

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR  
PLANNING AND COMMUNITY DEVELOPMENT

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## EL PASO COUNTY PLANNING COMMISSION

### MEETING RESULTS (UNOFFICIAL RESULTS)

#### Planning Commission (PC) Meeting

Thursday, August 7<sup>th</sup>, 2025, El Paso County Planning and Community Development Department  
2880 International Circle, Colorado Springs, Colorado – Second Floor Hearing Room

#### **REGULAR HEARING at 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER,  
ERIC MORAES, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** BRYCE SCHUETTPELZ.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, ERIKA KEECH, LORI SEAGO, JESSICA MERRIAM,  
JOE LETKE, LACEY DEAN, GILBERT LAFORCE, JOE SANDSTROM, AND CHARLENE DURHAM.

**OTHERS PRESENT AND SPEAKING:** ANDREA BARLOW, GRACE ERICKSON, JAMES SOLTWEDEL (VIRTUAL),  
NINA RUIZ, JASON SCHOTT, MIKE BUTTENWIESER, AND DEVEE BUTTENWIESER.

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#### **1. REPORT ITEMS**

**Mr. Kilgore** advised the board that the next PC Hearing is Thursday, August 21<sup>st</sup>, 2025, at 9:00 A.M.

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#### **2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA**

NONE

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### **3. CONSENT ITEMS**

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**A. Adoption of Minutes** for meeting held on July 17<sup>th</sup>, 2025.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (7 - 0)**

**IN FAVOR: (7)** Brittain Jack, Byers, Carlson, Fuller, Moraes, Trowbridge, Whitney.

**IN OPPOSITION: (0)** None.

**B. P256**

**LETKE**

#### **MAP AMENDMENT (REZONING)**

#### **BIG SPRINGS ESTATES REZONE (RR-5)**

A request by A&L Investments, LLC for approval of a Map Amendment (Rezoning) of 39.2 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located off Big Springs Road and 0.2 miles east of the intersection of Big Springs Road and North Yoder Road. (Parcel No. 1300000096) (Commissioner District No. 2)

**PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MS. FULLER.**

**C. VA252**

**DEAN**

#### **VARIANCE OF USE**

#### **SPAATZ ROAD – ADDITIONAL DWELLING UNIT**

A request by Jason and Emily Schott for approval of a Variance of Use on 5.15 acres to allow an Additional Dwelling Unit in the RR-5 (Residential Rural) district. The property is located at 2865 Spaatz Road, approximately 1.6 miles northwest of the intersection of Interstate 25 and Baptist Road. (Parcel No. 7127005002) (Commissioner District No. 3)

**PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. MORAES.**

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#### 4. CALLED-UP CONSENT ITEMS:

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3B. P256

LETKE

##### MAP AMENDMENT (REZONING) BIG SPRINGS ESTATES REZONE (RR-5)

A request by A&L Investments, LLC for approval of a Map Amendment (Rezoning) of 39.2 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The property is located off Big Springs Road and 0.2 miles east of the intersection of Big Springs Road and North Yoder Road. (Parcel No. 1300000096) (Commissioner District No. 2)

##### STAFF & APPLICANT PRESENTATIONS

**DISCUSSION:** **Mr. Trowbridge** asked about planned access to interior lots within the future subdivision and whether a right-of-way or similar access would be provided. **Mr. Sandstrom** explained that final access details will be determined at a later stage but clarified that for subdivisions with more than three lots, a road built to County standards, either public or private, is required. **Ms. Grace Erickson**, with Providence Consulting, confirmed that access would be provided via a privately owned and maintained road. She noted that specific plans for that road will be developed prior to submission of a subdivision application.

**Ms. Fuller** raised concerns about the proposed zoning's compliance with the Master Plan, noting that the area is designated as "Minimal Change" and currently zoned A-35. She questioned whether the request could be considered spot zoning, especially since nearby RR-5 zones were established decades ago—likely prior to the implementation of generalized zoning in the county. **Ms. Erickson** responded that while she was unsure of the specific dates of the RR-5 zoning nearby, there is at least one RR-5 parcel within approximately one mile of the property. She added that the Master Plan allows for rural development within Minimal Change areas and defines RR-5 as a rural zoning district. **Mr. Whitney** clarified that, according to the staff report, the nearest RR-5 zoned properties are located approximately 1.5, 2, and 2.3 miles from the site.

**PUBLIC COMMENTS:** **Mr. James Soltwedel**, a long-time El Paso County resident, voiced strong opposition to the proposed rezoning. He shared that he chose to live in the Yoder area specifically for its A-35 zoning, which preserves open space and rural character. He expressed concern that introducing

seven homes on a 35-acre parcel would disrupt the surrounding properties and the intent of the area's zoning. While acknowledging he could raise standard objections, he emphasized that his primary concern is the aesthetic and lifestyle impact, valuing open space and rural living as the reason he chose to live there.

**APPLICANT REBUTTAL: Ms. Erickson** acknowledged the neighbor's concerns and stated that the applicant had attempted outreach a couple of months prior but did not receive a response. She noted for the record that they are open to coordinating with neighbors during the subdivision phase to help minimize any potential impacts.

**PLANNING COMMISSION DISCUSSION: Mr. Moraes** expressed concern about the compatibility of the proposed RR-5 rezoning with surrounding land uses. He referenced Master Plan criteria, specifically criterion three regarding compatibility in all directions, and pointed out that the site does not meet the intent of the rural place type, which discourages leapfrog development. He noted that the proposed rezoning is not contiguous with other RR-5 zoned areas and is over a mile away from the nearest similar zoning. In contrast to a recent project that showed some level of adjacency or connection, this proposal represents a clear shift from rural agricultural land to rural residential without transitional zoning, which he identified as a key issue with compatibility.

**PC ACTION: TROWBRIDGE MOVED / BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P256 FOR A MAP AMENDMENT (REZONING), BIG SPRINGS ESTATES (RR-5), UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED (5 - 2).**

**IN FAVOR: (2)** Trowbridge and Brittain Jack.

**IN OPPOSITION: (5)** Byers, Carlson, Fuller, Moraes, and Whitney.

## VARIANCE OF USE

## SPAATZ ROAD – ADDITIONAL DWELLING UNIT

A request by Jason and Emily Schott for approval of a Variance of Use on 5.15 acres to allow an Additional Dwelling Unit in the RR-5 (Residential Rural) district. The property is located at 2865 Spaatz Road, approximately 1.6 miles northwest of the intersection of Interstate 25 and Baptist Road. (Parcel No. 7127005002) (Commissioner District No. 3)

## STAFF &amp; APPLICANT PRESENTATIONS

**DISCUSSION:** **Mr. Trowbridge** requested clarification on the size of the primary structure. **Mr. Kilgore** responded that according to the Assessor's records, the home is taxed for 2,522 square feet of livable space, with a total building square footage of 4,936 square feet. **Ms. Nina Ruiz** of Vertex Consulting further clarified that the structure is approximately 4,000 square feet of living space, with the remaining square footage attributed to a substantial amount of attached garage space, which accounts for the difference in total area.

**Mr. Whitney** raised a question about whether a conflict between the Master Plan place type and existing zoning could be cited as a hardship for a zoning variance, and whether that would obligate the County to approve similar requests in the future. **Ms. Ruiz** clarified that while each case is discretionary, past second dwelling variance approvals have consistently treated this type of conflict as a hardship, setting precedent for similar considerations. **Mr. Carlson** inquired whether previously approved second dwelling variances were also used as rentals. **Ms. Ruiz** confirmed they were, noting that non-rental accessory living quarters are already permitted by code and would not require a variance. **Ms. Fuller** asked how many of the seven previously approved variances stemmed from code enforcement actions. **Ms. Ruiz** estimated that the majority were prompted by code enforcement.

**Mr. Moraes** asked about the timeline for heating the upper floor of the garage. **Mr. Jason Schott**, the applicant, stated that the heating was installed during 2023 while he was working on the space. **Ms. Fuller** questioned why the garage, originally permitted in 2022 as unheated and unoccupied, was later converted without updated approval. **Mr. Schott** admitted to acting on poor advice, acknowledged the mistake, and expressed a desire to correct the issue. He stated that the space was initially being

considered for use by his elderly father-in-law and that his actions were not intentionally deceptive. **Mr. Carlson** noted that records indicate Mr. Schott also rents out the basement of his primary residence. **Mr. Schott** confirmed it is used as a vacation rental.

**Ms. Fuller** asked whether the County Land Development Code distinguishes between short-term and long-term rentals. **Mr. Kilgore** explained that the code does not differentiate between the two; it only regulates whether a unit is rented at all. Under Section 5.2.1.C, accessory living quarters require an affidavit stating the unit is not rented. The only provision for a second dwelling is found under Section 5.2.22, which allows an Additional Dwelling Unit (ADU) only in the A-35 zoning district. This variance is requested because the property is not zoned A-35. **Mr. Trowbridge** asked about the intended purpose of an ADU. **Mr. Kilgore** read from the code, stating that ADUs are permitted in A-35 zoning and are meant to serve as an independent, accessory living facility on the same lot as the principal dwelling.

**Mr. Whitney** questioned whether the converted garage had already been rented. **Ms. Dean** confirmed that based on code enforcement information and online postings, it had been rented. **Mr. Whitney** asked whether the unit was connected to the existing septic and water systems. **Ms. Ruiz** confirmed it was, but stated that the owner has since stopped renting it out during the variance process. She explained that while the septic system has some remaining capacity, it is not sufficient for a second dwelling unit. Initially, the system was approved for a bathroom in unoccupied space, but not for rental use, which could lead to significantly higher usage levels.

**Mr. Byers** inquired about the timing of the requirement for the affidavit stating that accessory living quarters are not being rented. **Ms. Dean** explained that because the garage was originally permitted as an uninhabited structure, the affidavit was not requested. The affidavit is only required when a structure is identified as a dwelling. **Mr. Byers** asked when this affidavit requirement was implemented. **Mr. Kilgore** responded that the requirement is outlined in the Land Development Code, and the relevant section was last updated in 2019.

**PUBLIC COMMENTS:** Staff received an email from Chris Jeub, a neighboring resident, indicating his intent to speak in favor of the project during the hearing. Multiple attempts were made to contact Mr. Jeub; however, staff was unsuccessful in reaching him.



**Mr. Michael Buttenweiser**, a neighboring resident, opposed the ADU request, citing increased traffic from the existing Airbnb, frequent large gatherings, and recreational amenities on the property that create a resort-like atmosphere. He raised concerns about additional vehicles from the proposed ADU and disputed claims that surrounding properties have similar uses, noting most are barns or storage structures. He referenced a prior variance denial for a tiny home nearby and urged the board to consider the cumulative impacts and neighborhood context.

**Ms. DeVee Buttenweiser**, a neighboring resident, opposed the variance, attributing the applicant's actions to poor guidance from individuals involved in a nearby glamping operation. She emphasized that the Master Plan does not override the Land Development Code (LDC) and argued that the applicant has not demonstrated a true hardship. Stating that the property retains full use and value without the variance. She warned that allowing ADUs on rural parcels could trigger a broader trend of rental-focused development, increasing property values, taxes, and pressure on longtime residents while attracting institutional investors. She concluded that financial relief for one property owner should not come at the community's expense, especially since the applicant already generates income through an existing short-term rental.

**APPLICANT REBUTTAL: Ms. Ruiz** clarified that events on the applicant's property are personal church gatherings, not commercial or for-profit activities. In response to traffic concerns, the applicant is willing to accept a condition limiting overnight vehicles to three, which will be reflected in rental listings. She explained that her slide referencing surrounding accessory structures was not intended to imply other rental units. Ms. Ruiz also addressed a claim about neighborhood meeting requirements, noting that no such meeting was recommended for this application. She emphasized that only one household submitted opposition despite the use already being active, suggesting minimal community impact. Lastly, she clarified that Chris Jeub was not the source of the applicant's prior misinformation.

**PLANNING COMMISSION DISCUSSION: Mr. Moraes** reviewed the list of previously approved variance cases and expressed concern that the examples cited in support of the current request were not comparable. He noted that many of the approved variances involved significantly larger parcels—such as VA223 on Milliam Road (60 acres), VA193 (47.5 acres), and VA233 on West Chaparral Loop (10 acres with floodplain constraints and Corps of Engineers delays). In those cases, a clear hardship was identified and discussed. Mr. Moraes emphasized that citing a list of past approvals without context

does not provide an accurate, apples-to-apples comparison, and that each case must be evaluated individually based on the presence of a legitimate hardship, which he did not see demonstrated in the current application.

**Mr. Trowbridge** stated he was not persuaded by the applicant's testimony or that of their representative, expressing the view that the property was always intended to be used as a commercial rental. He believed this demonstrated an attempt to circumvent the Land Development Code and that any hardship cited was self-created and concluded that the request is incompatible with both the neighborhood and the code, declaring he would vote against it.

**Ms. Fuller** agreed, emphasizing the importance of public policy that does not encourage violating the rules with the expectation of later approval. She warned that allowing such variances could create an implicit precedent to disregard current code in anticipation of future changes. She also expressed her belief that the unit was always intended to be rented and stated she would not support the request.

**Ms. Brittain Jack** expressed support for the applicant, stating that it is not the board's role to judge someone's sincerity when they admit to a mistake and seek to correct it. She emphasized the importance of giving applicants the benefit of the doubt in such situations. Ms. Brittain Jack also noted that staff had indicated the application largely met the required criteria, and that the interpretation of what constitutes a hardship is inherently subjective.

**PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND DISAPPROVAL OF CONSENT ITEM 3C, FILE NUMBER VA252 FOR A VARIANCE OF USE, SPAATZ ROAD - ADDITIONAL DWELLING UNIT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND FOUR (4) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND DISAPPROVAL PASSED (5-2).**

**IN FAVOR: (5)** Byers, Fuller, Moraes, Trowbridge, and Whitney.

**IN OPPOSITION: (2)** Brittain Jack and Carlson.



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**5. REGULAR ITEMS**

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**A. P251****LETKE****MAP AMENDMENT (REZONING)****TRIPLE H RANCH REZONE**

A request by P760 Land, LLC for approval of a Map Amendment (Rezoning) of two properties totaling 752.68 acres from A-35 (Agricultural) to RR-2.5 (Residential Rural). The properties are located north of Jones Road, 0.23 miles east of the intersection of Murr Road and Jones Road, and 0.49 miles west of the intersection of North Peyton Highway and Jones Road. (Parcel Nos. 3300000168 & 3300000388) (Commissioner District No. 2)

**STAFF & APPLICANT PRESENTATIONS****NO DISCUSSION OR PUBLIC COMMENT**

**PC ACTION: TROWBRIDGE MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER P251 FOR A MAP AMENDMENT (REZONING), TRIPLE H RANCH REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7 - 0).**

**IN FAVOR: (7)** Brittain Jack, Byers, Carlson, Fuller, Moraes, Trowbridge, Whitney.

**IN OPPOSITION: (0)** None.

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**6. NON-ACTION ITEMS**

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NONE

**MEETING ADJOURNED** at 10:58 A.M.

**Minutes Prepared By:** Jessica Merriam