line. Right or wrong, these are the current dimensional conditions. The proposed garage, set at the same angle as the house, can be offset or staggered by six feet to align with the upper deck on the front of the house. This would still leave just over 30 feet of "maneuvering" room in front of the proposed garage. The garage distance (NW corner) to the property line would about the same as the current rear deck- just over eight feet. I'm requesting a dimensional variance for a five-foot setback to allow some "wiggle" room around the NW garage corner for final design, roof overhang, and buried utilities. Additionally, there is a ten-foot easement for utilities entirely on the Teller County side of the line (per the Woodland Valley Subdivision document), but I'm trying not to get Teller County involved. The proposed workshop does not infringe on any of the existing dimensional setback requirements. It will offset or staggered from the front of the house due to egress requirements for the lower level of the house and also aligned with the house due to the topography.
7. The topography situation around the existing house is the primary difficulty or "hardship" issue driving this request. There is an area north of the house that has already been mostly excavated that is nearly level and at the lower grade that is large enough for the proposed garage. The area immediately south of the house would still need some excavation down to the lower grade level to make an area large enough for the workshop, but there is just enough room before getting into the steeper grades closer to the southern property line. I can't go any further west,

- north, or south because I'm up against the property lines. East of the house is the top end of a rather steep driveway that ends in the current parking area. The eastern edge of the parking area and the northeastern edge of the driveway drop off very steeply (a 60 plus degree "cliff").
8. If strict compliance with current zoning requirements must be enforced, I would either have to bring in massive amounts of fill dirt to extend the current parking area eastward or drop the idea of having both a garage and a workshop. I'm at 8800 ft elevation with long winter months of snow and cold. I desperately need to garage our three cars so I need the garage, but I also want an area where I can do "frame-off" restorations on two other (think lots of floor space).
 9. The existing house is located in a heavily wooded area, tucked into the furthest corner of a 2.3 acre lot. Most people driving on the roads below don't even know there is a residence "up on the hill"; they think it's all national forest. Adding the proposed additions won't change any of that; everything will still be "hidden". As far as my neighbors to the west (most impacted by any setback variance), their house is some 600 ft west and is also tucked in the furthest corner of their lot on the other side of a high ridge. There's no good reason to ever develop anything next to our property line. To the south is Boy Scout property that begins with a high, steep (over 45 deg) ridge; no reason to ever develop anything close to that property line either.
 10. To summarize, I live on a mountain east of Woodland Park just across the Teller County line in El Paso County. The property has very steep grades on three sides and a steep driveway on the north side. The lower-level, back and sides of the house are built "into" the mountain due to the steep grades and there's a flat area for parking at the lower grade level only across the front facing east. My desire is to build a garage for sheltering vehicles during the long winter months and a workshop where I can work on retirement projects "out of the weather". I have a 68 Mustang fastback that has been waiting years for a frame off restoration and I'm finally retired – going "stir crazy" stuck in the house!
 11. My other "intention" is to use an existing set of architectural drawings for a garage that was drawn up in 2007 by the previous owners as a "jumping off" point. They never built the garage and sold the plans along with the house. With the necessary revisions (the original architect is available with all the old files), I plan to modify and duplicate those plans as needed for both new structures to save time and cost.
 12. I understand the requirement for setbacks and easements on a typical lot, but where I'm at with very steep grades all around, the neighbors are never going to develop anything anywhere near my house. I really appreciate your time and thoughtful consideration. I sincerely hope you will approve my variance request. It's really gorgeous up here on the side of the mountain, but I've been here awhile now and I've decided the summers are too short and the winters too long without somewhere to get out of the weather for the cars and projects!

Sincerely:

Ed Van Sambeek

Vicinity Map for 12730 Rampart Range Road

House and additions



12730 Rampart Range Rd



New Garage



New Shop



County (property) Line



Southern Property Line



Pike National Forest



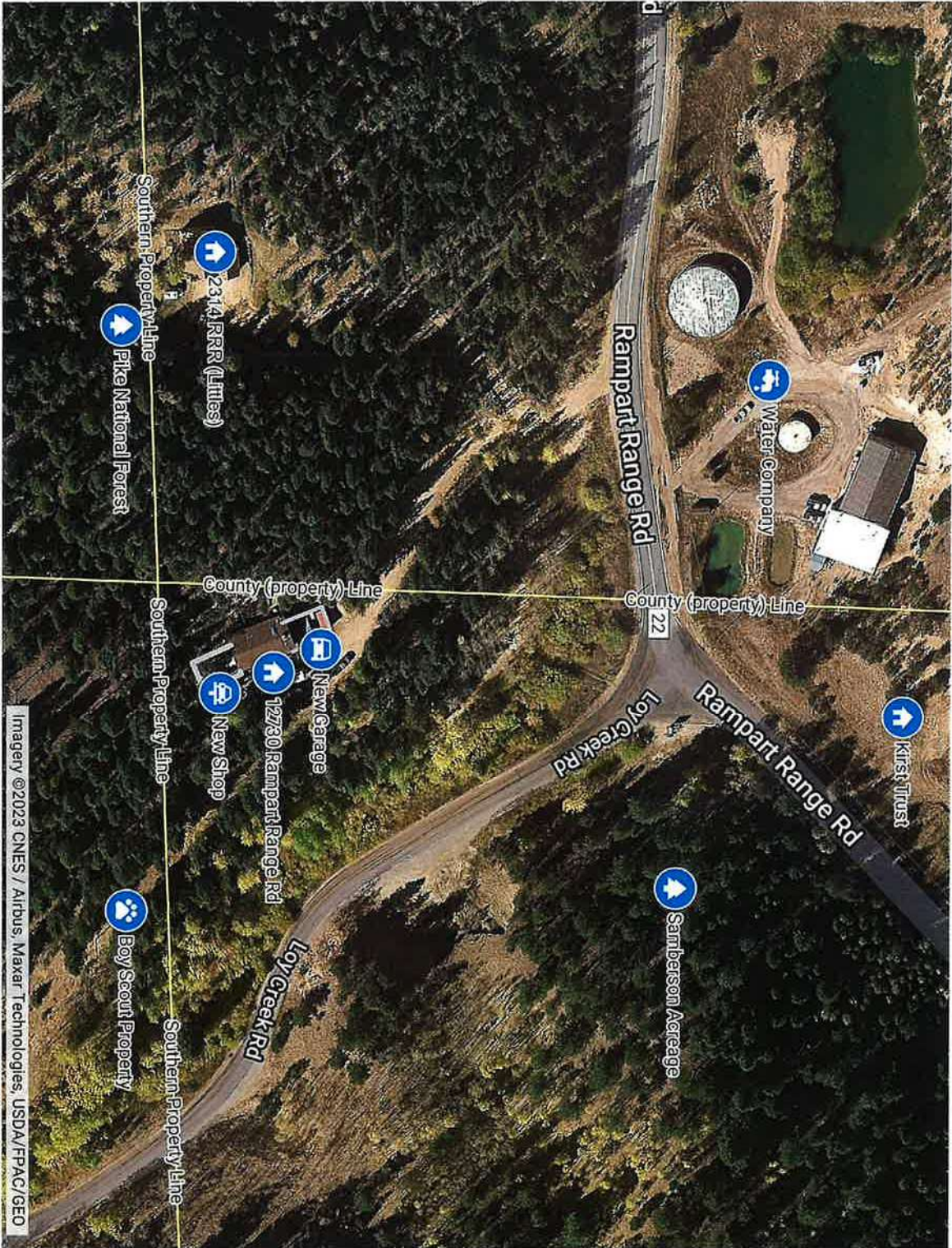
Boy Scout Property



2314 RRR (Littles)

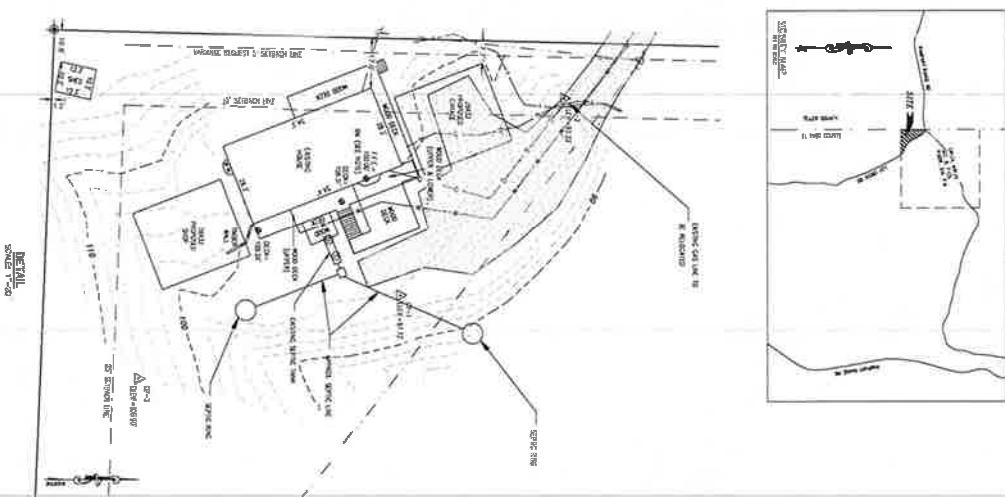


Water Company



Imagery ©2023 CNES / Airbus, Maxar Technologies, USDA/FPAC/Geo

SITE MAP



RESEARCH

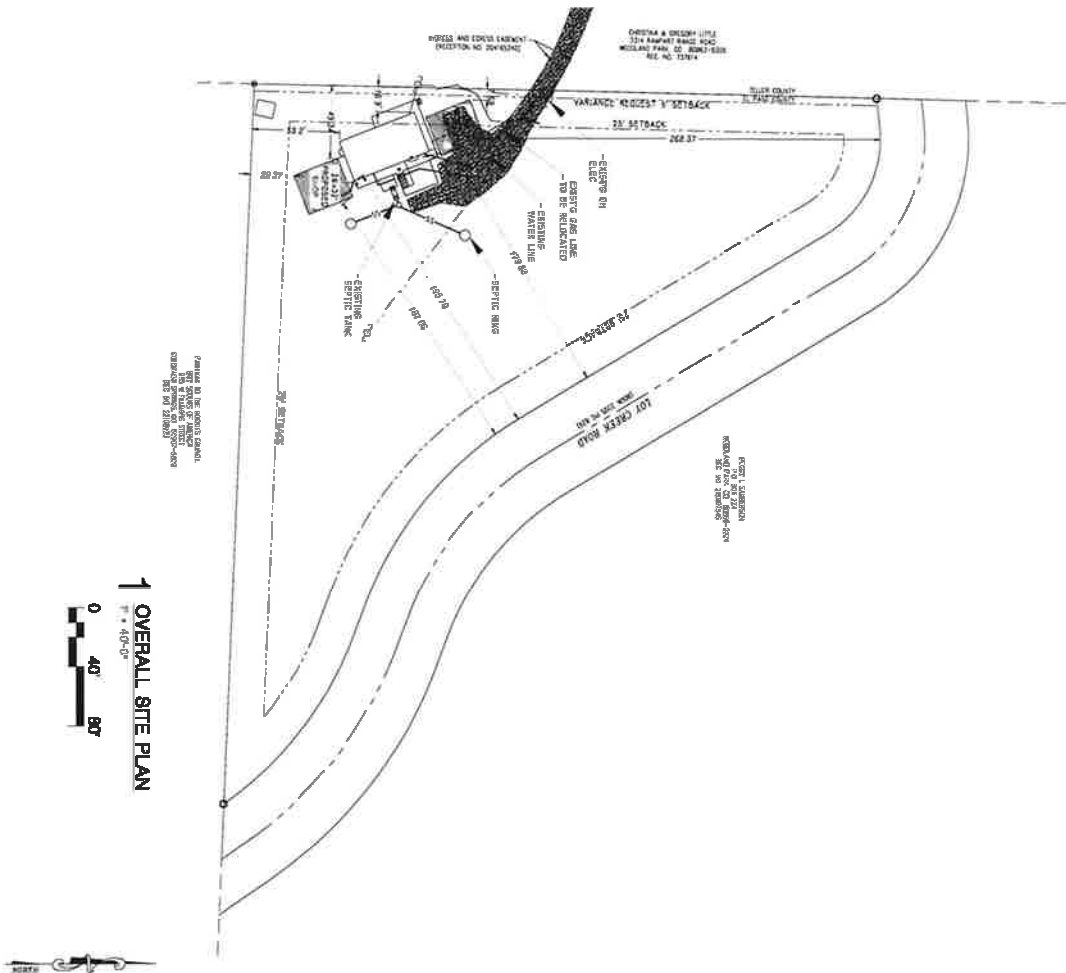
- FORM 112 REGULAR
- FORM 112 SPECIAL FORM 1120
- SLIPPER CONTROL POINT
- QUALITY FOLE
- GAS WATER
- SEPTIC INLET COVER
- W/IN WIRELESS TELL
- CHINESE SALTIN TALK
- GAS LINE
- GC ALUMINUM TALK
- ANTERALVE
- ORNAMENT
- WALK

ADDRESS
CITY HAVEN 10002 CHIC
WHEELING PARK, CO 80611-3031
ACQUINTE AS
BIRMINGHAM
DINER
VAN SINGER LANE REST
17700 SHELBY RD CHIC
WHEELING PARK, CO 80611-3031
17700S

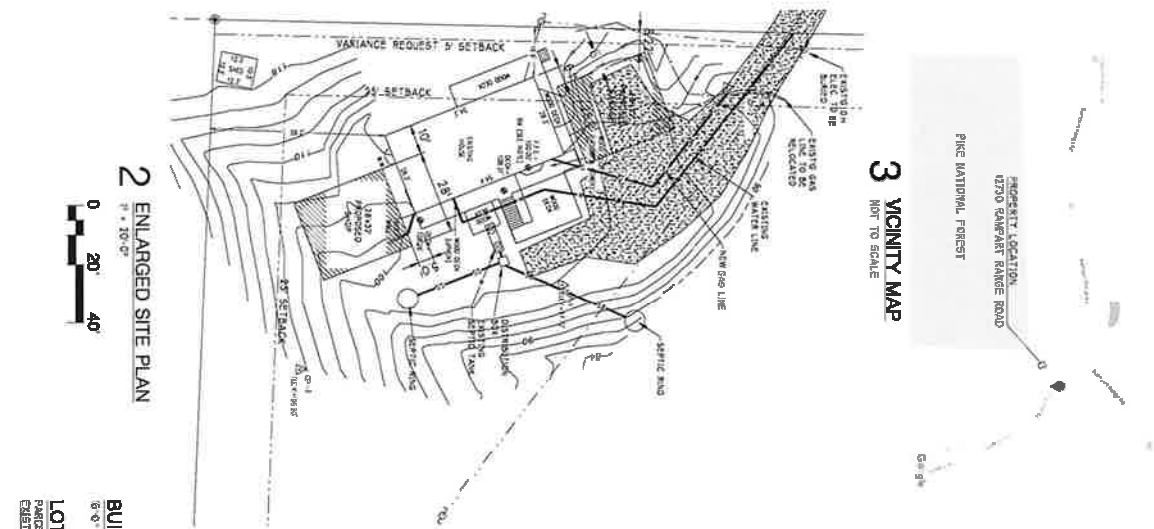
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GRAMMAR

PAGE 1 OF 1



1 OVERALL SITE PLAN
 1" = 40'-0"



2 ENLARGED SITE PLAN
1" = 10'-0"

BUILDING HEIGHT: 8 FT.

LOT COVERAGE: 2 1/2 ACRES ± 100,000 S.F.

PARTIAL SITE
EXISTING 7 PM RESIDENCE
SHED
LOT COVERAGE
ENCLOSED
GARAGE
NEW LOT COVERAGE
2400 S.F. ± 345

12-00000

4 FOUND US OLD HOUSE CAP (NEW CONCRETE FLOORS?)
6 FOUND PROPERTY CORNER
A SQUARE BOARD, FOUND
C-3 UTILITY FILE
D BNS LETTER
E REPIC TANK COVER
F RAINWATER WELL
G GARDEN PLANTING
H ONE UNIT
I U.S. TELEPHONE LINE
J GARAGE

[illegible]

W520242D P-485, CO 88387-3271
ACCOLITE RD
P280200115
Q351:8
WILL STAMBECK LIVING TRUST

BEACH-404046 - FINISHED FLOOR LOWER LEVEL OF HOUSE (ASSUMED ELEVATION = 100.00)

VAN SAMBEEK VARIANCE REQUEST
12730 RAMPART RANGE RD
WOODLAND PARK, CO EL PASO COUNTY



LANGLEY
ARCHITECTS
David Langley Architects PC
P.O. Box 5160
705 St. Lawrence Ave.
Windsor Park, Colorado 80555
Tel: 719.865.1520
Fax: 719.897.5032
www.davidlangley.com
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SITE

PROJECT NUMBER: 23-16

