



## AGENDA

**Planning Commission**  
**Tuesday, August 11, 2020**  
**6:30 p.m. \*Zoom Virtual Meeting**

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**1. CALL TO ORDER**

**2. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA**

**3. MINUTES**

- a. Minutes of the July 28, 2020 Special Meeting

**4. PUBLIC COMMENT**

- a. Members of the Public May Address Items Not Germane to the Agenda

**5. UNFINISHED BUSINESS**

- a. Election of Officers – Vice Chair. Discussion and Consideration Continued from July 28, 2020 Special Meeting
- b. Green Mountain Falls Ordinance 2020-03 Amending Chapter 2– Discussion Continued from July 28, 2020 Special Meeting

**6. NEW BUSINESS**

- a. PR2020-14 Deck Replacement – Architectural and Zoning Plan Review of Deck Replacement at 18005 Falls Avenue. Ed and Marilyn Johnston, Owners
- b. PR2020-15 Fence – Zoning Plan Review of Fence at 6880 Colorado Street. Richard and Debra Brewster, Owners
- c. V2020-01 Zoning Variance – New Deck with No Front Setback Distance Where Fifteen Feet is Required at 10845 Denver Avenue. Jon and Lorraine Van Sant, Owners
- d. Rev2020-04 Revocable Permit – New Deck Occupying the Space Upon and Above the Surface of Public Property at 6880 Denver Avenue. Jon and Lorraine Van Sant, Owners

**7. OTHER BUSINESS**

- a. Planning Commission Vacancies – Discussion and Input to Staff on Permanent and Alternate Positions
- b. Red Devil Mountain Annexation – Status Update on Annexation Petition and Schedule

**8. ADJOURNMENT**

**\*Participants can join by using the following Zoom Meeting link or phone number:**

[Meeting Link](#)

**Meeting ID: 875 2989 3440**

**Passcode: 933245**

**Meeting Phone: 1 (346) 248-7799**





## MEETING MINUTES

### Planning Commission Special Meeting July 28, 2020 6:30 p.m. Zoom Virtual Meeting

Commissioners Present: Rocco Blasi, Dick Bratton, Todd Dixon, Sean Ives, Paul Yingling

Ex officio member: Mayor Jane Newberry

Board of Trustees liaison and recorder: Katharine Guthrie

GMF staff: Julia Simmons

[Agenda Packet Link](#)

Agenda Item	Motion/Discussion	M/S	RB	DB	TD	SI	PY	JN
1. CALL TO ORDER / ROLL CALL	Commissioner Blasi called the meeting to order at 6:41 PM Chair Bratton is having technical difficulties with Zoom and joined the meeting via phone during New Business.							
2. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA	Move to accept the agenda after moving agenda items 5d and 5e before 5b and 5c.	RB/PY	aye		aye	aye	aye	
	The minutes reflect the change in order, putting the deck permits prior to the SFH Plan Review and Grading Permit.							
3. APPROVAL OF MINUTES June 9, 2020	Move to accept the minutes as submitted. Motion carries. All aye.	RB/PY	aye		aye	aye	aye	
4. PUBLIC COMMENT	No members of the public asked to be recognized for public comment.							
5. UNFINISHED BUSINESS								
6. NEW BUSINESS								
Welcome New Commissioners and Officer Election, Vice Chair	Chair welcomes the two new members, Ives and Dixon. Move to elect officers at next regularly scheduled PC meeting.	RB/DB	aye	aye	aye	aye	aye	



Agenda Item	Motion/Discussion	M/S	RB	DB	TD	SI	PY	JN
PR2020-11 Deck Permit – Architectural and Zoning Plan Review for Deck Repairs at 10775 Denver Street. Beth Knox Gomez, Owner.	Move to recommend the Board of Trustees approve of PR2020-11 Deck Permit with the following conditions: 1. Regional Building permit number for electronic approval 2. Contractor has GMF business license							
PR2020-12 Deck Permit- Architectural and Zoning Plan Review of 200 SF Deck at 6880 Denver Avenue. Quentin M. Trumble, Aletheia Building Co., LLC, on Behalf of Rick and Debra Brewster, Owners.	Move to recommend the Board of Trustees approve of PR2020-12 Deck Permit with no conditions. Motion carries. All aye.	PY/TD	aye	aye	aye	aye	aye	
The Chair opened the public hearing on Agenda item 5b, PR2020-10	<p>Mr. Fritz Kiersch, property owner at 11075 Falls Avenue, is recognized for public comment. He expresses concerns regarding new septic construction: how the positioning and proximity of leach field impact the adjacent and downslope properties; types of tests were conducted to determine the septic would be safe; whether paperwork will be made public prior to approval of the home and construction; will geologic paperwork be available since preliminary PC approval can be made without it?</p> <p>Chairperson: the answers must come from EPC Health Dept., as GMF is not involved in the septic tank approval. The Commission could put some conditions on final GMF approval prior to RBD signing off on the final design.</p> <p>Mr. Cantrell: engineer is licensed, designing to specifications that EPC require to protect water and neighbors during design and installation. There are setback requirements on east side of property and other septic systems. The only place this leach field can go is exactly where the site plans show.</p> <p>Mr. Kiersch asks further questions regarding engineering and health regulations, requesting paperwork from EPC.</p> <p>Chairperson: stops the conversation to direct Mr. Kiersch to write comment to EPC; septic is not on the agenda for review by GMF PC. The Planning Commission will not hold up a building permit for septic.</p>							
PR2020-10 SFH Residential Construction – Architectural and Zoning Plan Review of 800SF Home at 13105 Iona Trail. Michael Cantrell, Rustic Mountain Builders on Behalf of Cheri Graham, Owner	Move to recommend the Board of Trustees approve of PR2020-10 SFH Residential Construction with the following conditions: 1. Regional Building Department review and approval 2. El Paso Health Department approval of septic design	TD/PY	aye	aye	aye	aye	aye	



Agenda Item	Motion/Discussion	M/S	RB	DB	TD	SI	PY	JN
	3. Third party on-call engineering review of the site plan for erosion control compliance, the cost of which will be passed-through to the Applicant; 4. The builder and all sub-contractors must have current GMF business license Motion carries. All aye.							
GR2020-01 Residential Construction – Grading Permit with Erosion Control Plan for Residential Construction and Driveway at 13105 Iona Trail. Michael Cantrell, Rustic Mountain Builders on Behalf of Cheri Graham, Owner	Move to recommend the Board of Trustees approve GR2020-01 with the following conditions: 1. The GMF on-call engineer review the grading/ECP for compliance with GMF Zoning and Subdivision Code so as to minimize erosion, run-off, and potential damage to private property and public ROW; 2. The Applicant coordinates with GMF Public Works as to the route that construction crews and equipment will use to access the property and confirm any temporary road closures with the Marshal's office; 3. The Applicant confirms the proposed driveway meets 10-foot minimum width; 4. The GMF on-call engineer review the driveway plan and make a recommendation as to whether a drainage culvert is necessary to preserve public ROW; 5. The Applicant submit an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his or her attorney-in-fact. The statement shall include the mailing and street addresses of the principal place of business of the persons	TD/PY	aye	aye	aye	aye	aye	



Agenda Item	Motion/Discussion	M/S	RB	DB	TD	SI	PY	JN
	<p>financially responsible and of the owner of the land and their registered agents;</p> <p>6. The general contractor and sub-contractors show proof of current GMF business license</p> <p>Motion carries. All aye.</p>							
7. OTHER BUSINESS								
a. <a href="#">Plan GMF 2019 Comprehensive Plan Implementation – Presentation and Discussion.</a> Commissioner Blasi	<p>Commissioner Blasi gives a brief overview of the two-year comp plan process, which ended with an approved document in June 2019. Would like 2019 Plan GMF to be an item on every month's agenda with potential homework to expedite implementation actions.</p> <p>Discussion of possible subcommittee to make specific recommendations to the Board of Trustees. Mayor Newberry suggests this item should go to the Board as the implementing arm and decide what the PC's role should be.</p> <p>Move to add discussion of Comprehensive Plan to Planning Commission meeting agendas.</p> <p>Motion carries. All aye.</p>	TD/PY	aye	aye	aye	aye	aye	
b. <a href="#">Green Mountain Falls Ordinance 2020-03 Amending Chapter 2– Discussion.</a> Commissioner Blasi	<p>Move to continue discussion at the next Planning Commission meeting.</p> <p>Motion carries. All aye</p>	DB/RB	aye	aye	aye	aye	aye	
8. ADJOURNMENT	Chair Bratton adjourned the meeting at 8:29 PM							





To: Planning Commission  
From: GMF Land Use & Planning  
Date: August 7, 2020  
Re: Plan Review PR2020-14, Deck Replacement Deck at 11085 Falls Avenue

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### **Background**

The Applicant is requesting the Planning Commission's consideration for Plan Review of a replacement deck, no change in footprint. Town Hall received a Land Use Approval Application, Site Plan, and the Application fee.

### **Discussion**

#### **Sec. 16-307. - R-1 20,000 Single-Family Residential District.**

(d) Development requirements:

- (1) Minimum lot area: twenty thousand (20,000) square feet,
- (2) Minimum frontage: one hundred (100) feet.
- (3) Minimum lot width: one hundred (100) feet at front building setback line.
- (4) Setback requirements:
  - a. front, fifteen (15) feet
  - b. side, ten (10) feet
  - c. rear, ten (10) feet

The electronic file maintained by Town Hall, *Official Town Zoning Map 2007*, and the El Paso County Assessor's Office show the 29,200 SF property is zoned R-1 20,000 Single-Family Residential. The subject property is in the designated Hillside Overlay Zone.

Site plans and correspondence with the Applicant show the finish construction setbacks to be greater-than 15 feet to the west and greater-than 50 feet to the east; 10-feet to the east, 20' to the west, and greater-than 40' from the rear of the property, which meets the minimum Zoning Code requirements.

#### **Sec. 16-705. - Building permits; architectural review**

##### **The Zoning Code §16-705(d)(2) – Procedure**

*As a minimum, the following specific criteria shall be considered by the Planning Commission*

- a. Architectural compatibility;*
- b. Bulk of the proposed building or structure in relation to surrounding buildings and land;*
- c. Vehicular access and parking;*
- d. Pedestrian access; and*
- e. Relation to existing and future open space.*



The deck will be replaced with pressure-treated redwood. The Applicant submitted the following details in addition to the letter of explanation: The deck spans the back of the house and is basically 40ft. x 12ft, with four steps down at each end. We are simply replacing the structural grid and decking. There is no change to the footprint from the old deck. The deck sits below the ground level facing up the hill to the south side of the house. This does not impact our primary entrance on the north facing side of the house.

**Conclusion**

Staff has reviewed the Applicant's materials and recommends approval of the deck permit with the following conditions:

1. proof of a current GMF business license
2. Submittal of RBD plan and permit number for electronic GMF Zoning approval



MS Simmons,

Please see the attached Land Use Approval Application and photos of the old deck below ground profile. None of the dimensions and or height of railings are changing. The stairs at each end of the deck are in the same locations. As the owner contractor we have demoed and removed the old deck structure and cleaned up debris and soil erosion under the deck.

Also included are the photos of the old weathered deck that was recently removed.

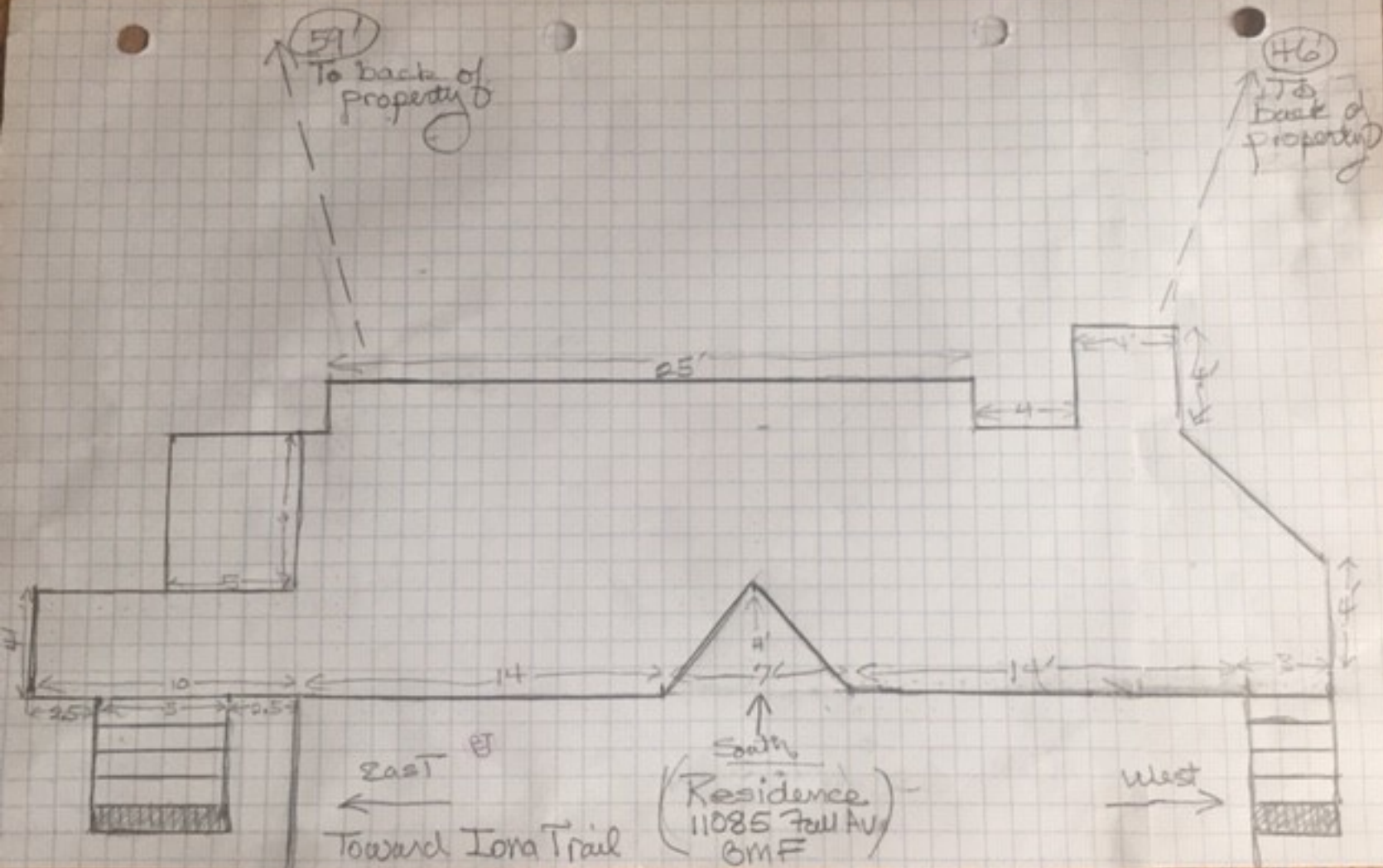
Respectfully Submitted,

Ed Johnston

Please let us know next steps and when approved by GMF planning since we cannot attend a regular meeting in person.

PS I previously served on the GMF Planning Commision for 8 years and will respectfully follow any requirements and permit processes,



















July 20, 2020

Ms. Julia Simmons

Department of Land Use Planning

Town of Green Mountain Falls

10615 Green Mountain Falls Road

Green Mountain Falls, CO 80819

Re: Fence Permit Letter of Explanation

Dear Ms. Simmons:

- 1) Description of proposed project – we are replacing an existing wire fence with a cedar fence
  - a. Const. schedule – completion in July 2020.
  - b. Zoning - R1 per the Town's 2019 Zoning Map
  - c. Fence materials -the fence will consist of 72" tall x 3-1/2" wide cedar pickets. The fence posts are 4" x 4" pressure treated wood posts set to an 18" depth in concrete. The fence facing Colorado Street has pickets with a spacing of 3-1/2 inches between them. Along the northern lot line and the rear lot line the pickets are solid.
  - d. There are no traffic vision obstructions.
- 2) Site plan information
  - a. There are several attachments to this submittal.
    - i. A copy of the 1984 Survey of the property.
    - ii. A copy of the site plan showing the fence with ties to the property lines
    - iii. A copy of a 1994 topographic survey showing the driveway
  - b. The house faces Colorado Street with the Indiana Right of Way to the rear.
  - c. Setbacks for R-1 5000 zoning are:
    - i. Front 15'
    - ii. Side 5'
    - iii. Rear 10'

Let me know if you need additional information

Sincerely,

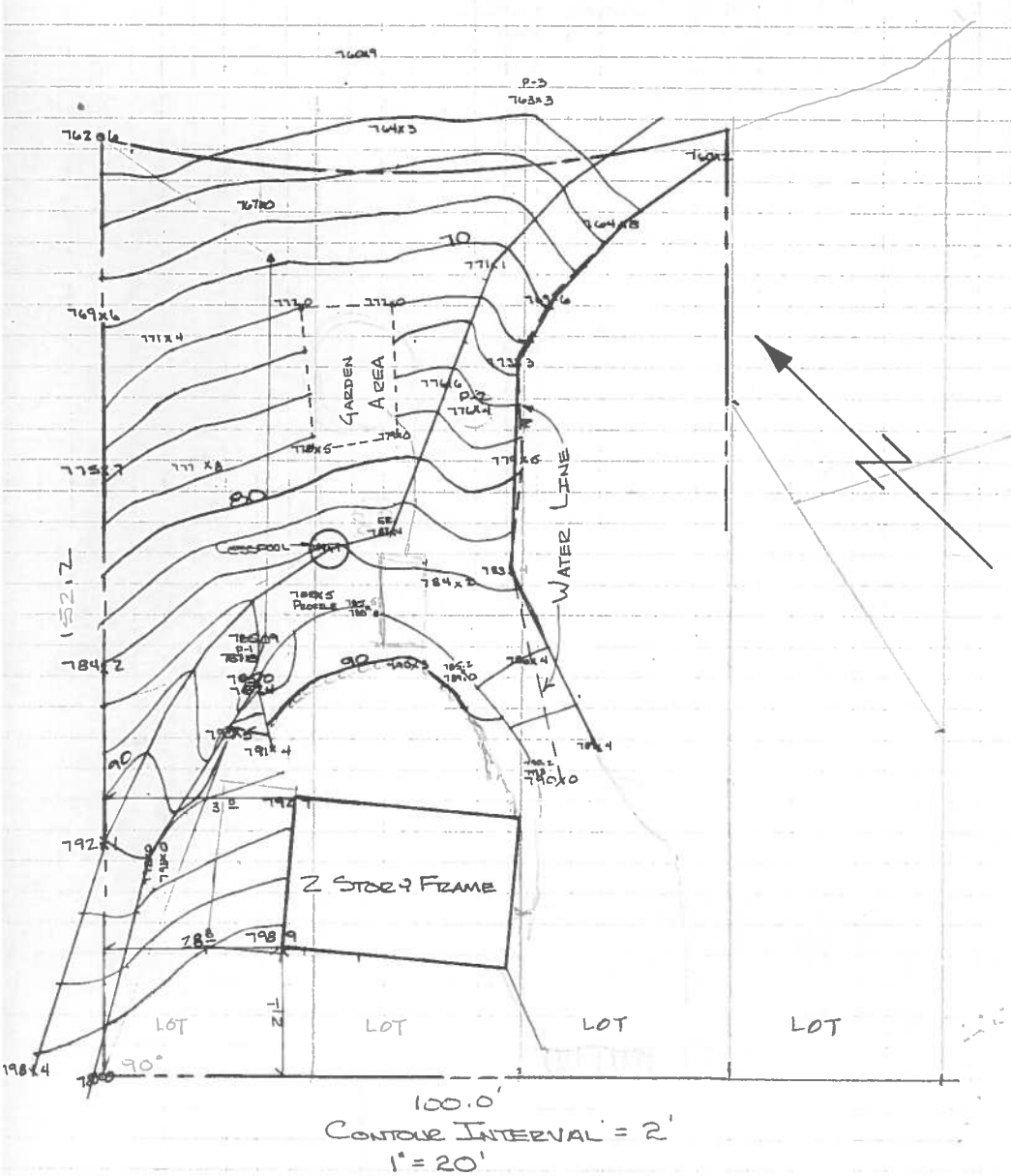
Rick Brewster

6880 Colorado Street

P. O. Box 628

Green Mountain Falls, CO 80819

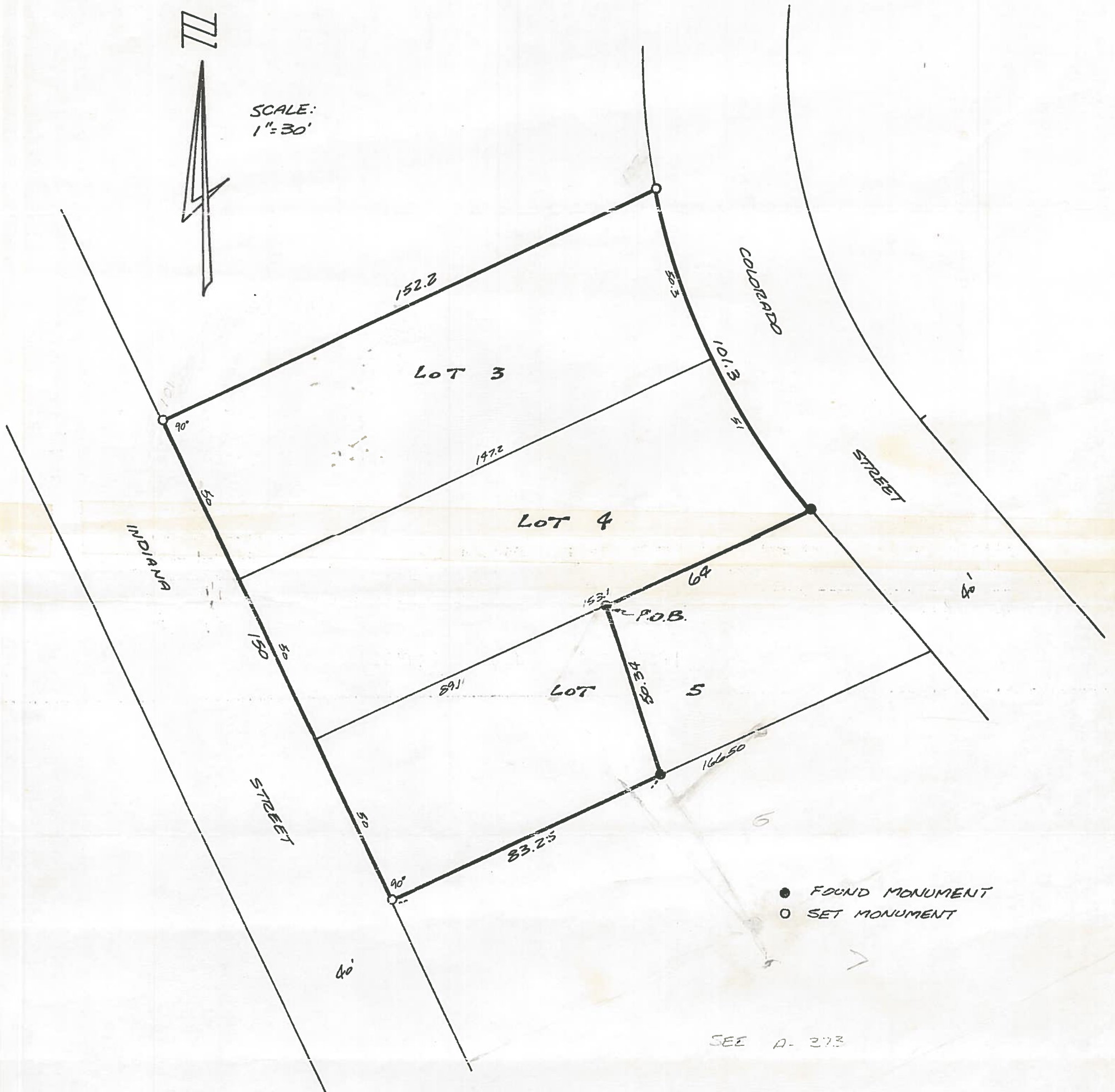






# PLAT OF SURVEY

OF LOTS 3 AND 4, AND THAT PORTION OF LOT 5 DESCRIBED AS FOLLOWS; COMMENCING AT A POINT ON THE NORTHERLY LINE OF LOT 5 WHICH IS 64 FEET WESTERLY FROM THE NORTHEAST CORNER THEREOF; THENCE SOUTHERLY TO A POINT ON THE SOUTHERLY LINE THAT IS COINCIDENT WITH A POINT ON THE NORTHERLY LINE OF LOT 6 WHICH IS 83.25 FEET EASTERLY FROM THE NORTHWESTERLY CORNER THEREOF; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 5 TO THE SOUTHWESTERLY CORNER THEREOF; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE WESTERLY LINE OF SAID LOT 5 TO THE MOST WESTERLY CORNER THEREOF; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 5 TO THE POINT OF BEGINNING, ALL IN BLOCK 49 IN FIFTH ADDITION TO GREEN MOUNTAIN FALLS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK C AT PAGE 49, IN EL PASO COUNTY, COLORADO.



I, MICHAEL J. LAMBERT, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL AT WOODLAND PARK, COLORADO, THIS 4TH DAY OF JANUARY A.D. 1984.

*Michael J. Lambert*





To: Planning Commission  
From: GMF Land Use & Planning  
Date: August 6, 2020  
Re: Variance V2020-01, Deck Replacement at 10845 Denver Avenue

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### **Background**

The Applicant is requesting the Planning Commission's recommendation to the Board of Trustees for a Zoning Variance to build a new deck with no setback where fifteen (15) feet is required.

Town Hall received a Land Use Approval Application and site plans on 21 July 2020.

Planning Commission Recommended Actions:

- Public hearing
- Review proposed project application for compliance with Green Mountain Falls Zoning and Land Use Code
- Recommend approval, approval subject to conditions, or disapproval to the Board of Trustees

### **Discussion**

#### **Sec. 16-306. - R-1 10,000 Single-Family Residential District.**

(d) Development requirements:

- (1) Minimum lot area: ten thousand (10,000) square feet.
- (2) Minimum frontage: one hundred (100) feet.
- (3) Minimum lot width: one hundred (100) feet at front building setback line.
- (4) Setback requirements:
  - a. front, fifteen (15) feet
  - b. side, ten (10) feet
  - c. rear, ten (10) feet

The electronic file maintained by Town Hall, *Official Town Zoning Map 2007*, and the El Paso County Assessor's Office show the 15,375 SF property is zoned R-1 10,000 Single-Family Residential. The subject property is in the designated Hillside Overlay Zone.

The Applicants are pursuing a Zoning Variance to deviate from the front property line setback distance but otherwise meet the minimum lot requirements.

#### **Sec. 16-705. - Building permits; architectural review**

The Zoning Code §16-705(d)(2) – Procedure

*As a minimum, the following specific criteria shall be considered by the Planning Commission*

- a. Architectural compatibility;*
- b. Bulk of the proposed building or structure in relation to surrounding buildings and land;*
- c. Vehicular access and parking;*
- d. Pedestrian access; and*



*e. Relation to existing and future open space.*

The Applicant included a letter of explanation (attached) and site plans showing existing structure and two proposed options. The Commission is considering Option A as the preferred alternative, a deck of unspecified materials and of unknown length, width, and height. The Applicant will demolish an existing non-conforming redwood structure to rebuild an outdoor living area. The designs for proposed pergola were not included and are therefore will not be considered at this time.

**§16-709. - Variances**

The Applicant's site plans refer to a 1993 Variance, which may have been granted during the home addition project that extended the footprint of the home toward Denver Avenue. However, PPRBD, El Paso County, and GMF do not have records going back that far to show the deck was approved for a variance. A Zoning Variance runs with the land and should be recorded at the County Clerk and Recorder's office. Without a record, the Town considers the existing structure that encroaches the ROW with a 1' setback as a non-conforming structure under §16-708 and the complete destruction and remodel of the deck (or any destruction over 50% of value) will require the new deck to meet the new standards, including existing setback requirements.

A Variance is an extreme remedy used to overcome an exceptional physical condition of a property. The standards for a zoning variance are strict and should be reviewed for a complete understanding of the §16-709.

- (a) No variance in the strict application of the provisions of this Land Use Code, including building requirements, signs and fences, shall be recommended by the Planning Commission or approved by the Board of Trustees unless it finds that the following requirements and standards are satisfied. It is the intent of this Article that the variance be used only to overcome some exceptional physical condition of a parcel of land located within the neighborhood which poses practical difficulty to its development and prevents its owner from using the property as intended by this Land Use Code. Any variation granted shall be the minimum adjustment necessary for the reasonable use of the land.*
- (b) The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the appeal for the variance conforms to the requirements and standards listed below:*
  - (1) The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Land Use Code on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public.*
  - (2) The granting of the variance will not permit the establishment of any use which is not permitted in the district.*
  - (3) There must be proof of unique circumstances. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings in the neighborhood and which circumstances or conditions are such that the strict application of the provisions of this Land Use Code would deprive the applicant of the reasonable use of such land or building.*
  - (4) There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must be suffered directly by the*



*property in question; and evidence of variances granted under similar circumstances shall not be considered.*

- (5) The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted by the Board of Trustees is the minimum variance that will accomplish this purpose. The report of the Planning Commission shall fully set forth the circumstances by which this Land Use Code would deprive the applicant of any reasonable use of his or her land. Mere reasonable loss in value shall not justify a variation; there must be a deprivation of beneficial use of land.*
- (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the adjacent neighborhood.*
- (7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Land Use Code to other lands, structures or buildings in the same district.*

The burden is on the Applicant to prove the proposed project and circumstance meet the strict standards in GMF LU Code. The Applicant's certified signature on the form attests that they have reviewed the requirements. The justification is outlined in a letter to the PC and on language included on Site Plan Sheet A1.1, dated July 17, 2020.

Procedurally, once a complete application is submitted, staff allows itself 45 days to review. A petition letter from GMF (attached) was sent via certified mail to the three adjacent property owners for comments. No comments were received at the time this staff report was written and posted. Town Staff asked the petitioner to post a large-format Public Hearing Notice in a conspicuous location at 10845 Denver Avenue on 28 July 2020 to meet Code requirements.

The Code states the procedure for variance hearings *shall be the same as those for zoning and rezoning, with the exception of the publication requirement contained in Paragraph 16-711(f)(2) below, which shall not be required.*

### **Conclusion**

Staff has reviewed the Applicant's materials and recommends the Planning Commission recommend approval to the Board of Trustees for Zoning Variance V2020-01 for a new deck with no front setback distance at 10845 Denver Avenue with the following conditions:

1. The submitted site plans are amended to confirm the height, length, and width of the proposed structure
2. The building contractor submit proof of a current GMF business license
3. RBD plan and permit numbers be submitted for GMF Zoning electronic approval
4. The applicant coordinates with Town Clerk to show receipt for full payment of a Variance application was submitted
5. The applicant records the Variance at the El Paso County Clerk and Recorder's office
6. The Applicant, or Applicant's representative file as-build plans with GMF once construction is complete



To: Green Mountain Falls Town Planning Commission  
From: Jon VanSant  
Re: Variance for Deck Replacment/Addition at 10845 Denver Ave, GMF CO 80819 (PO Box 808)

The proposed project is a replacement of an old deck as well as a 10 ft expansion to the west of the current deck footprint. In addition, the expansion will include a pergola. The tear down of the old deck and installation of new deck will take approximately 2 months from the time of the town approval. Allowing this variance, would not be contrary to the public interest because I am utilizing very a small portion of a 40 ft right of way of a road that does not go through nor is it expected to anytime in the future. I do not have a garage and the deck is also used as a carport and storage. Curently, on bad snowy or rainy days, water and / or ice accumulates in the west side of the carport and can be dangerous at times. Additionally, stored items often become covered in snow and rain. Allowing an extension of the deck for this variance, will make the deck safer and more secure and ease this hardship. I have spoken to all neighbors (listed below) and all support this proposal.

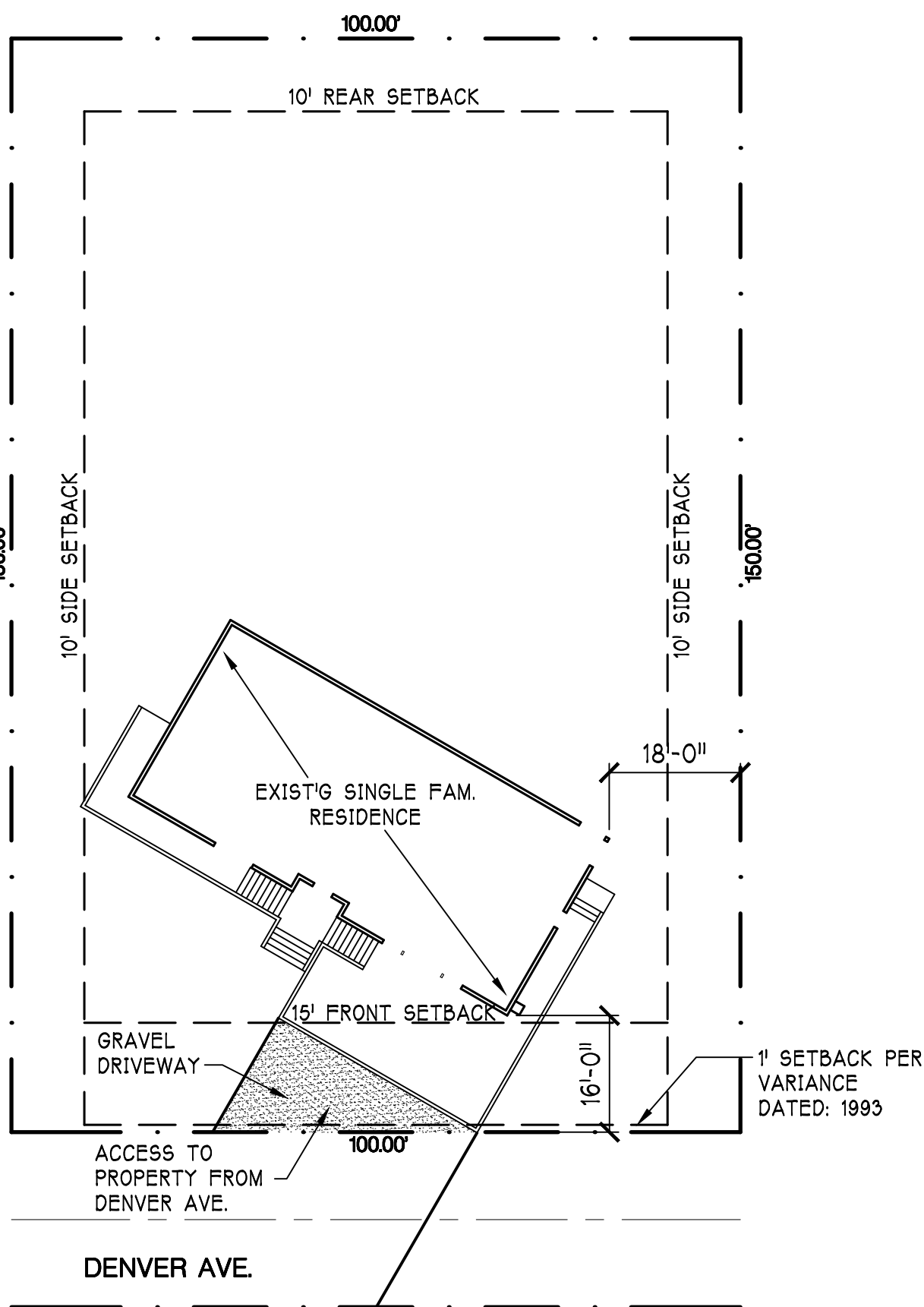
Thank you for your consideration,  
Jon VanSant

Diane Loyd  
10875 Hondo Ave (Also owns 10865 and 10875 Denver Ave)  
P.O. Box 689  
GMF, CO 80819

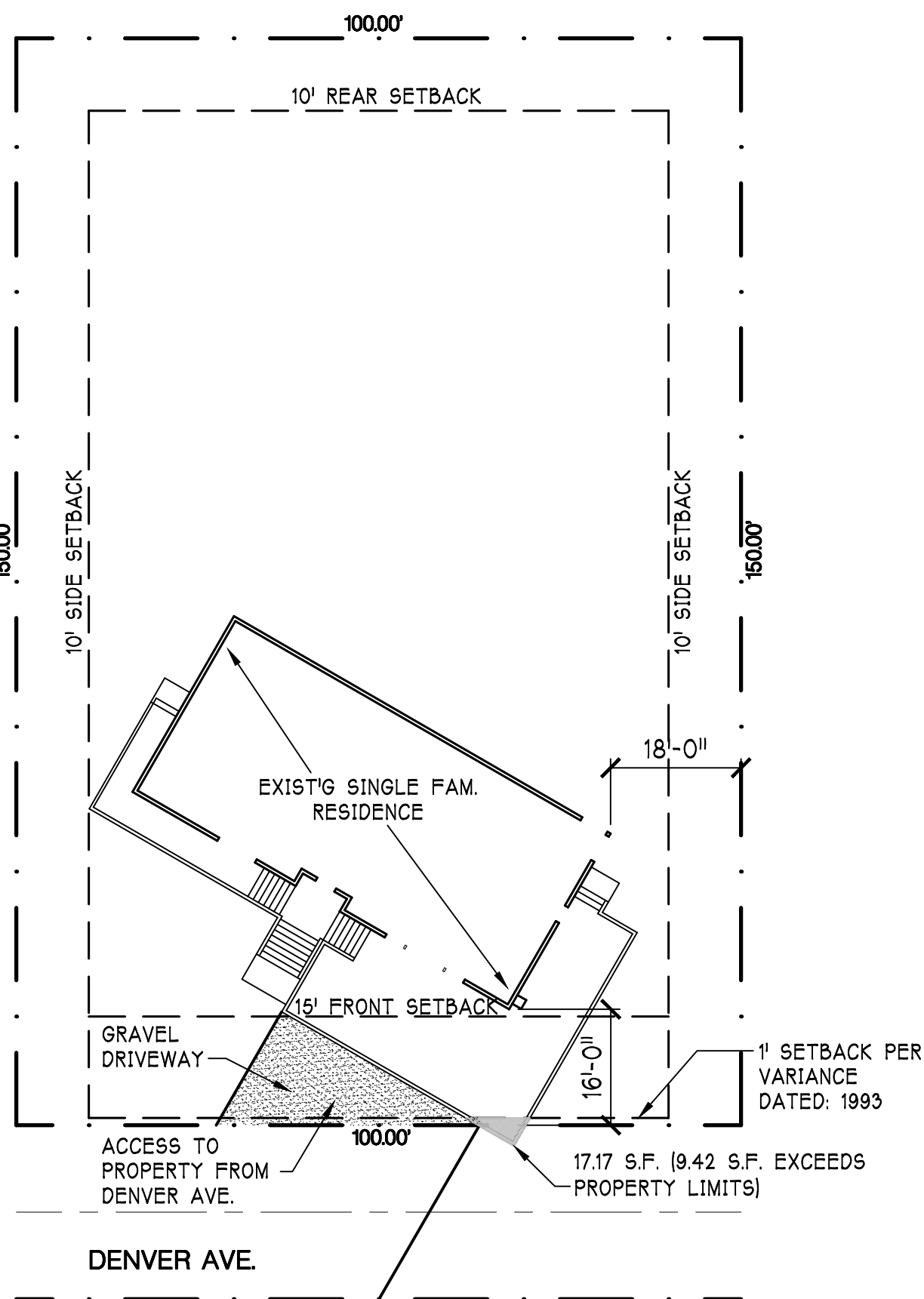
Mike Garcia  
10835 Denver Ave  
P.O. Box 100  
GMF, CO 80819

Phil and Karen Komoroski  
10895 Denver Ave  
604 E 64th Terrace  
Kansas City, MO 64131

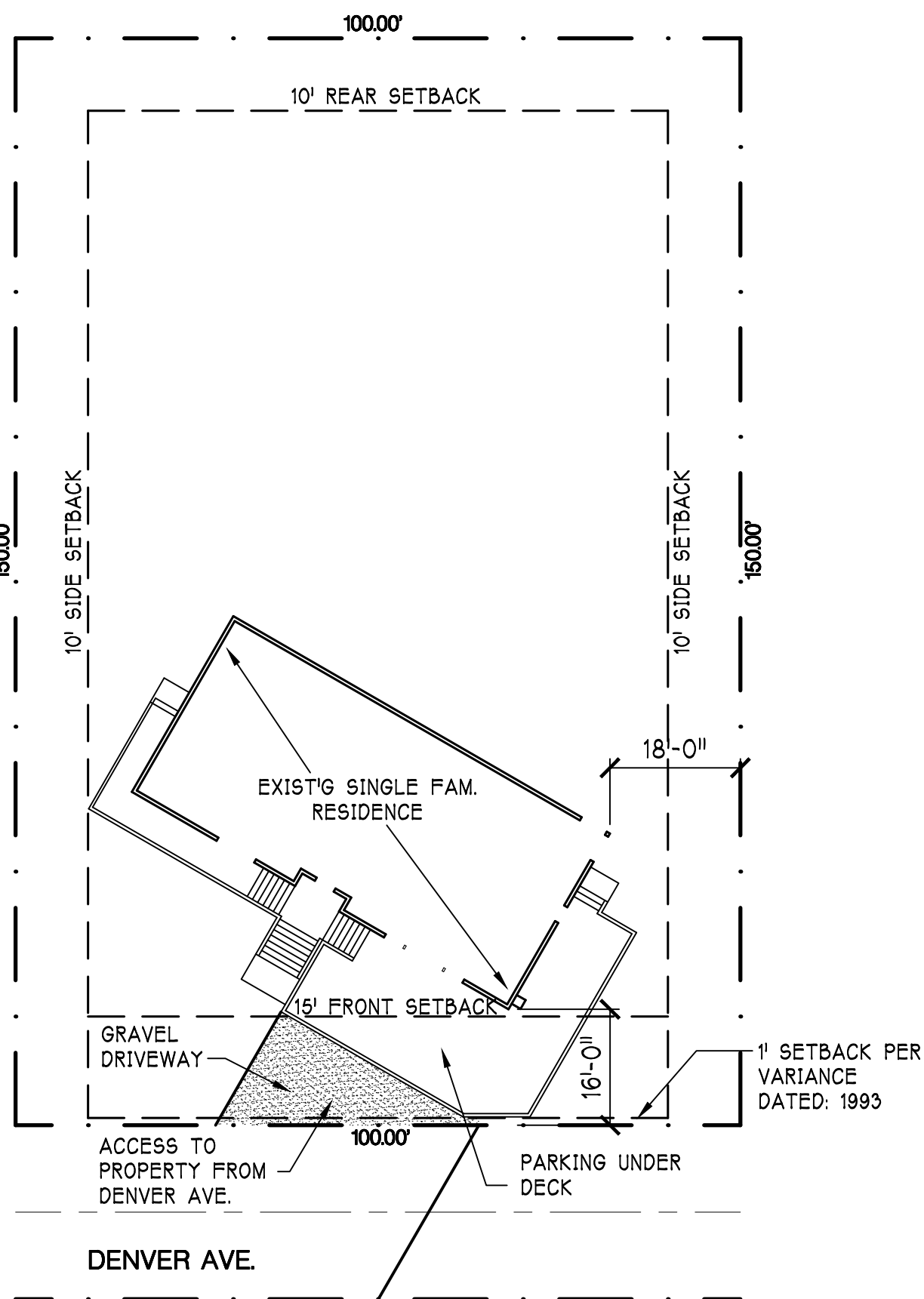




1 EXISTING SITE PLAN  
1" = 20'-0"



2 PROPOSED SITE PLAN - OPTION A  
1" = 20'-0"



3 PROPOSED SITE PLAN - OPTION B  
1" = 20'-0"



#### SITE PLAN NOTE:

SITE PLANS WERE CREATED USING CONSTRUCTION DOCUMENTS PROVIDED BY THE OWNERS. THEY ARE NOT OFFICIAL SURVEYS PREPARED BY A LICENSED ENGINEER

#### EXISTING & PROPOSED TOPOGRAPHY:

1. VARIANCE APPLICATION WILL NOT CHANGE EXISTING TOPOGRAPHY OR HISTORIC DRAINAGE.
2. DECK REPLACEMENT WILL NOT CHANGE EXISTING TOPOGRAPHY OR HISTORIC DRAINAGE.

#### ACCESS TO PROPERTY :

1. THERE IS CURRENTLY ONLY ONE ACCESS POINT TO THE PROPERTY FROM DENVER AVENUE. NEITHER THE VARIANCE APPLICATION NOR THE DECK REPLACEMENT WILL ALTER THE CURRENT ACCESS POINT, NOR ADD ANY ADDITIONAL ACCESS POINTS.

#### GRADING & EXCAVATION:

1. NEITHER THE VARIANCE APPLICATION NOR THE DECK REPLACEMENT WILL ALTER EXISTING GRADING. NO EXCAVATION OTHER THAN DECK PIERS WILL OCCUR.

#### VEGETATION:

1. NEITHER THE VARIANCE APPLICATION NOR THE DECK REPLACEMENT WILL ALTER EXISTING VEGETATION.

#### STEEP SLOPES:

1. WHILE THE PROPERTY IS LOCATED ON A HILLSIDE, NO ALTERATIONS TO THE HILLSIDE WILL BE REQUESTED IN THE VARIANCE APPLICATION OR REQUIRED FOR THE DECK REPLACEMENT. SLOPES WILL REMAIN AS THEY CURRENTLY EXIST.

#### WILD FIRE:

1. WILD FIRE MITIGATION HAS BEEN COMPLETED AND INSPECTED BY THE OWNERS INSURANCE COMPANY. NEITHER THE VARIANCE REQUEST NOR THE DECK REPLACEMENT WILL IMPACT CURRENT MITIGATION.



5 VICINITY MAP  
NOT TO SCALE



Navigation

Search

Languages

MSC Home (/portal/)

MSC Search by Address (/portal/search)

MSC Search All Products (/portal/advancedsearch)

MSC Products and Tools (/portal/resources/productsandtools)

Hazus (/portal/resources/hazus)

LOMAC Batch Files (/portal/resources/omc)

Product Availability (/portal/productAvailability)

MSC Frequently Asked Questions (FAQs) (/portal/resources/faq)

MSC Email Subscriptions (/portal/subscriptions/home)

Contact MSC Help (/portal/resources/contact)

#### FEMA Flood Map Service Center: Search By Address

Enter an address, place, or coordinates: 10845 Denver Avenue, Green Mountain Falls, Colorado

Search

Whether you are in a high risk zone or not, you may need flood insurance. <https://www.fema.gov/national-flood-insurance-program> because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 5 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than \$400 per year. Call your insurance agent today and protect what you've built.

Learn more about [what collateral](https://www.fema.gov/what-collateral) to reduce flood risk damage.

Search Results—Products for GREEN MOUNTAIN FALLS, TOWN OF

Show All Products » (<https://msc.fema.gov/portal/availabilitySearch?addcommunity=080062&communityName=GREEN MOUNTAIN FALLS>)

The flood map for the selected area is number 08041C0467G, effective on 12/07/2018

DYNAMIC MAP

MAP IMAGE

[https://msc.fema.gov/portal/downloadProduct?filepath=08/P/E/08041C0467G.tif&productType=FINAL\\_PRODUCT&productSubType=FIRM\\_PANEL&Changes to this FIRM](https://msc.fema.gov/portal/downloadProduct?filepath=08/P/E/08041C0467G.tif&productType=FINAL_PRODUCT&productSubType=FIRM_PANEL&Changes to this FIRM)

Revisions (0)

Amendments (0)

Revalidations (2)

You can choose a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the search field above. It may take a minute or more during peak hours to generate a dynamic FloodMap. If you are a person with a disability, are blind, or have low vision, and need assistance, please contact a map specialist (<https://msc.fema.gov/portal/resources/contact>).

Go To NHFL Viewer » (<https://hazards.fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0a0d51996444>)



4 FEMA DESIGNATION - ZONE X  
NOT TO SCALE

#### OWNERS:

JON L F & LORRAINE VANSANT  
PO BOX 808  
GREEN MOUNTAIN FALLS, CO 80819

#### STREET ADDRESS:

10845 DENVER AVE  
GREEN MOUNTAIN FALLS, CO 80819

#### SCHEDULE #:

8308307044

#### ZONING:

R-1

#### LEGAL DES:

LOTS 11 & 12 BLK 46 GREEN  
MOUNTAIN FALLS ADD 5 A5  
VAC BY BK 5864-930

#### LOT SIZE:

15,375 S.F.

LINDA H. ALLRED ARCHITECT AIA

PO BOX 672 350 W HENRIETTA AVE  
WOODLAND PARK COLORADO 80866  
719.687.0703 allredarchitect@gmail.com

VANSANT DECK REPLACEMENT

10845 DENVER AVE.

GREEN MOUNTAIN FALLS, CO EL PASO COUNTY

PRELIM: 07.17.2020

RELEASE:

REV'D:

SHEET

A1.1

PROJECT #: 2020-06

SITE PLAN



OWNERS:

JON L F VANSANT  
PO BOX 808  
GREEN MOUNTAIN FALLS, CO 80819

SCHEDULE #:

8308307044

ZONING:

R-1

LEGAL DES:

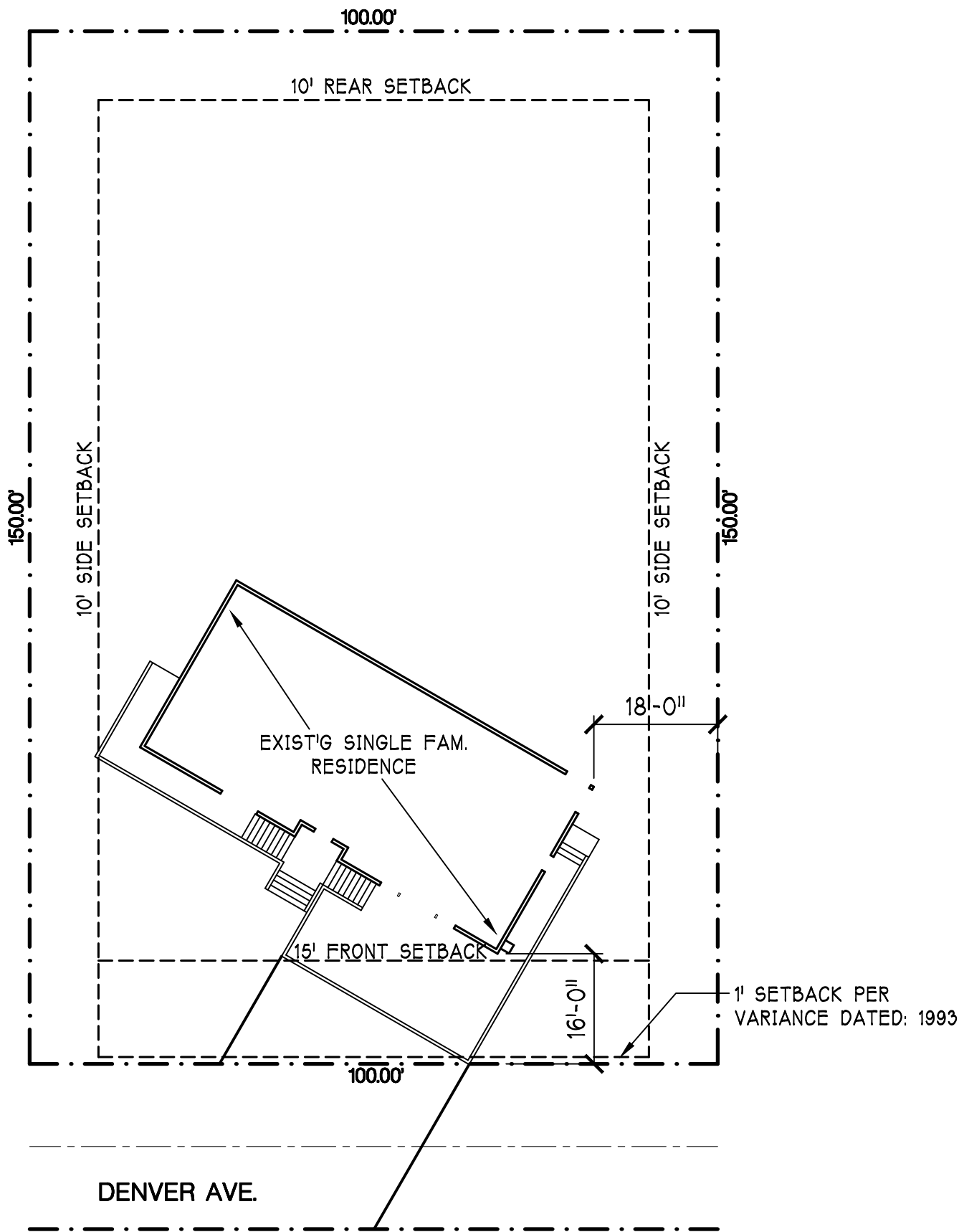
LOTS 11 & 12 BLK 46 GREEN  
MOUNTAIN FALLS ADD 5 AS  
VAC BY BK 5864-930

STREET ADDRESS:

10845 DENVER AVE  
GREEN MOUNTAIN FALLS, CO 80819

SIZE:

15,375 S.F.



**1** EXISTING SITE PLAN

1" = 20'-0"



JON & LORI VANSANT DECK REPLACEMENT

10845 DENVER AVE.  
GREEN MOUNTAIN FALLS, CO EL PASO COUNTY  
JUNE 3, 2020

**ALLRED ARCHITECT**

350 W. HENRIETTA AVE. WOODLAND PARK, CO. 80866  
PH. 719.687.0703



OWNERS:

JON L F VANSANT  
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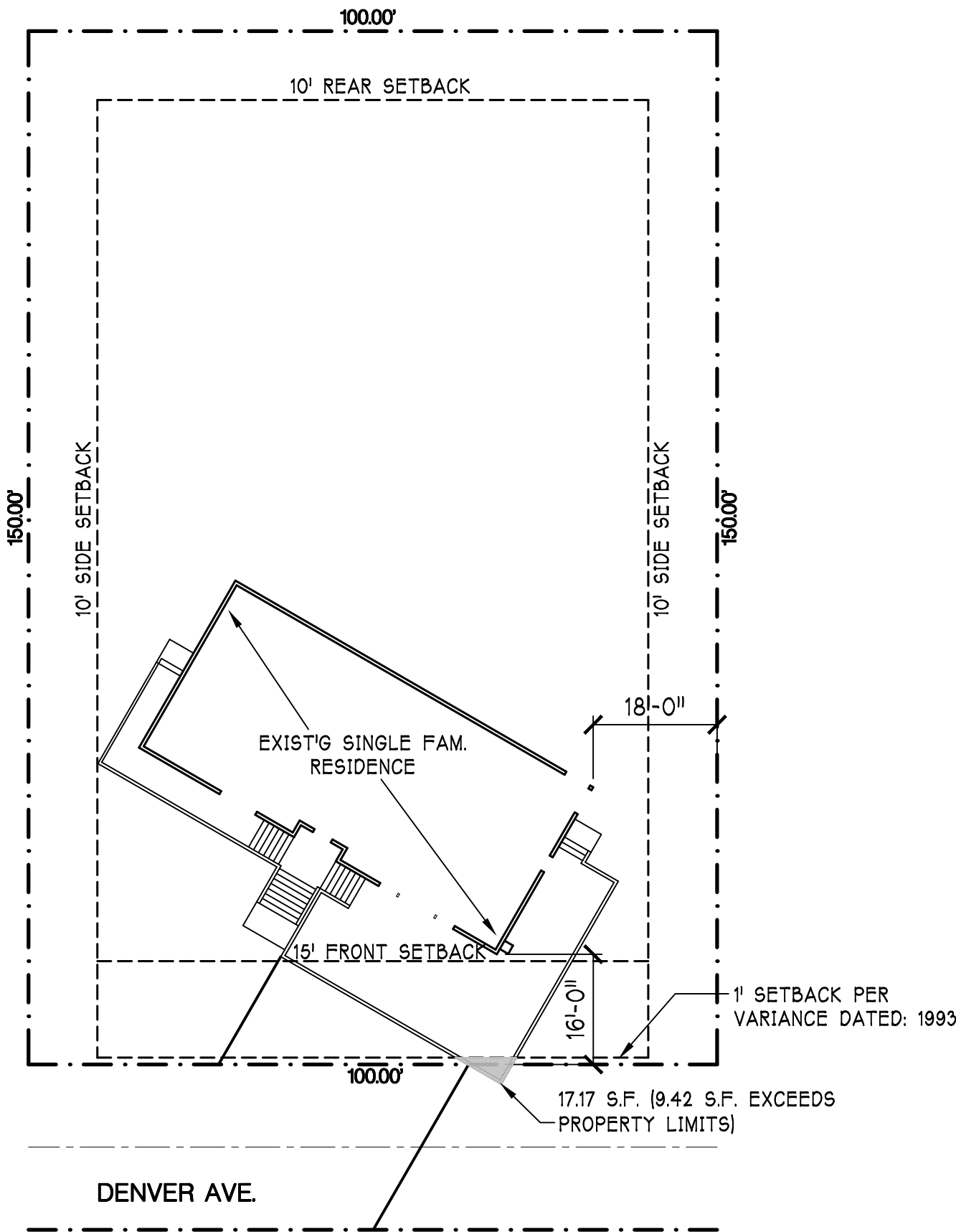
R-1

LEGAL DES:

LOTS 11 & 12 BLK 46 GREEN  
MOUNTAIN FALLS ADD 5 AS  
VAC BY BK 5864-930

SIZE:

15,375 S.F.



**2** PROPOSED SITE PLAN - OPTION A

1" = 20'-0"



NORTH



JON & LORI VANSANT DECK REPLACEMENT

10845 DENVER AVE.  
GREEN MOUNTAIN FALLS, CO EL PASO COUNTY  
JUNE 3, 2020

**ALLRED ARCHITECT**

350 W. HENRIETTA AVE. WOODLAND PARK, CO. 80866  
PH. 719.687.0703



**OWNERS:**

JON L F VANSANT  
PO BOX 808  
GREEN MOUNTAIN FALLS, CO 80819

**SCHEDULE #:**

8308307044

**ZONING:**

R-1

**LEGAL DES:**

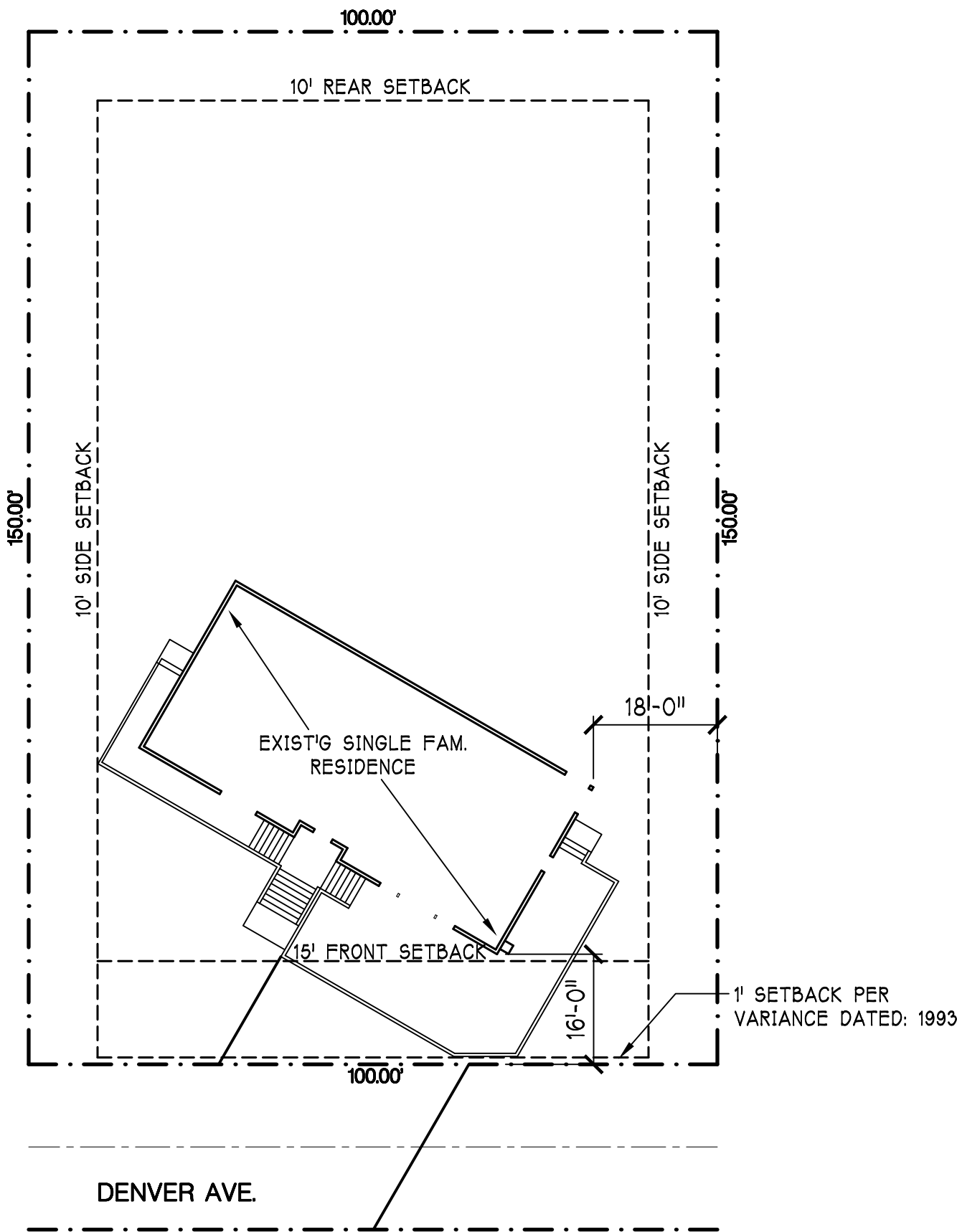
LOTS 11 & 12 BLK 46 GREEN  
MOUNTAIN FALLS ADD 5 AS  
VAC BY BK 5864-930

**STREET ADDRESS:**

10845 DENVER AVE  
GREEN MOUNTAIN FALLS, CO 80819

**SIZE:**

15,375 S.F.



**3 PROPOSED SITE PLAN - OPTION B**

1" = 20'-0"



**JON & LORI VANSANT DECK REPLACEMENT**

10845 DENVER AVE.  
GREEN MOUNTAIN FALLS, CO EL PASO COUNTY  
JUNE 3, 2020

**ALLRED ARCHITECT**

350 W. HENRIETTA AVE. WOODLAND PARK, CO. 80866  
PH. 719.687.0703





July 28, 2020

Dear Green Mountain Falls Property Owner:

GMF Planning Commission has set a public hearing to consider a variance petition from Jon and Lorraine Van Sant, property owners of 10845 Denver Avenue. The El Paso County Assessor's site lists the legal description:

LOTS 11 & 12 BLK 46 GREEN MOUNTAIN FALLS ADD 5 AS VAC BY BK 5864-930

The applicants are requesting a front property line setback variance for replacement and expansion of their deck beyond the current Zoning Code setback of 15', into the Right-of-Way. Full site plan designs and project proposal details can be obtained electronically by contacting Town Hall Staff at 719-684-9414 or at [planner@gmfco.us](mailto:planner@gmfco.us).

The Planning Commission will hold a public hearing at its regularly scheduled meeting:

**Tuesday, August 11, 2020 at 6:30 p.m.**

A video conference link and phone number can be found in the Planning Commission agenda packet, online: [www.colorado.gov/pacific/greenmountainfalls/planning-commission-agendas-and-minutes](http://www.colorado.gov/pacific/greenmountainfalls/planning-commission-agendas-and-minutes) or by emailing Town Hall Staff.

The Board of Trustees will hold a public hearing subsequent to the Planning Commission's recommendation.

Please contact Julia Simmons 719-684-9414 or at [planner@gmfco.us](mailto:planner@gmfco.us) if you have comments in favor of or an objection to this petition.

Thank you for your consideration,

GMF Land Use & Planning



Sec. 16-709. - Variances.

- (a) No variance in the strict application of the provisions of this Land Use Code, including building requirements, signs and fences, shall be recommended by the Planning Commission or approved by the Board of Trustees unless it finds that the following requirements and standards are satisfied. It is the intent of this Article that the variance be used only to overcome some exceptional physical condition of a parcel of land located within the neighborhood which poses practical difficulty to its development and prevents its owner from using the property as intended by this Land Use Code. Any variation granted shall be the minimum adjustment necessary for the reasonable use of the land.
- (b) The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the appeal for the variance conforms to the requirements and standards listed below:
  - (1) The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Land Use Code on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public.
  - (2) The granting of the variance will not permit the establishment of any use which is not permitted in the district.
  - (3) There must be proof of unique circumstances. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings in the neighborhood and which circumstances or conditions are such that the strict application of the provisions of this Land Use Code would deprive the applicant of the reasonable use of such land or building.
  - (4) There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances shall not be considered.
  - (5) The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted by the Board of Trustees is the minimum variance that will accomplish this purpose. The report of the Planning Commission shall fully set forth the circumstances by which this Land Use Code would deprive the applicant of any reasonable use of his or her land. Mere reasonable loss in value shall not justify a variation; there must be a deprivation of beneficial use of land.
  - (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the adjacent neighborhood.
  - (7) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Land Use Code to other lands, structures or buildings in the same district.
- (c) The Board of Trustees may prescribe any safeguard that it deems necessary to substantially secure the objectives of the regulations or provisions to which the variance applies.
- (d) Upon application, the Planning Commission, after giving notice as required by law, shall schedule a public hearing of the proposed variance. The Planning Commission shall consider and decide all proposed variations, taking into account the standards enumerated above.
- (e) Procedure. Procedures for variance hearings shall be the same as those for zoning and rezoning, with the exception of the publication requirement contained in Paragraph 16-711(f)(2) below, which shall not be required.





To: Planning Commission  
From: GMF Land Use & Planning  
Date: August 7, 2020  
Re: Revocable Permit Rev2020-04, New Deck at 10845 Denver Avenue

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### **Background**

The Applicant is requesting the Planning Commission's consideration and recommendation to the Board of Trustees to occupy the surface of the public property, GMF Town Right-of-Way (ROW), at 10845 Denver Avenue.

Planning Commission Recommended Actions:

- Public hearing
- Review proposed project application for compliance with Green Mountain Falls Zoning and Land Use Code
- Recommend approval, approval subject to conditions, or disapproval to the Board of Trustees

### **Discussion**

#### **§§18-72 - 75 – Use and occupancy of public property**

The Applicant submitted site plans for an outdoor living structure- a new deck- to replace one that is rotting. The proposed site plans (Option A) extend the existing footprint and will encroach on the front lot line setbacks. The Variance is on the Planning Commission's August 11, 2020 regular meeting agenda.

Like many parcels in GMF, the subject property has steep slopes and unique features, which can create challenges for finding appropriate buildable area. This, combined with the siting of the residential structure, has presented encroachment issues. Also like many homes, the landscaping has, over time, extended into the ROW to create safe parking and livable yard space (attached photos). This proposal is to extend the footprint of the existing deck (site plans) into Town property.

The Applicant agreed to have the Town Attorney review whether existing GMF Code Section 18 offers a feasible solution for residential structures. Staff proposed that either an encroachment permit or vacating the ROW appeared to be the only remedies for accommodating Option A's design. However, Option B could be accomplished with a Zoning Variance.

Section 18 Article III was last updated in the mid-80s and may need amending. These changes can be considered with the upcoming Land Use Code rewrite; currently, the Planning



Commission must consider the codified standards and procedure. While imperfect, the Town Attorney responded favorably to the issue of feasibility:

*It is feasible, and probably the best solution in this case, though he should know that it is not permanent. The permit would be for a "surface use" under Sec. 18-74 of the Code and may be allowed as an "other lawful similar use." Pursuant to Section 18-65 of the Town Code, he will be required to renew the permit every year and carry liability insurance.*

Addressing the question of whether Board of Trustees should amend Section 18 before considering this specific application, the Town Attorney responds:

*Section 18-76 appears to give the Town enough discretion to revoke the permit for the deck if the road (Denver Avenue) is ever improved or for any other valid reason including simply "necessity or convenience." So no, Section 18 does not need to be revised before granting this particular permit for encroachment into the ROW. However, the one-year limitation and annual renewal requirement really is not tailored very well to more permanent structures. A revision to this section could be helpful. The Town would then have more flexibility in granting licenses for more permanent structures. The Town could still retain full authority to revoke the license at any time, but we could eliminate the requirement of applying for a renewal every year.*

Therefore, the Planning Commission can consider a recommendation for a deck that extends into the Denver ROW. Staff encourages the Commissioners to discuss during the public hearing. The Applicant has not spared expense, hiring an architect and paying for Town Attorney's opinion. In addition to GMF permit fees, the Applicant will pay Use Tax and RBD application fees.

Further discussion on Code amendments

Town Attorney, in other correspondence regarding Revocable Permits, has recommended Code amendments to allow for more predictable administrative process for structures that would not be removed regularly. Additionally, the task of renewing permits every 31 December is administratively burdensome, leaving room for permittees to willingly forgo annual renewal. In this particular instance, the PC should consider an annual Revocable Permit until the Board proposes new legislation, if appropriate. Staff encourages the PC to discuss this structure and instance as it complies with existing Land Use and Zoning Code.

### **Conclusion**

Staff has reviewed the Applicant's materials and recommends the Planning Commission recommend approval to the Board of Trustees for Revocable Permit Rev2020-04 for a residential deck to occupy 9.42 SF of ROW at 10845 Denver Avenue with the following conditions:

1. Coordination with Town Clerk on proof of payment for Town Attorney fees
2. Proof of adequate insurance, amounts specified in §18-63
3. The Revocable Permit will be established by Resolution, notarized, signed by the Mayor and both registered property owners, to include language indemnifying the Town of Green Mountain Falls
4. The Revocable Permit, if approved, will expire each year on December 31 unless otherwise stipulated in the Board of Trustees Resolution
5. The Board of Trustees will establish the 2020 annual permit fee, which has a range of \$100- \$400.



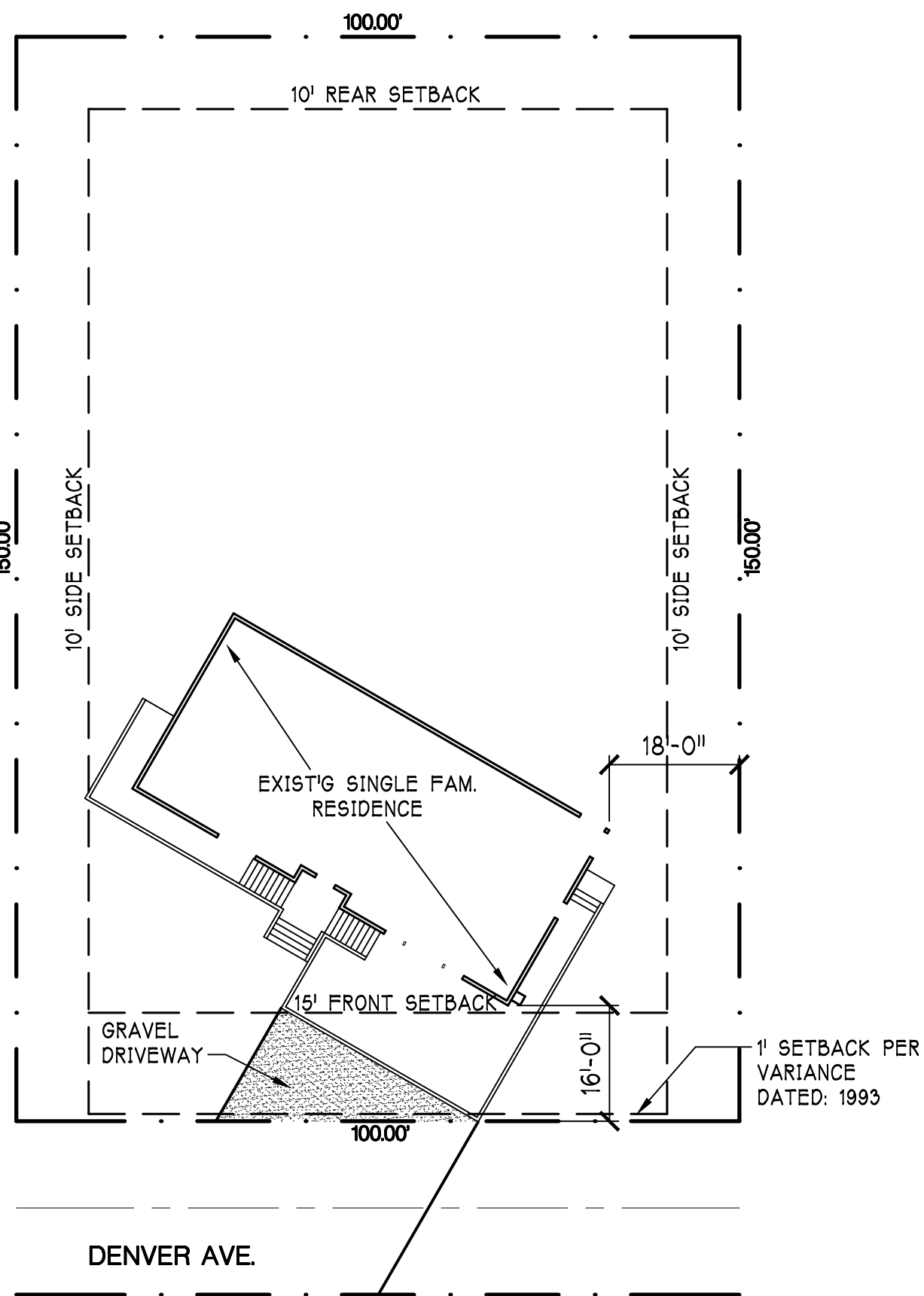
To: Green Mtn Falls Planning Commission  
From: Jon Van Sant  
10845 Denver Ave  
GMF, CO

My name is Jon Van Sant and my wife Lori and I have lived in our home in Green Mtn Falls since the early 1980's. We are in need of replacing our deck built in 1992. When replacing our deck we would like to upgrade and expand the footprint of the deck by 10 feet to the west. In doing so our deck would encroach on 9.72 square ft of Green Mtn Falls property. In addition it would require 2 additional deck posts that would be on or below surface of town property. We would like the new deck permit to include a pergola to be built on this deck addition. We ask that the Planning commison consider granting us permission to use the property as outlined in Regional building code 18-72. In addtion, I have spoked with Diane Loyd and Phil and Karen Komoroski, the nearest neighbors, and they support the propsal.

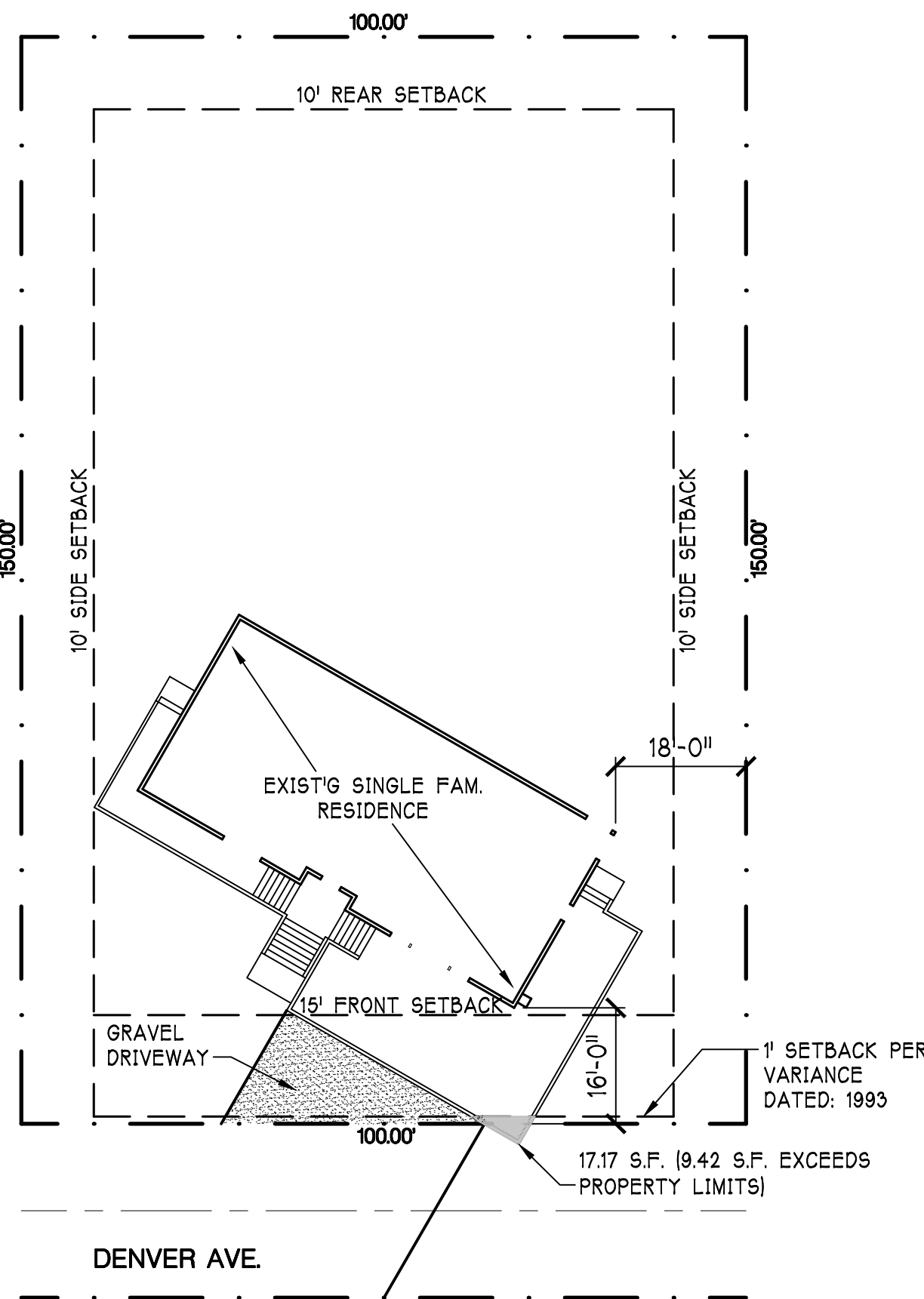
Respectfully,

Jon Van Sant

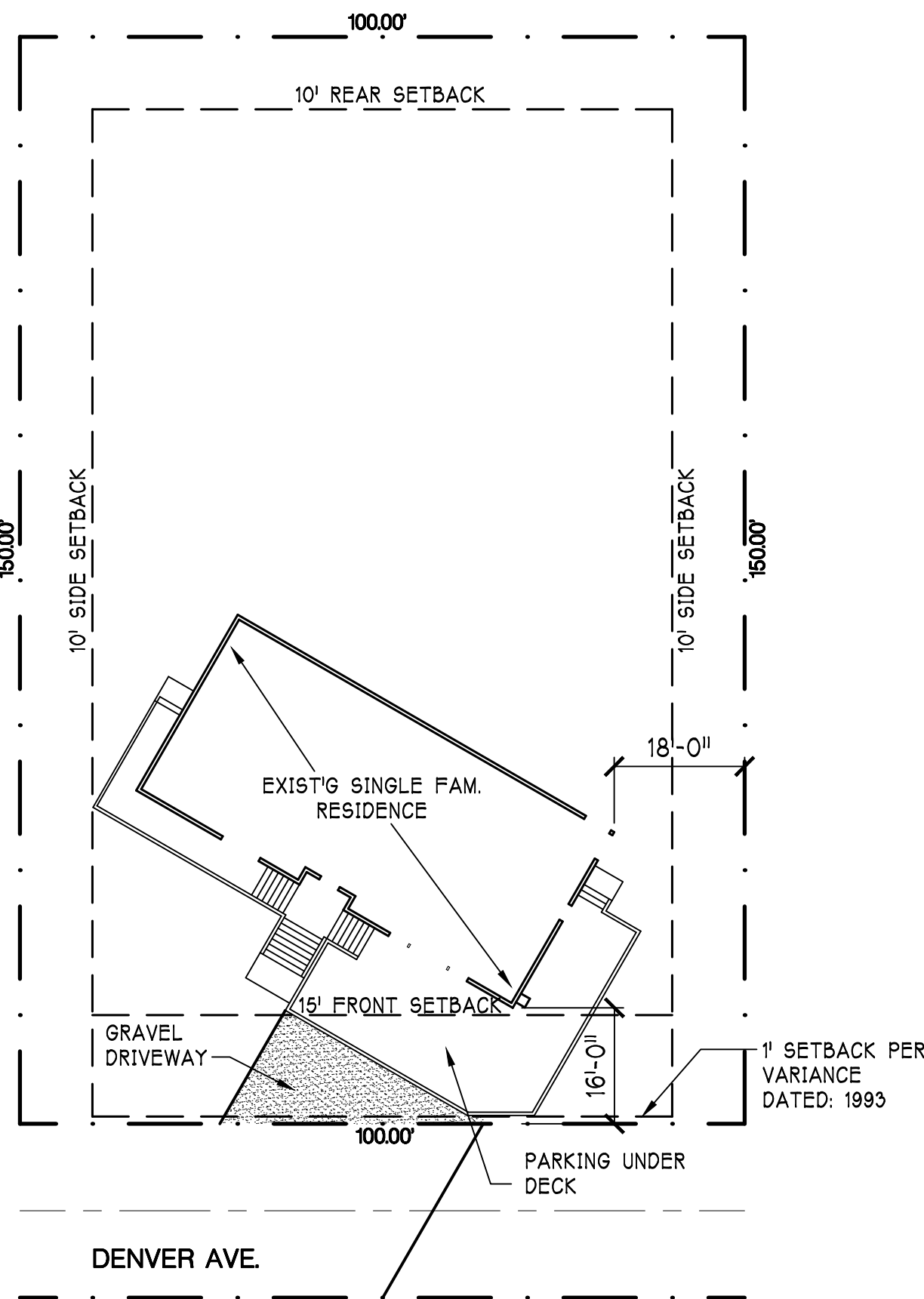




1 EXISTING SITE PLAN  
1" = 20'-0"



2 PROPOSED SITE PLAN - OPTION A  
1" = 20'-0"



3 PROPOSED SITE PLAN - OPTION B  
1" = 20'-0"



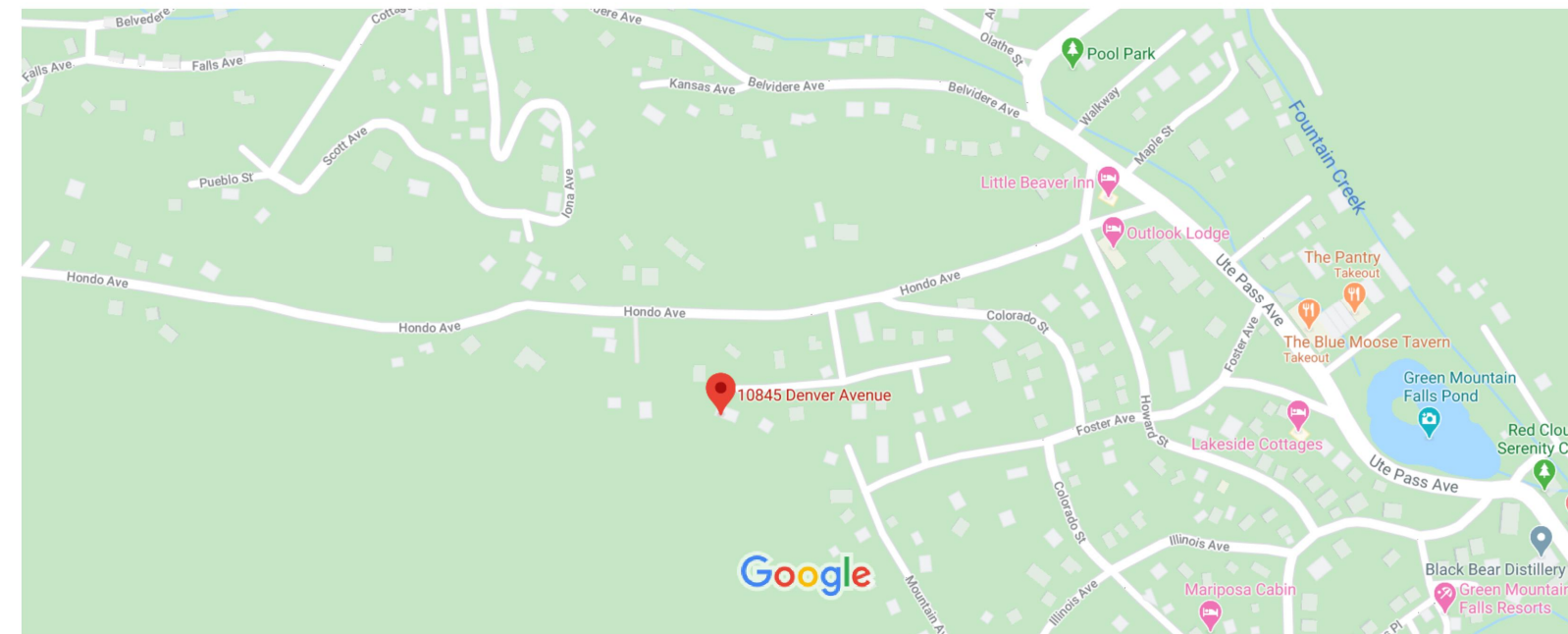
**SITE PLAN NOTE:**

SITE PLANS WERE CREATED USING CONSTRUCTION DOCUMENTS PROVIDED BY THE OWNERS. THEY ARE NOT OFFICIAL SURVEY'S PREPARED BY A LICENSED ENGINEER

7/4/2020

10845 Denver Ave - Google Maps

10845 Denver Ave



5 VICINITY MAP  
NOT TO SCALE



Navigation

Search

Languages

MSC Home (portal)

MSC Search by Address (portal/search)

MSC Search All Products (portal/advanceSearch)

MSC Products and Tools (portal/resources/productsandtools)

Hazus (portal/resources/hazus)

LOMC Batch Files (portal/resources/lomc)

Product Availability (portal/productavailability)

MSC Frequently Asked Questions (FAQs) (portal/resources/faq)

MSC Email Subscriptions (portal/subscriptions/home)

Contact MSC Help (portal/resources/contact)

**FEMA Flood Map Service Center: Search By Address**

Enter an address, place, or coordinates: 10845 Denver Avenue, Green Mountain Falls, Colorado Search

Whether you are in a high risk zone or not, you may need flood insurance (https://www.fema.gov/national-flood-insurance-program) because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 5 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than \$400 per year. Call your insurance agent today and protect what you've built. Learn more about <https://www.fema.gov/what-mitigation> to reduce flood risk damage.

Search Results—Products for GREEN MOUNTAIN FALLS, TOWN OF

Show ALL Products » (https://msc.fema.gov/portal/availabilitySearch?addcommunity=08062&communityName=GREEN MOUNTAIN FALLS, TOWN OF)

The flood map for the selected area is number 08041C0467G, effective on 12/07/2018

DYNAMIC MAP



MAP IMAGE



(https://msc.fema.gov/portal/downloadProduct?filepath=/08/P/Firm/08041C0467G.tif&productType=FINAL\_PRODUCT&productSubType=FIRM\_PANEL&changesToThisFirm=)

Revisions (0)

Amendments (0)

Revalidations (2)

You can choose a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the search field above. It may take a minute or more during peak hours to generate a dynamic flood map. If you are a person with a disability, are blind, or have low vision, and need assistance, please contact a map specialist (https://msc.fema.gov/resources/contact).

Go To NFHL Viewer » (https://hazards.fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d)



4 FEMA DESIGNATION - ZONE X  
NOT TO SCALE

**OWNERS:**

JON L F & LORRAINE VANSANT  
PO BOX 808  
GREEN MOUNTAIN FALLS, CO 80819

**STREET ADDRESS:**

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**SCHEDULE #:**

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**ZONING:**

R-1

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A1.1

PROJECT #: 2020-06

SITE PLAN





## Parcel Map

El Paso County - Community: Property Search

Schedule Number: 8308307044







SPRINGS  
WASTE SYSTEMS  
719-684-2177

10855

6H0-726

8H6-F67





SPRINGS  
WASTE SYSTEMS  
719-434-7177

8-G-F67











