



PUBLIC NOTICE
BOARD OF ADJUSTMENT
Monday, December 18, 2023, 6:30 P.M.
Council Chambers – 220 W. South Avenue
Woodland Park, Colorado
AGENDA

This is a hybrid Zoom and in-person meeting. To Zoom - link from the City calendar at the bottom of the front page of the City website (www.city-woodlandpark.org). Public input is important to the Board and written comments are encouraged and should be submitted to the Secretary in advance of the meeting. Individuals wishing to be heard during the Public Hearing are encouraged to be prepared and will generally be limited to five (5) minutes, unless otherwise approved by the Chairman, in order to allow everyone the opportunity to be heard. Public comments are expected to be constructive. Please sign in to speak on a particular agenda item. For more information, call 719-687-5202.

1. ORDER & ROLL CALL

2. MINUTES: November 20, 2023

3. REQUESTS / PUBLIC HEARINGS:

A. VAR2023-07: Teller County Water and Sanitation District #1 Setback

Variance: A request by Jerry Duncan (Applicant) and Teller County Water and Sanitation District #1 (Property Owner) for a 3-foot setback variance on the eastern side of the building facing Piute Trail (from 25 feet required by MC §18.12.040.A to 22 feet) and a 9.5-foot setback variance on the western side of the building (from 25 feet required by MC §18.12.040.B to 15.5 feet) to accommodate a 24' X 26' building to house water treatment equipment on Lot 1, Park View Estates Filing No. 3 (201 Piute Trail) in the Suburban Residential (SR) zone district.

4. REPORTS:

5. ADJOURN

WOODLAND PARK BOARD OF ADJUSTMENT

MEETING MINUTES – November 20, 2023

*City of Woodland Park, 220 W. South Avenue, Woodland Park, CO and by Zoom.
This meeting was a hybrid in-person and virtual electronic meeting. A Zoom link was posted on the front-page of the City website. Public input in the form of written comment submitted in advance of the meeting was encouraged and public comment in real time at the meeting was made.*

1. ORDER AND ROLL CALL. Order was called at 6:31 p.m. with attendance as follows:

Present	Chair Louis Ramon
Absent	Vice Chair Nick Abercrombie
Present	Regular Member Jim Rumsey
Present	Regular Member Valerie Lundy
Present	Regular Member Kevin O'Neill
Staff Present	Planning Director/BOA Secretary Karen Schminke
	Senior Planner CJ Gates

The Pledge of Allegiance was recited.

2. APPROVE MINUTES: Approval of the June 19, 2023

MOTION: Rumsey made a motion to approve the minutes from the June 19, 2023 meeting; Lundy seconded. Motion passed unanimously.

3. REQUESTS / PUBLIC HEARINGS:

A. VAR2023-07: Teller County Water and Sanitation District #1 Setback

Variance: A request by Jerry Duncan (Applicant) and Teller County Water and Sanitation District #1 (Property Owner) for a 1-foot setback variance on the eastern side of the building facing Piute Trail (from 25 feet required by MC §18.12.040.A to 24 feet) and a 6-foot setback variance on the western side of the building (from 25 feet required by MC §18.12.040.B to 19 feet) to accommodate a 24' X 26' building to house water treatment equipment on Lot 1, Park View Estates Filing No. 3 (201 Piute Trail) in the Suburban Residential (SR) zone district.

Director Schminke noted that this item is being rescheduled to December 18, 2023 at 6:30 p.m.

B. VAR2023-08: Victory Life Church Height Variance: A request by Seth Emerson of Kingdom Design Group (Applicant) and Legacy Title Holding Company (Property Owner) for a 5-foot height variance (from 30-feet required by MC §18.17.030 to 35-feet) to accommodate one two-story church building for Victory Life Church. The subject property is located north of the intersection of Highway 24 and Trout Creek Road in Sections 23 & 26, T12S, R69W of the 6th P.M., also known as "Gold Mountain" (5955 Trout Creek Road) in the Agricultural (AG) zone district.

To begin the public hearing, Chair Ramon noted that any appeals must be filed with the Teller County Courts within 30 days of the BOA decision; that four affirmative votes are required to approve a variance; the applicant may decide to withdraw or postpone the application; and

public comment is limited to five minutes per speaker. Chair Ramon then confirmed that none of the Board members has had any communications or has a conflict of interest on this item.

Senior Planner Gates presented the Staff presentation, noting the March 9, 2001 annexation agreement that contains a provision to limit development above 8,775-feet in elevation on this property. The proposed building will be at an elevation of 8,700 and the entire developed area will be below the 8,775-foot elevation. Mr. Gates noted the location of the property, the Agriculture (AG) zoning designation, the Future Land Use Map designation of 'Mixed-Use' for the southern part of the property, that a Conditional Use Permit and Site Plan Review will be heard by the Planning Commission and City Council, and that the applicant is first seeking a 5-foot height variance.

Mr. Gates then noted access to the site is from Trout Creek Road and they are proposing to locate the building in the southern portion of the property. He then reviewed a Slope Analysis Map that shows a majority of parcel has slopes in excess of 25%; the slopes in the building area (southern part of the parcel) are less at 15-25%; the actual buildable area is about six acres. To mitigate the slopes and existing utility easements, this variance application proposes setting the building into the existing hillside. He showed the color renderings of building elevations noting grading lines and a proposed building height of 35-feet.

Mr. Gates next reviewed the approval criteria and staff analysis that determined the request complies with all four conditions specified in MC Section 18.60.020; and the limitations in MC Section 18.60.050 are met. He also noted Staff believes that the applicant meets requirements in Section 18.06.040. All noticing requirements had been met, and no written public comments had been received. Mr. Gates concluded with the staff recommendation to grant a 5-foot variance to allow for a maximum building height of 35' for construction of a two-story Church at 5955 Trout Creek Road.

Chair Ramon asked if there were questions for staff. It was noted the title policy identified the property as 'Commercial' and Senior Planner Gates confirmed that the parcel is zoned AG, but staff has no control over what the title company may have noted as an allowed use. Chair Ramon added that any previous applications for this parcel do not affect the consideration of the current application before the BOA, they can only consider the 5-foot height variance tonight. Ms. Lundy asked about an existing cabin on the property, which the Teller County Assessor lists as a residential use; this was identified as historical and not currently in use.

Chair Ramon called upon the applicant for their presentation.

Seth Emerson, of Kingdom Design Group, reviewed the project, zoning, and comprehensive plan maps. The comp plan map shows the bottom third of this parcel as mixed use, and the building is proposed to be located in this area. He provided aerial photography of the site to illustrate the exceptional topography/slopes on the property. Of the 66.37 acres, the total buildable area is only six acres. Per the 2001 Annexation Agreement, the proposed building and development would all be in the south third of the parcel and below the protected open space above the 8,775' elevation. He identified the exceptional topography as one of the biggest challenges with this site. He reviewed the new plans and elevations. Even though the original application has no bearing on the current application, he wanted the BOA to see the changes made to try to conform to requirements, and showed the current proposed elevations being 12.5' lower than the previous proposal's elevations. He then showed a computer-generated video of the building renderings imposed on the site. A large retaining wall is now proposed on the northwest side of the development, 20-feet from the building, for life-safety (emergency services), egress, mechanical equipment storage, and day-lighting (windows) purposes.

Chair Ramon called for questions from the Board for the applicant:

The Board members clarified the design changes from the first application which resulted in a longer and shorter building with a maximum height of 35 feet.

David Mijares, with Catamount Engineering and civil engineer for the project, explained that the hillside could not be cut in five more feet to avoid a variance altogether because that would make the retaining wall too high, which could endanger the building, may not meet fire regulations, and could eliminate natural lighting and storage aesthetics.

Chair Ramon clarified with Mr. Emerson who explained that the applicant is not interested in lowering the building height to 30' because of the head room required in the sanctuary balcony.

Chair Ramon then opened the hearing for public comment and asked that comments focus on the height variance only; the use at this location would be addressed through a different application.

Pat Urban of Woodland Park and a member of VLC, is excited about a new building, believes the church serves, and is planning new ways of serving, the community, and we need a new building to expand our services, and noted the building will not obstruct views of the mountain.

Tom Urban of Woodland Park, commented that VLC is committed to serving the community, the proposed building is complimentary, and will enhance the view.

Laverne Atkins of Woodland Park, said VLC is a benefit to the community, teaches leadership and life skills, offers fellowship to the community, that VLC needs a building for all its services, and that the building will benefit the community.

Rick Christopher of Woodland Park, a VLC attendee and a graduate of Chairs, stated that VLC has lots of outreach, the Oklahoma VLC is active, and it would be a benefit to have our own building for outreach and community.

Kayleen Hipple of Stone Park Lane, commented that VLC is a blessing for her and her husband, especially the marriage conference since strong marriages build strong communities; and emphasized the need for a building to hold more trainings to spread their gospel.

Joshua Davis of Woodland Park, said that he visited the Oklahoma VLC and the community was better because of it as it offered drug rehab and helped homelessness, and that we need building to do that here.

Kelly Strong, a 30-year resident of Woodland Park, noted her comments actually apply to the variance; she noted it was difficult to see the public notice signs, she spoke at last hearing, the City and Teller County take care to limit signage and keep the mountain character. This variance sets a precedent and this was not what Gordon Jackson wanted when he donated the property to the Pikes Peak Foundation. Gold Mountain is a gateway, this project is not in the best interest of Woodland Park as it only benefits a non-tax paying entity, the driveway behind the building is not an evacuation route, believes this project will impact the community, and noted the other comments did not address the actual variance.

Chair Ramon noted that this case is only for a height variance, the Conditional Use Permit and Site Plan Review will go before the Planning Commission and City Council.

Julie Snyder, long-time resident and donor of this property from her father's estate to Pikes Peak Foundation, noted that 22 years ago Gordon Jackson put in place a height restriction for any development for a reason. There is soil contamination, asbestos, and an abandoned mine, all of which need mitigation. She requested the BOA deny this variance.

Deanne Betterman, a Woodland Park resident for 20 years, likes the church, approves of the building, noted the property is difficult to build on, and the building doesn't block anyone's view. She added that the church will be Jesus' hands and feet, is driven to do good for community, offers free lunch, invited the community to participate with us, that 4000 people can still move to our town, the city is a light on a hill, and she supports this asset.

Sharon Langhart, 34-year resident, sold the property to Gordon Jackson and noted that he actually wanted the height limit to be below the 8,775' mark in the annexation agreement, but didn't get it. She raised concerns about the sun glare and snow loads. The church can probably make the building meet the 30' height limit without a variance. She would rather have a mountain than a light on the hill, and added that Gordon Jackson said, "Sometimes the best thing to do is nothing."

Rachel Stewart, a neighbor of the property and eight-year resident, is also active in the community, and does not support a height variance because she's concerned about keeping the mountain western aesthetic, many Colorado towns have a 30-foot height limit on buildings, and believes this would set a precedent for the future, both for non-profit and for-profit entities.

Patricia Perry, a 10-year resident of Woodland Park, commented she objects to the variance application because the open aesthetic originally drew her to community, VLC was told what rules were, but still want to violate the requirements, noted that most of the proposed development is a parking lot, and that VLC bought the land and should abide to the rules.

Jennifer Connors, a 10-year resident of Woodland Park, commented that it's interesting that people are speaking against 5-foot height variance for a church when Verizon Wireless can put a 60' 5G tower at the pool and high school. She would like that explained.

Chair Ramon said that there is a different city code for other structures like cell towers.

Shawn Maddux, is opposed to the variance, noting that people can go anywhere for large churches; this area's draw for tourism is its natural features, the site plan is mostly a parking lot, the building will negatively affect the viewshed of entrance to Woodland Park, believes there will be more asks for other variances, and that there are rules and codes for a reason. She also questioned if an EIS, water usage, or traffic studies were completed.

Chair Ramon closed the public comment and asked if there were any questions of the applicant or staff.

Ms. Lundy made a statement that the applicant was following rules by asking for a variance. Their first variance application was for a 15-foot height variance, which was denied. The applicant is now applying for a different five-foot height variance. She asked the public to watch for the CUP & SPR applications which go through the Planning Commission and City Council.

BOA members asked the applicant and architect the impact if the height was designed to 30-feet. The explained that the programming requirements would not be met as 30-feet would eliminate the second floor; the sanctuary seating would also be reduced from 1500 to 1000. Redesigning the roof pitch could bring the height down to 30-feet, but then the mountain western design aesthetic wouldn't be met and snow loads could be affected. The applicant then reviewed the elevations, saying they worked from 30' down but the way the City calculates median grade required them to increase the height. The applicant did work with NETCFPD.

Chair Ramon opened deliberations. The Board discussed the capacity of 1500 seats for a current congregation of 400 and noted the church holds events, though, that can draw thousands. They also discussed if the proposed church could be redesigned to comply, but determined that aesthetically and structurally, this is the best they can do while keeping the grade. They then discussed if this variance request gives the applicant special privileges. Since this in the AG zone, there are no precedents for comparison. Brian Orvin, the campus pastor, added that the church has grown exponentially since Covid, giving membership numbers as well as reasons for their expected continued growth. Ms. Lundy noted that VLC is not violating the 8775' no-build zone, as the max elevation for the structure is actually at 8,770-feet.

MOTION:

Mr. Rumsey moved, and Ms. Lundy seconded, to accept **VAR2023-08 Victory Life Church Height Variance:** A request by Seth Emerson of Kingdom Design Group (Applicant), and Legacy Title Holding Company (Property Owner) for a 5-foot height variance (from 30-feet required by MC §18.17.030 to 35-feet) to accommodate one two-story church building for Victory Life Church; the subject property is located north of the intersection of Highway 24 and Trout Creek Road on Sections 23 & 26, T12S, R69W of the 6th P.M., also known as “Gold Mountain” (5955 Trout Creek Road) in the Agricultural (AG) zone district because the representations in the application are valid, the variance is justified and will make reasonable use of the land and structure, is in harmony and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

YES: O’Neill, Lundy, Rumsey, Ramon.

NO: None.

The motion passed 4-0.

Chair Ramon thanked Mr. Emerson for his presentation and the public for their comments. He reminded everyone that a separate case concerning the CUP and SPR will go before the Planning Commission.

4. **REPORTS:** Director Schminke said the next meeting is December 18, 2023 at 6:30 p.m. Chair Ramon also reminded everyone there are two openings for members on the BOA; he encouraged interested citizens to apply to be alternates. At the first meeting in 2024, the chair and vice-chair positions will be reconsidered.
5. **ADJOURN:** Chair Ramon adjourned the meeting at 8:14 p.m.

Approved by: _____
Lou Ramon, Chair *Date*

STAFF REPORT

PROJECT: VAR2023-07 Teller County Water & Sanitation District Setback Variance

APPLICANT: Jerry Duncan – RESPEC

OWNER: Teller County Water and Sanitation District #1

REQUEST: Vary Setback Restrictions: a 3-foot setback variance on the eastern side of the building facing Piute Trail (from 25 feet required by MC §18.12.040.A to 22 feet) and a 9.5-foot setback variance on the western side of the building (from 25 feet required by MC §18.12.040.B to 15.5 feet) to accommodate a 24' X 26' building to house water treatment equipment on Lot 1, Park View Estates Filing No. 3 (201 Piute Trail)

LOCATION: Lot 1, Park View Estates Filing No. 3 with an address of 201 Piute Trail, Woodland Park, CO

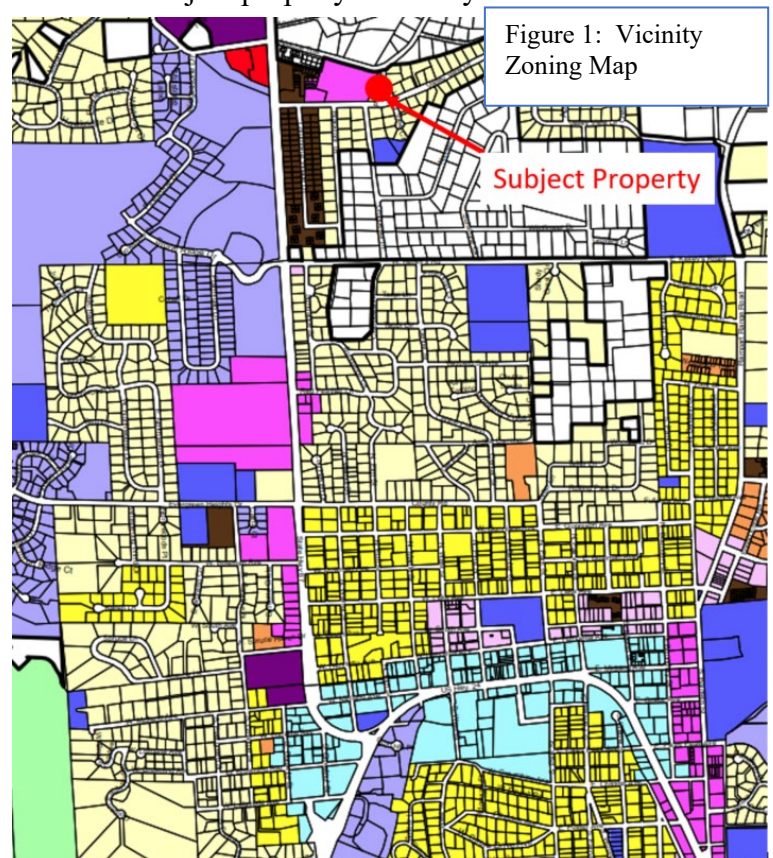
ZONE: Suburban Residential (SR) District

STAFF: CJ Gates, Senior Planner

I. BACKGROUND

The subject property is 0.45 acres in size, zoned Suburban Residential (SR) and is located on the north-west corner of Piute Trail and Valley View Drive. Figure 1 identifies property location on the zoning map and the aerial in Figure 2 zooms in on the subject property. The City of Woodland Park Code outlines the Setback restricts in the SR zone as follows:

- A. Front. Twenty-Five feet
- B. Rear. Twenty-Five feet for the main building and four feet for accessory buildings
- C. Side. Eight feet for the main building and four feet for accessory buildings. In the case of reverse corner lots that face an intersecting street, the side abutting the street shall maintain the front setback.



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Figure 2: Aerial Photo

The subject property is within the Park View Estates Filing No. 3 subdivision. Filing No. 3 of Park View Estates was approved by City Council in 1984 and includes 37 lots. The subject property is challenging due to the location where the property is bordered by a street on three sides and a 25-foot setback is required adjacent to each of the streets. Additionally the property is long and narrow with overall dimensions of 343 ft. long by 62 ft. wide at the midpoint of the property.

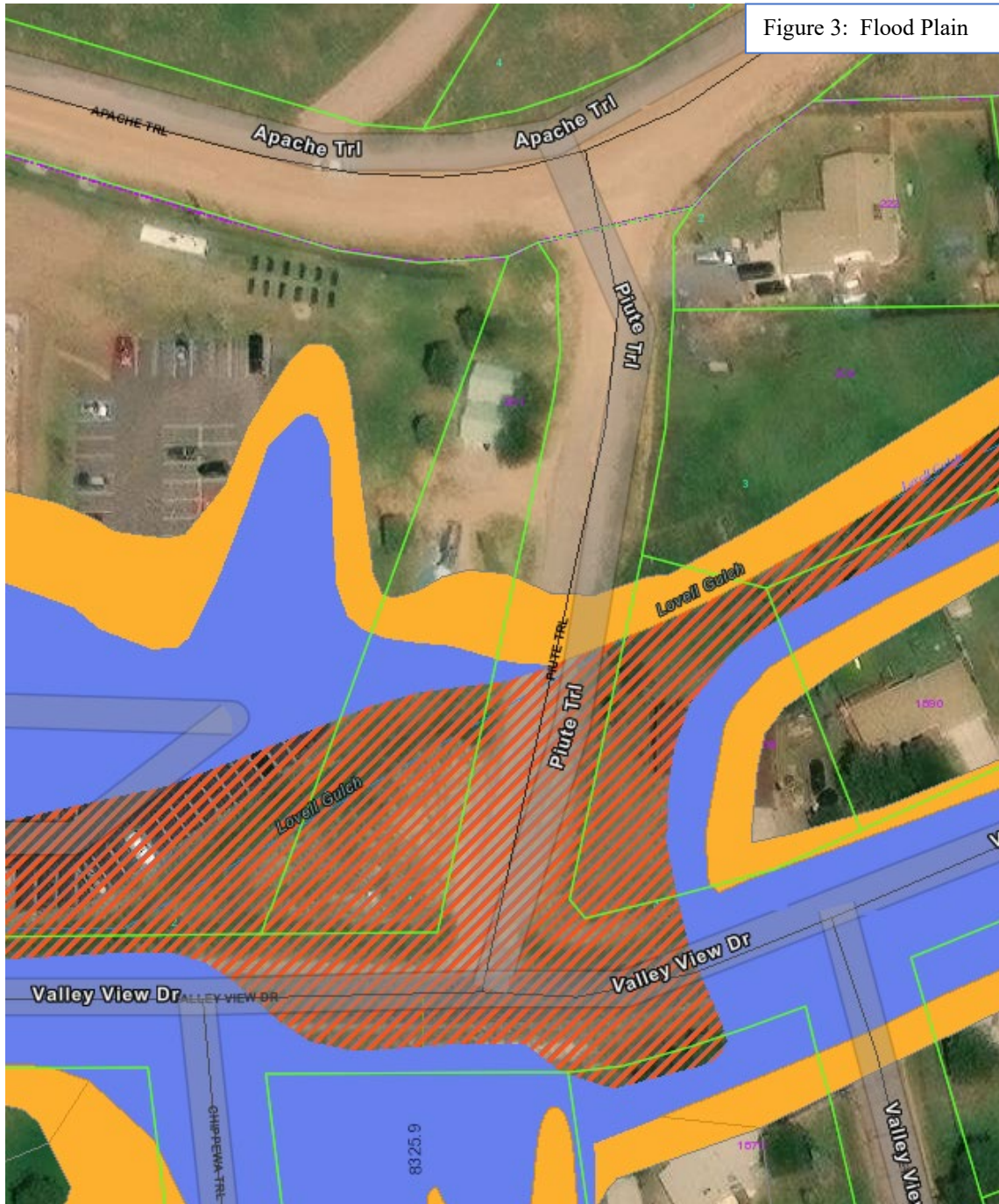
II. CURRENT PROPOSAL

The subject property is owned by Teller County Water and Sanitation District #1 who is currently operating a water treatment facility at this location. Currently, there are two buildings on the site with the first having been built in 1993 and second built in 1997. As seen below from Figure 3, the southern half of the property falls within the 500 year flood zone, 100 year flood zone, and regulatory floodway. In order to develop any portion of the southern half of the site, the applicant must gain approval of a flood hazard development permit through the City of Woodland Park.

Also existing on the site is a 30ft. wide drainage and sanitary sewer easement running east to west across the subject property which also limits development on the site. Within the easement, a 24-in. diameter pipe buried that is critical for the proper disinfection of the drinking water produced at the facility. Relocating the proposed building farther south would require the building and water piping to encroach into the floodplain.

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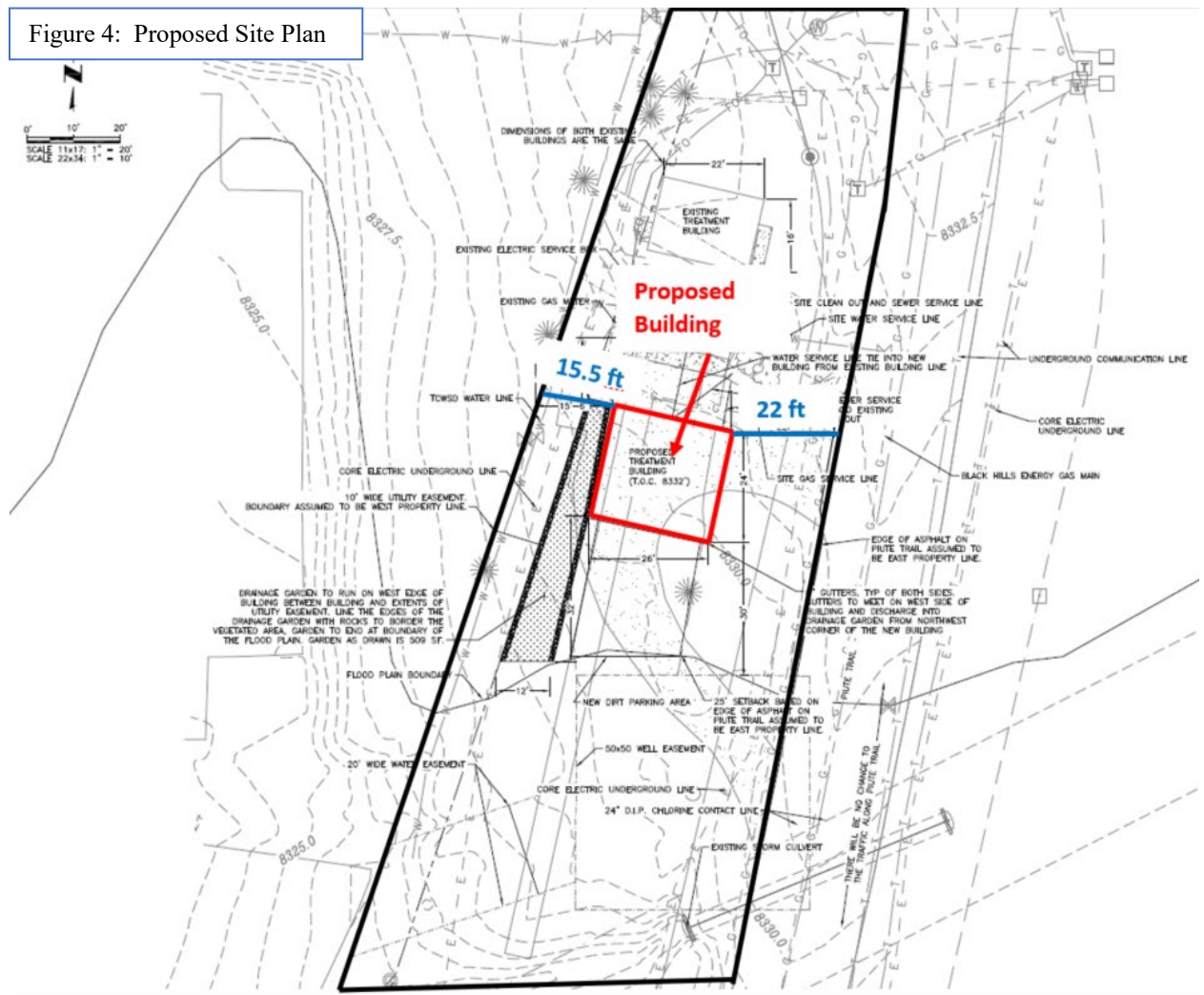
According to Woodland Park Municipal Code, the use of “distribution stations” (M.C. 18.09.090 K.9.B) is a permitted conditionally use (PC) within the SR zone district. Due to the fact that this use is permitted within the SR zone district and the age of the current buildings, staff did not find any past applications for this property.



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The applicant is currently requesting a setback variance for the west and east side of the property in order to accommodate a new building to house water treatment equipment. The proposed building will be a size of 24'x 26' and is planned to be constructed to the south of the existing water treatment buildings on the site.

As the applicant outlines within their project narrative, which is attached hereto, the existing narrowness of the parcel cannot accommodate the 25' setback required by City Code. The applicant is specifically asking for a for a 3-foot setback variance on the eastern side of the building facing Piute Trail and a 9.5-foot setback variance on the western side of the building to accommodate a 24' X 26' building to house water treatment equipment. As seen on the site plan below (Figure 4), if the BoA approves this request, the eastern setback would be a total of 22' and the western setback would be a total of 15.5'.



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Lastly, for context, bordering the subject property to the west is Woodland Park Community Church which is zoned Community Commercial (CC). This site has been developed so that the main church building sits in the middle of the property. The main parking lot is on the southern portion of the property facing Valley View drive.

III. PROCESS

Zoning variances are subject to the requirements of *Chapter 18.60* of the Municipal Code. Section *18.60.010* states that where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition peculiar to a particular piece of property, the strict application of any provision of *Title 18 Zoning* would result in exceptional, demonstrable, unnecessary hardship, the Board of Adjustment (BoA) has the power to grant a variance from such strict application so as to relieve such demonstrable difficulties or hardships. If a variance is granted, the BoA may prescribe appropriate conditions in conformity with the Zoning Regulations (*§18.60.060*). Before granting a variance, the BoA must make the findings specified in *§18.60.040*. Also, unless the limitations of *§18.60.050.A* and *B* are met (see below), a variance cannot be granted.

Notice of the BoA public hearing was sent to adjacent property owners at least ten days prior to the public hearing, signs were posted on the property for at least ten days immediately prior to the public hearing, and a public notice was published in the Pikes Peak Courier at least seven days prior to the hearing. Staff has received zero comments from citizens regarding the application.

The Application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the Fire Department, and the Woodland Park Police Department.

IV. APPLICATION for a VARIANCE

Section *18.60.020* requires the applicant to demonstrate how the variance meets all the following conditions:

1. *That there exists special conditions and circumstances of the type specified in Section 18.60.010, which are peculiar to the land, structure, or building involved and which are not applicable to other lands or structures in the same district;*

- Staff found that special conditions and circumstances do exist due to the significant narrowness of the subject property, it being bordered on three sides by roadways, and being subject to the existing floodplain. Also as the applicant noted, currently existing on the southern portion of the site is the easement that contains a 24-in. diameter pipe buried that is critical for the proper disinfection of the drinking water produced at the facility. Relocating the proposed building farther south would require the building and water piping to encroach into the floodplain.

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2. *The said special conditions and circumstances do not result from the actions of the applicant;*

- Staff found that the challenges on site to be a special circumstance that was not caused by actions of the applicant.

3. *That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;*

- Staff found that literal interpretation of the provisions of City Code would deprive the applicant of rights commonly enjoyed by other properties in the same zone district due to the size and shape of the property, existing flood plain, and infrastructure.

4. *That granting the variance requested will not confer on the applicant any special privilege that is denied by the board to other lands or structures in the same district.*

- If granted, Teller County Water and Sanitation will not receive special privileges denied to other lands or structures in the same zone district. As previously noted, Teller County has been operating out of this property since 1993 and is operating an allowed use per City Code.

V. SECTION 18.60.050.A and B LIMITATIONS

Section 18.60.050 provides the following:

A. No nonconforming structures in the same district, and no permitted or nonconforming structures in other districts shall be considered grounds for the issuance of a variance.

B. Under no circumstances shall the board grant a variance to allow a use not permitted under the terms of this title in the district involved or any use expressly or by implication prohibited by the terms of this title in said district.

- The limitations of §18.60.050.B are met since the use of “distribution stations” (M.C. 18.09.090 K.9.B) is a permitted conditionally use (PC) within the SR zone district. Also, limitations of §18.60.050.A are met because no nonconforming use of lands or structures in the same district, and no permitted or nonconforming use of land or structure in other districts, have been used as grounds for the issuance of this variance.

VI. FINDINGS

The BoA shall consider each application and grant or deny it according to the provisions of Municipal Code §18.60.040. Findings are provided below, complete with staff’s analysis. In

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granting a variance, the BoA may prescribe appropriate conditions in conformity with Municipal Code *Title 18*.

18.60.040.A. That the representations in the application are valid.

Analysis: Staff found the representations in the application valid. A written application complete with fee was submitted on October 19, 2023. Staff finds that the application demonstrates the existence of special conditions and circumstances peculiar to the land. Staff bases this on the lot's extreme narrowness, the location of the existing easement and waterlines and floodplain. To resolve this issue, the Applicant is requesting a setback variance to allow for the construction of proposed building to house water treatment equipment.

18.60.040.B. That the reasons set forth in the application justify the granting of the variance that will make possible the reasonable use of the land or structure.

Analysis: Staff found the justification provided by the application was sufficient for staff to recommend granting the variance as requested. The water treatment operations provide critical infrastructure for the community and the additional infrastructure will support continued operations.

18.60.040. C. That the granting of the variance will be in harmony with the general purpose and intent of the comprehensive plan and Title 18 Zoning and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

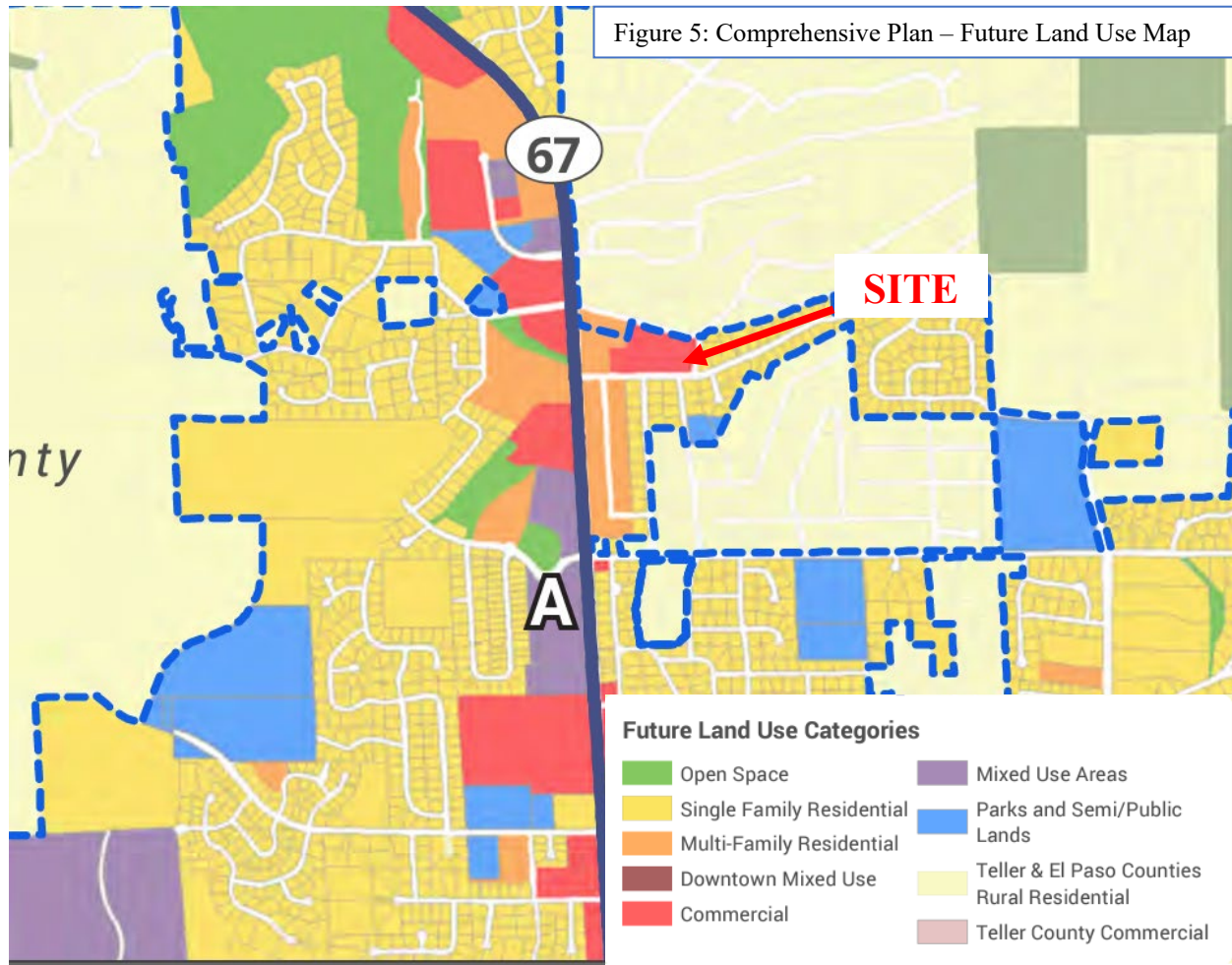
Analysis: Staff found that if granted, this variance will conform with the general purpose and intent of the comprehensive plan. As noted, the subject property is bordered by Woodland Park Community Church to the west and is zoned CC. Staff found that granting this variance would not negatively effect the parcel to the west due to the current configuration of the church building and parking area. As previously noted the only improvement on the Church parcel is the large parking area on the southern portion of the site. The proposed building will not encroach into the neighboring property. As shown on the Comprehensive Plan's Future Land Use Map (Figure 5), the subject property is labeled as "Commercial"

WOODLAND PARK FUTURE LAND USE MAP DESCRIPTION

The Future Land Use Map provides guidance for rezoning requests, annexation proposals, new development, and redevelopment projects within the City limits. Its purpose is to honor the City's existing zoning map while providing both direction and flexibility for a sustainable balance of uses in future development or redevelopment proposals. Comments and direction provided by the community have been incorporated in land use descriptions and designations. Within the unincorporated areas of Teller County surrounding Woodland Park, the map identifies the type of low impact growth that may occur within the planning area and at the gateways to Woodland Park.

The Future Land Use Map identifies locations for the most appropriate future land use within the broad categories. The land use designation of each area is based on what is currently in place; what the community would like to see more of; and identification of harmonious uses that do not infringe on the existing land uses. Water use is a major consideration in land use planning and ensures that a diversity of land uses are planned for with the amount of water available. A more detailed description of each land use designation is listed below:

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VII. STAFF RECOMMENDATION

Staff recommends granting a 1-foot setback variance on the eastern side of the property adjacent to Piute Trail (from 25 feet required by MC §18.12.040.A to 22 feet) and a 9.5-foot setback variance on the western side of the building (from 25 feet required by MC §18.12.040.B to 15.5 feet) to accommodate a 24' X 26' building to house water treatment equipment on Lot 1, Park View Estates Filing No. 3 (201 Piute Trail) in the Suburban Residential (SR) zone district subject to the following condition:

1. After the foundation is poured, the builder must provide a letter to the City Inspector, prepared and stamped by a Colorado Licensed Professional Land Surveyor, certifying that

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the foundation has been surveyed, and the location of the foundation matches the location as shown on the Site Plan as submitted for this variance request.

Attachments

- A. Application

City of Woodland Park

Print
Record



Planning Department Routing/Comment Form

ID Project Name TC Water & Sanitation - Setback Variance Project # EXT/Case #: VAR2023-0
Permit Number 202309289 Site Address Number 201 PO Box
Date Received: 9/25/2023 Site Address Name Piute Trail Mailing Address # 5540
Project Type VAR Lot Number 1 Block # Mailing Street Tech Center Dr., S
Project Type Number 11 Subdivision Park View Estates Filing 3 App Phone 404-793-5017
Project Classification Setback Variance Applicant Business Name TC Water & Sanitation District #1
Residential or Commercial Non-Profit App First Name Jerry App Last Name Duncan

ZDP Required ☐ Public Review Required ☒ Lead Staff Person
Board of Adjustment Date 11/20/2023 Date Routed 9/25/2023
Planning Commission Date Comments Due Back to Planning
City Council (1st Reading) Comments Rec'd ☐ Filed in Area:
City Council (Public Hearing) Senior Planner

Comments Received

City Manager	☐		Building Dept	☐	
City Clerk	☐		Fire District	☒	
City Attorney	☐		Re-2	☐	
Utilities Department	☒		URS	☐	
City Engineer	☒		IREA	☒	
City Inspector	☒		Black Hills	☒	
Finance Department	☐		CDOT	☐	
Planning Director	☒		CenturyLink	☒	
City Planner	☒		TDS Telecom	☒	
Police	☐		Other:		
Parks & Rec	☐		Peak Internet	☒	
Economic Development	☐				

Important Information

Administrator
Routing Instructions:

Planning Application Entry Form

Print Record



Navigation icons: Home, Back, Forward, Previous, Next, Search.

Go To Development Fees Receipt Form



ID

Permit Number 202309289

Project # EXT/Case # VAR2023-07

Public Hearing Required ☐

Date Received 9/25/2023

Date Routed 9/25/2023

Date Initial Permit Approved

*Date Permit Paid

Open Permit Comments

*NOTE: If Non-profit enter Date Approved in Date Permit Paid field for report

Project Type VAR

Project Type Number 11

Project Classification Setback Variance

Non-Profit, Residential or Commercial Non-Profit

Date CO Requested

Temp CO Auth Approved

Date Temp CO Expires

NOTE: Above Field required only for SInS and TUPs

Project Name TC Water & Sanitation - Setb

Site Address Number 201

Site Address Name Piute Trail

Lot Number 1

Block Number

Subdivision Park View Estates

Filing # 3

Applicant Business Name TC Water & Sanitatio

App First Name Jerry

App Last Name Duncan

App Phone Number 404-793-5017

PO Box

Mailing Address Street # 5540

Mailing Address Street Name Tech Center Dr., Ste

City Colorado Springs

State CO

Zip Code 80919

Owner First Name TC Water & Sanitatio

Owner Last Name

Zone Class SR

Applicant Project Value \$0.00

UTILITIES SECTION

Tap Allocation Date

Allocation Exp Date

Water Tap #

Sewer Tap #

Tap Paid Date

Tap Exp Date

Taps Refunded ☐

Inside/Outside User

Meter Installed ☐

Filed in Area

Senior Planner



2023 GENERAL APPLICATION

(Revised 1/1/2023)

received
9/25/2023

Project # 202309289
Case # VAR 2023-07
Fee(s): See City of Woodland Park
Fees Sheet (Plus publication/recording
fees, as applicable)

Type of Application (Check one or more as applicable)

- | | | |
|---|---|---|
| ☒ Site Plan Review Permitted Use | ☐ Special Use Permit | ☐ Preliminary Plat |
| ☐ Site Plan Review Conditional Use | ☐ Planned Unit Development (PUD) | ☐ Exemption Plat |
| ☐ Conditional Use Permit | ☐ PUD Amendment | ☐ Final Plat |
| ☐ Zoning Change | ☐ Appeal | ☐ Townhouse Plat |
| ☐ Extension of Development | ☒ Variance | ☐ Condominium Plat |

1. Applicant Information

- a. Applicant Name Jerry Duncan
- b. Project Coordinator ☒ Property Owner ☐
- c. Mailing Address 5540 Tech Center Dr., Suite 100, Colorado Springs, CO 80919
- d. E-mail Address jerry.duncan@respec.com
- e. Phone Numbers Home _____ Work _____ Mobile 404-793-5017

2. Property Owner Information (if different from above)

- a. Name Teller County Water and Sanitation District #1 Project Contact? Yes ☐ No ☒
- b. Mailing Address PO Box 578, Woodland Park, CO 80866
- c. E-mail Address tellerwater@gmail.com
- d. Phone Numbers Home _____ Work 719-687-0761 Mobile _____

3. Site Information

- a. Site Address 201 Piute Trail, Woodland Park, CO 80863
- b. Lot ____ Block ____ Subdivision _____
- c. Property Zoning SR Lot Size 0.45 Acres ☒ Square Feet ☐

4. Is the property subject to covenants? Yes ☐ No ☒ If yes, then submit copy of covenants and current contact for HOA. It is the responsibility of the landowner to submit HOA approval with this application.

5. Project Information

- a. Project Name Radium Removal Treatment Addition
- b. Brief Description of Project/Request This project entails of constructing a new 24' x 26' building to house water treatment equipment. The new building will be located adjacent to two existing buildings on the parcel.

Project Narrative (On a separate sheet provide additional project details and how the proposal complies with the applicable code requirements, which can be found in Section 8 of this application.)

5. Consultant Information (if applicable)

a. Architect

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

b. Engineer

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

c. Planner

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

d. Surveyor

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

e. Other (specify role) _____

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

6. Submittal Requirements

The following items must be included at time of submittal (in addition to items on the submittal checklists) or the application will not be processed (additional copies may be requested).

Type of Application	24" x 36" Plan Set	11" x 17" Plan Set	Adobe Acrobat Portable Document Format (.pdf) electronic Plan Set on a flash drive	Warranty Deed or Title Policy	List of adjoining property owners within 150'	Copies of reports (narrative, traffic study, drainage, etc.)
All Types	1	1	1	1	1	1

7. Applicable Code Sections

The following are the applicable code sections by type of application and are for assisting applicants in completing the required project narrative. The City of Woodland Park's Municipal Code can be found at www.city-woodlandpark.org/Charter&Code. Subdivision requirements are in Title 17 and Zoning is in Title 18 of the Municipal Code.

Type of Application	Applicable Code Sections
Site Plan Review Permitted Use	Chapters 18.34, 18.33 and 18.39
Site Plan Review Conditional Use	Chapters 18.34, 18.57, 18.33 and 18.39
Conditional Use Permit	Chapter 18.57 plus applicable site plan regulations
Zoning Change	There are no specific standards, but the applicant should provide supporting argument for a zoning change, including how it complies with the Comprehensive Plan
Special Use Permit	Chapter 18.61 plus applicable site plan regulations
Planned Unit Development	Chapters 18.30, 18.33, 18.39, Sections 17.20.070, and 17.20.080
Appeal	Chapter 18.54
Variance	Chapter 18.60
Preliminary Plat	Chapter 17.20 plus applicable subdivision sections
Exemption Plat	Section 17.52.030 plus applicable subdivision sections
Final Plat	Chapter 17.24 plus applicable subdivision sections
Townhouse Plat	Chapter 17.32 plus applicable subdivision sections
Condominium Plat	Chapter 17.32 plus applicable subdivision sections

8. Certification of Ownership

I (We) do hereby declare and affirm that I (we) am (are) the exclusive owner(s) and title holder(s) of the above described property.

➡ Builder/Applicant Signature Gerald Duncan Date 9/8/23
➡ Property Owners Signature Barbara Zitz administrator Date 9.8.23

9. //Certification: The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge.

I certify that I understand that the proposed development is in accordance with all provisions of the City of Woodland Park's Municipal Code and other applicable regulations.

➡ Gerald Duncan 9/8/23
Applicant Date

City Use Only

1. Submission Sept. 25, 2023, taken by CJ Gates
Fee Received _____, 20____, taken by _____
2. Application is deemed complete – OR – deemed incomplete and returned to applicant to complete on 9 / 25 / 23.
3. Public Hearing Notice
Published _____, 20____
Posted _____, 20____
Adjacent Property Notification _____, 20____.
4. Planning Commission Public Hearing _____, 20____.
Board of Adjustment Public Hearing (when applicable) Nov 20, 2023.
5. City Council First Reading of Ordinance (if applicable) _____, 20____.
City Council Public Hearing _____, 20____.
Notes _____

6. Letter of Approval/Denial to applicant sent _____, 20____.
7. Additional Information

Teller County Property Records

Property Record

Acct No:R0023882

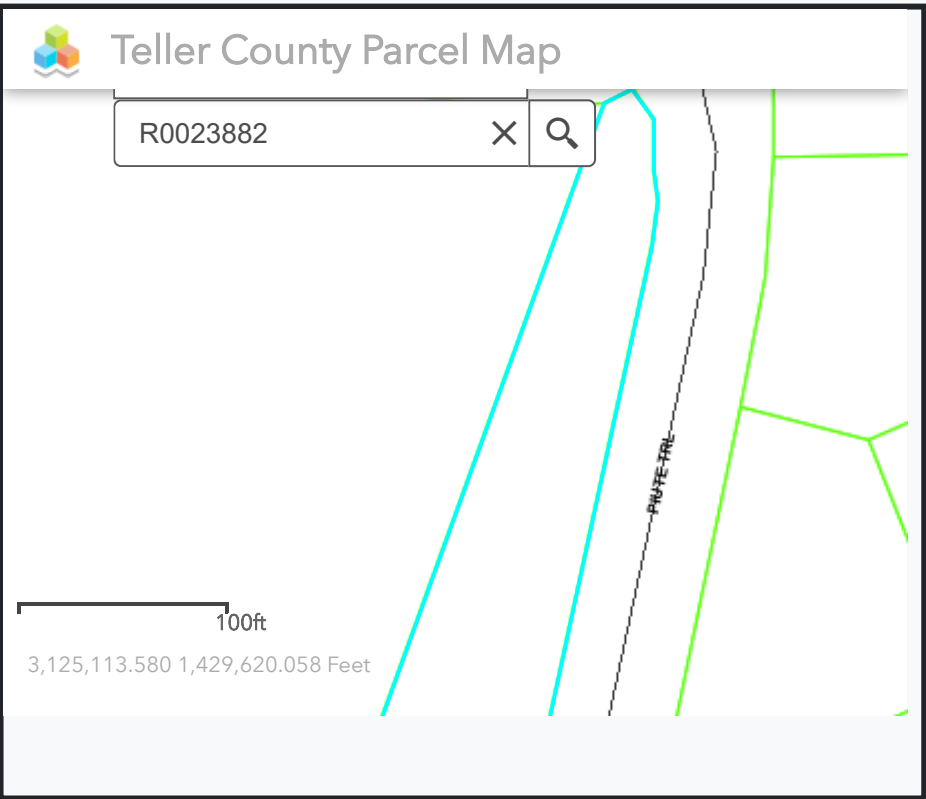
 Parcel Picture

Ownership

Account No	R0023882
Parcel Id	6229.132450010
Notice of Value	PDF of 2023 Notice of Value
Actual	\$96,683
Assessed	\$26,970
Acct Type	Exempt
Owner Name	TELLER CO WATER & SAN DIST 1
Mailing Address	BOX 578
	WOODLAND PARK, CO 80866

Zoning

Map



[Full Screen Map](#)

Location

Physical Address	201 PIUTE TRL
School Dist	RE-2
Acres	0.450000
Map No.	6229
Tax Dist	62
Area	PARK VIEW ESTATES
Brief Legal	L1 PARK VIEW ESTATES #3

Brief Legal Description is not intended for use on legal documents

Land Attributes

Land Type	Abst Code	Acres
Exempt	9149	0.45

Building Information (provided by Assessor)

Transfers (provided by Assessor)

Sale Date	Reception No	Deed Type	Sale Price
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Building Permits

Date	Permit No.	Description	Permit Issued By
11/30/1993	A03784	Commercial	Teller County
06/20/1997	A10776	Commercial	Teller County
12/09/2005	A30315	WELL #8	Teller County
08/27/2008	A35019	Reroof Overlay	Teller County

10/27/2009	A36878	REPLACED FLOODED OUT HEATER	Teller County
09/10/2014	J06652	WALL HEATER AND FLUE	Woodland Park

Property Tax History (provided by Treasurer)

Delinquent taxes are not shown on this website.

[Tax detail on Treasurers Web Site \(Note: Select Public User Login Button if prompted\).](#)

[Tax Payment Web site](#)

Authority	Mil Levy	Amount
-----------	----------	--------

Tax Year	Tax Amount
2022	\$0.00
2021	\$0.00
2020	\$0.00
2019	\$0.00
2018	\$0.00

About

The contributing Teller County Offices keep the information shown on this web site as current and as accurate as possible

Disclaimer

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Contributors

Assessor

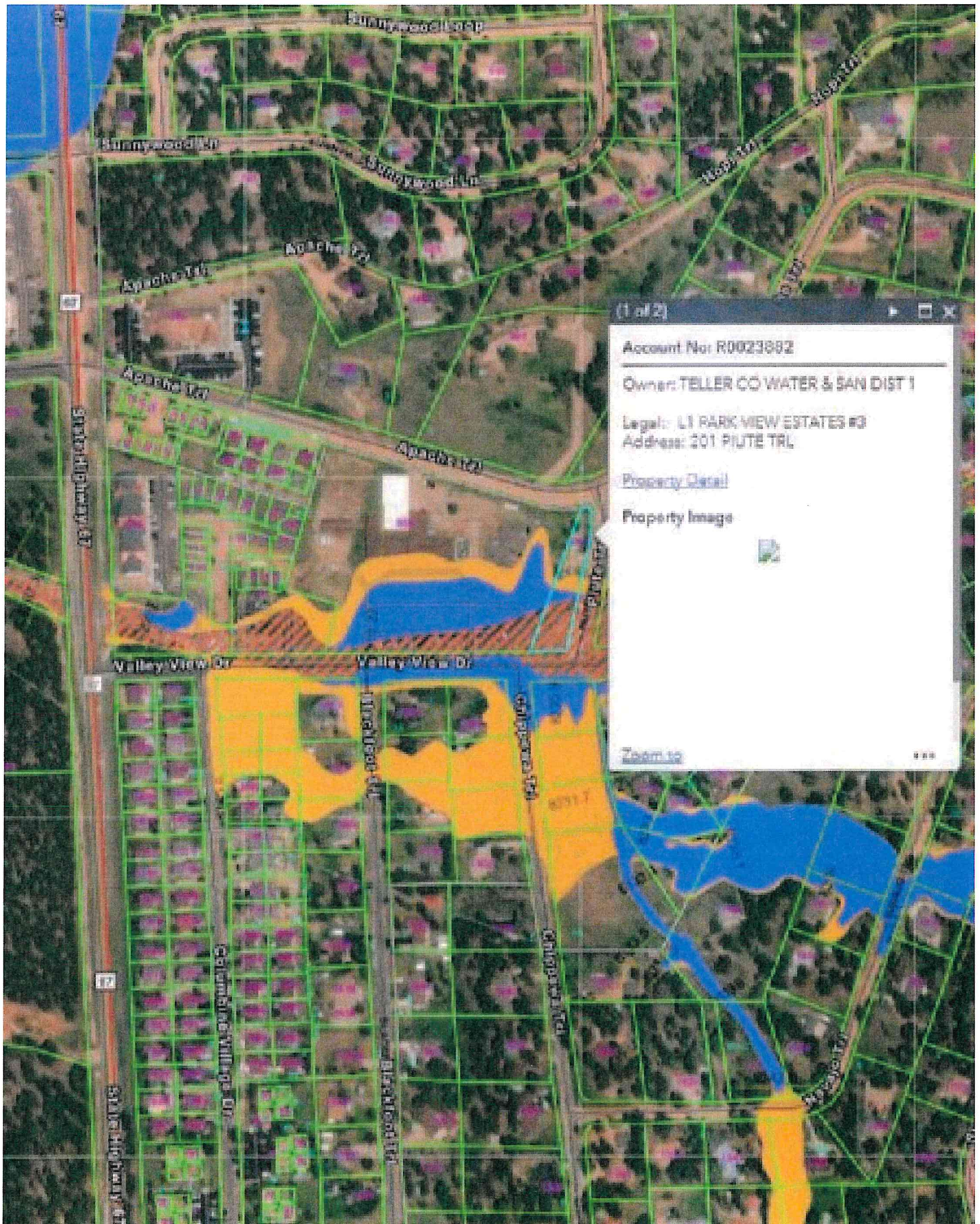
Treasurer

Clerk and Recorder

Community Development Services Division (CDSO)

[Mail comments or suggestions to web developer](#)

Teller County Information Technology © 2022



(1 of 2)

Account No: R0023882

Owner: TELLER CO WATER & SAN DIST 1

Legal: L1 PARK VIEW ESTATES #3

Address: 201 PIUTE TRL

[Property Detail](#)

[Property Image](#)



[Zoom to](#)

888



SITE DESCRIPTION FOR SETBACK VARIANCE APPLICATION

A new building is proposed to be constructed at 201 Piute Trail, Woodland Park, CO, 80863. The building will house water treatment equipment to be owned and operated by Teller County Water and Sanitation District #1. We are asking the Board of Adjustment to grant a 3-foot setback variance on the eastern side of the building facing Piute Trail and a 9-foot and six-inch variance on the western side of the building.

As shown in the site plan submitted with this application, the proposed building is 24 ft. north to south and 26 ft. east to west. The land parcel the building is to be constructed on is relatively long (north to south dimension) and narrow (east to west dimension).

Given the planned location and orientation of the new building, approximately 22 ft. is available as a setback to the edge of asphalt of Piute Trail to the east. To the west, approximately 15 ft. and 6 in. is available as a setback to the assumed property boundary. It is assumed the western property boundary coincides with the western edge of the 10 ft.-wide utility easement that runs along the west side of the parcel.

The parcel gradually widens to the south; however, relocating the building further south is infeasible for two reasons. First, a designated floodplain exists along the southern portion of the parcel. It is desired to avoid any development within the floodplain. Second, there is around 250 ft. of 24-in. diameter pipe buried along the south portion of the parcel. This length of pipe is critical for proper disinfection of the drinking water produced at the facility. Relocating the building further south would mean a longer section of pipe would need to be abandoned and additional pipe would need to be added onto the southern pipe edge within the floodplain zone.

As described earlier, the challenge that exists with the parcel in this project is its exceptional narrowness. This condition is not necessarily applicable to other lands in the same zone district. This condition did not result from the actions of the owner or applicant. The literal interpretation of Title 18 would deprive the applicant/owner the right to feasibly construct this facility. If a variance is granted, the applicant/owner will not confer any special privileges denied to other lands or structures in the same zone district.

5540 TECH CENTER DRIVE
SUITE 100
COLORADO SPRINGS, CO 80919
719.227.0072



SUPPLEMENTARY PROJECT DESCRIPTION AND CODES

1.0 PROJECT OVERVIEW

This is a water treatment facility upgrade project for Teller County Water and Sanitation District #1. The project entails construction of a new 24'x26' building to house new treatment equipment. The new building will be constructed to the immediate south of two existing water treatment buildings owned by the District. The new building will be located at the address 201 Piute Trail, Woodland Park, CO, 80863.

The project site is on a narrow parcel of land owned by the District. The parcel is bordered to the north by Apache Trail, to the east by Piute Trail, to the south by Valley View Drive, and to the west by a parcel owned by Woodland Park Community Church. The southern end of the parcel occupies a floodplain. No activities associated with the project will take place within the floodplain. A ten-foot utility easement runs along the western border of the parcel. A variance is requested for this project as the narrow parcel cannot accommodate the typical setback requirement for an SR zone of 25 feet.

2.0 CHAPTER 18.33 – USE REGULATIONS AND PERFORMANCE STANDARDS

SECTIONS 18.33.010 THROUGH 18.33.170

This project complies with Chapter 18.33 of the City of Woodland Park Code of Ordinances. There will be no flammable or explosive materials stored on site. No smoke or other particulate emissions shall be emitted from the new structure. No vibrations or glare will be emitted that will be discernible from adjoining properties or public places. The designated use of this facility will not impact traffic nor substantially increase the burden on public utilities or facilities. Community welfare will not be adversely affected and will in fact be beneficially affected thanks to the resulting improved public water supply. Sections 18.33.125 through 18.33.170 in the Code of Ordinances do not apply to this project since none of the referenced uses are applicable.

SECTION 18.33.180

This section will follow the format laid out in Code of Ordinances Section 18.33.180 to ensure each design standard is addressed.

- A. This project entails a new real property and is therefore subject to section 18.33.180.
- B. Approximately 90% of the land area of the parcel will remain as open space following this project. This open space counts both undeveloped land and the drainage garden planned on the west side of the new structure.
- C. No on-site walkways will be constructed.
- D. Two existing significant trees onsite will be relocated.
- E. No parking lot will be constructed.
- F. On-site lighting will not cast light beyond the property limits. Lighting standards shall not exceed five feet taller than the primary building height.
- G. The building site is relatively flat with little topographical variation. Spacing between buildings, both new and existing, will be similar. The building size shall be similar to the

5540 TECH CENTER DRIVE
SUITE 100
COLORADO SPRINGS, CO 80919
719.227.0072



existing structures on site. Building placement, materials, and exterior finish shall be consistent with existing adjacent structures.

3.0 CHAPTER 18.34 – SITE PLAN

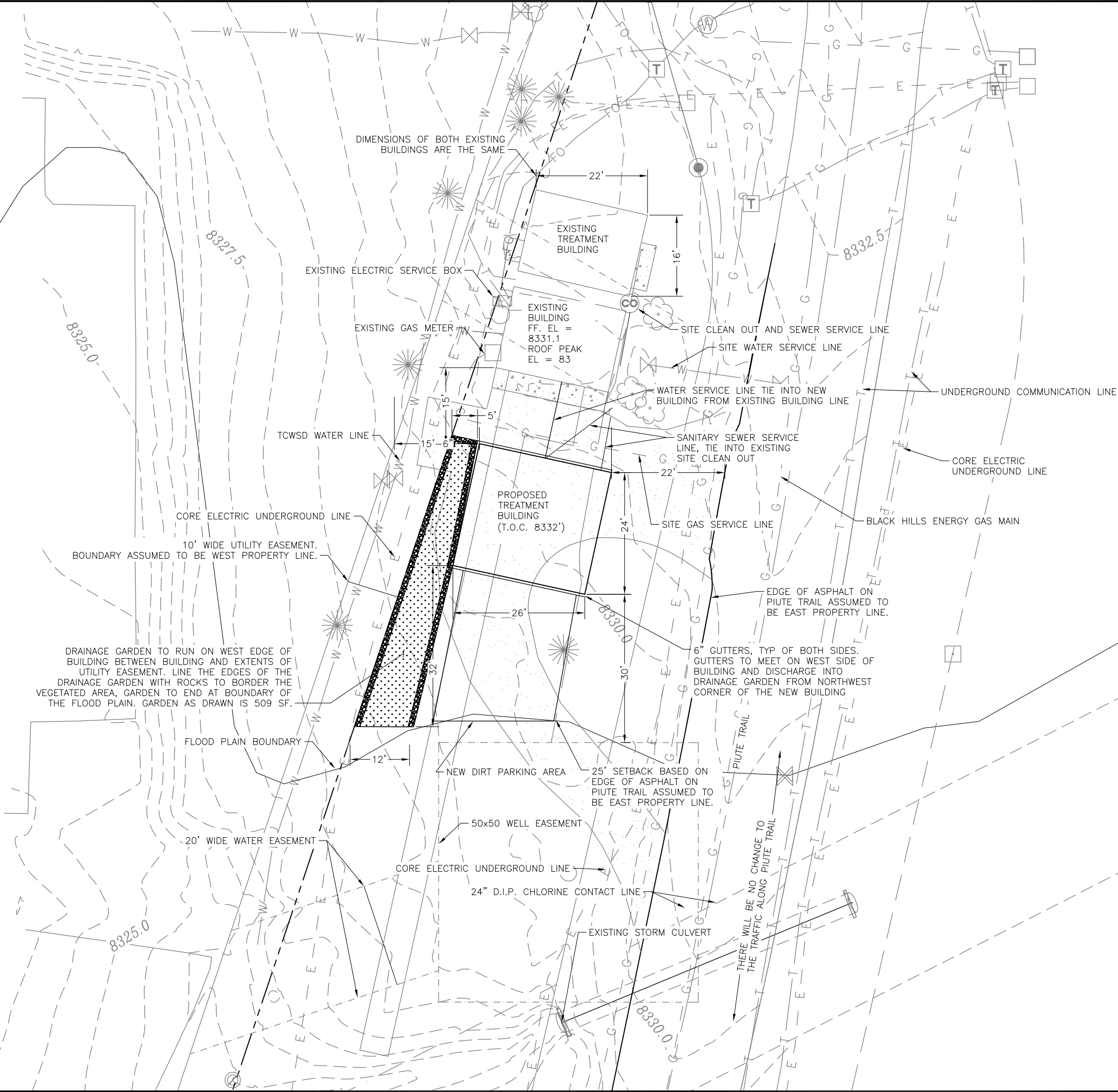
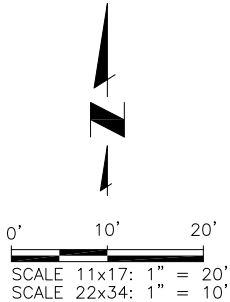
A site plan for permitted use is submitted along with the general application for this project.

4.0 CHAPTER 18.39 – OFF STREET PARKING AND LOADING

The proposed structure will typically only be visited by the treatment plant operator and occasionally by chemical delivery drivers. Very little parking demand is anticipated. No new parking spaces are proposed and the current practice of plant visitors parking on the unpaved ground on site is planned to continue.

2023/12/05 3:22 PM By: Gerald (Jerry) Duncan N:\Projects\364 Teller County WSD\364-01 BDR-Ion Exchange For Radium Removal\Drawings\Working\36401_Civil.dwg

1" IF BAR DOES NOT MEASURE ONE INCH SCALE OF THE DRAWING HAS BEEN ALTERED



Colorado Springs, CO
5540 Tech Center Dr., Suite 100
Colorado Springs, CO 80919
Phone: 719.227.0072
www.respec.com

TELLER COUNTY WATER AND SANITATION DISTRICT NO.1

PERMIT SITE PLAN

REVISIONS			
NO.	DESCRIPTION	BY	DATE
1			
2			
3			
4			
5			
6			
7			

Proj.#: 364.01
Date: 06/15/2023
Design: REM
Drawn: REM
Check: DES

SP
SHEET 1 OF 1

1. OWNER TO SELECT ALL COLORS. SEE SPECIFICATIONS FOR FINISH. VERIFY COLOR WITH OWNER PRIOR TO FABRICATION.
2. SUBMIT SHOP DRAWINGS FOR SS METAL ROOF FOR APPROVAL PRIOR TO FABRICATION.
3. SEE ELECTRICAL DRAWINGS FOR EXTERIOR LIGHT FIXTURE LOCATIONS.
4. CONTRACTOR TO INSTALL RIDGE VENT ACROSS ENTIRE ROOF RIDGE.
5. FINISHED FLOOR ELEVATION VARIES. SEE SHEET S3 FOR ELEVATIONS.



TELLER COUNTY WATER AND SANITATION DISTRICT NO.1
RADIUM REMOVAL TREATMENT ADDITION
ARCHITECTURAL ELEVATIONS

REVISIONS				
NO.	DESCRIPTION	BY	APP.	DATE
1				
2				
3				
4				
5				
6				

70% DESIGN

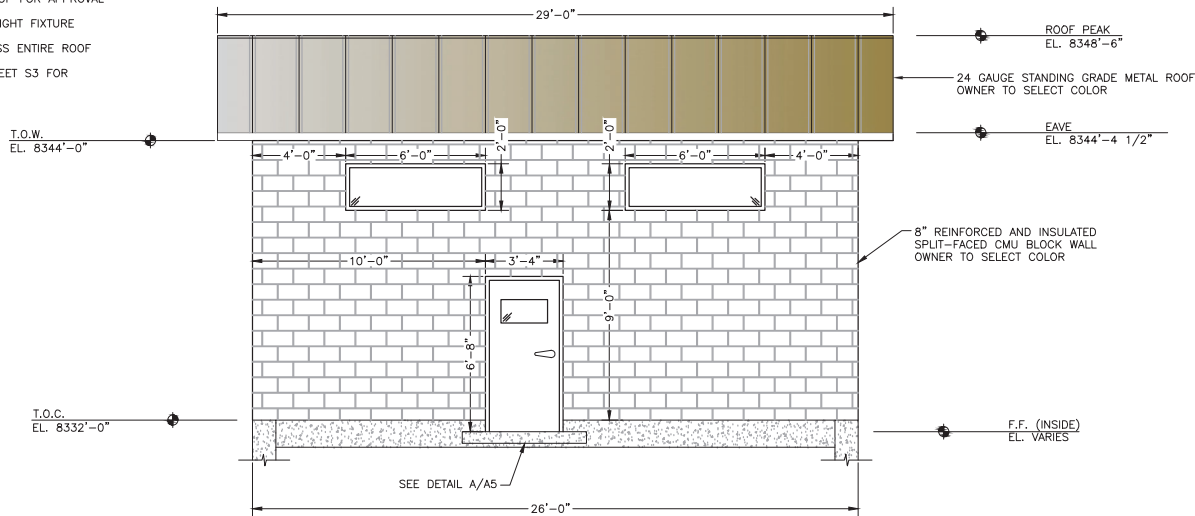


Proj.#: 364.01
Date: 06/15/2023
Design: REM
Drawn: REM
Check: DES

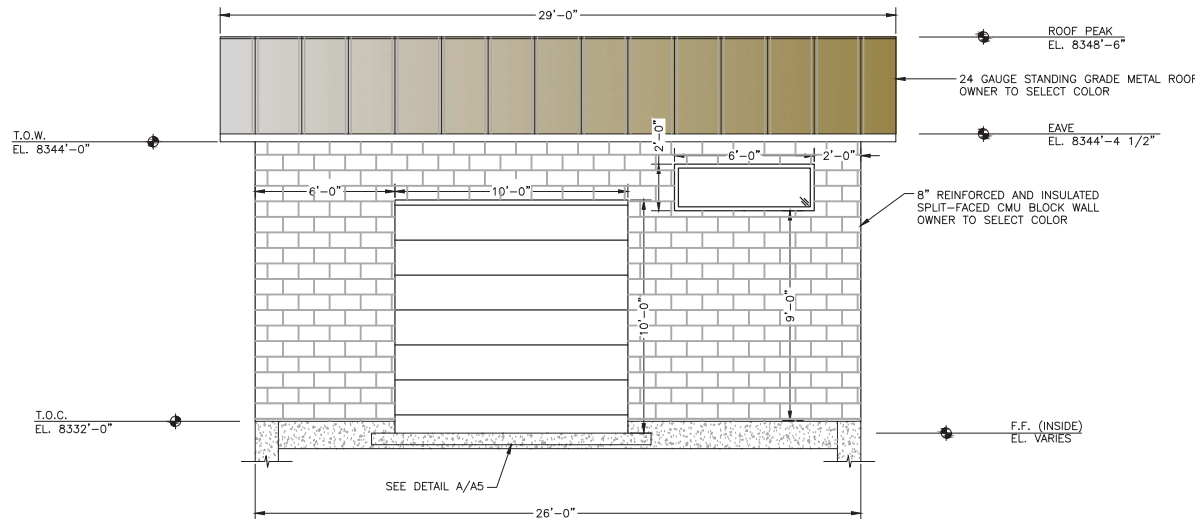
A3
SHEET 29 OF

2023/06/15 5:04 PM By: Riley Miller N:\Projects\364 Teller County WSD\364.01 BDR-Ion Exchange For Radium Removal\Drawings\Working\36401_Arch.dwg IF BAR DOES NOT MEASURE ONE INCH, SCALE OF THIS DRAWING HAS BEEN ALTERED

- NOTES:
1. OWNER TO SELECT ALL COLORS. SEE SPECIFICATIONS FOR FINISH. VERIFY COLOR WITH OWNER PRIOR TO FABRICATION.
 2. SUBMIT SHOP DRAWINGS FOR SS METAL ROOF FOR APPROVAL PRIOR TO FABRICATION.
 3. SEE ELECTRICAL DRAWINGS FOR EXTERIOR LIGHT FIXTURE LOCATIONS.
 4. CONTRACTOR TO INSTALL RIDGE VENT ACROSS ENTIRE ROOF.
 5. FINISHED FLOOR ELEVATION VARIES. SEE SHEET S3 FOR ELEVATIONS.



NORTH ELEVATION VIEW
SCALE: 3/16"=1'-0"



SOUTH ELEVATION VIEW
SCALE: 3/16"=1'-0"



TELLER COUNTY WATER AND SANITATION DISTRICT NO.1
RADIIUM REMOVAL TREATMENT ADDITION
ARCHITECTURAL ELEVATIONS

NO.	DESCRIPTION	BY	APP.	DATE
1				
2				
3				
4				
5				
6				
7				

70% DESIGN



Proj.#: 364.01
Date: 06/15/2023
Design: REM
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Check: DES

A4
SHEET 30 OF 38