

CITY OF COLORADO SPRINGS

INTEROFFICE MEMORANDUM

DATE: June 27, 2016

TO: Peter Wysocki, Director of Planning

FROM: Sarah Johnson, City Clerk

SUBJECT: Notice of Appeal

ITEM NO. 6.A. CPC AP 16-00071

An appeal has been filed by Leland Pilger, regarding the Planning Commission action of June 16, 2016 per attached copy.

I am scheduling the public hearing on this appeal for the City Council meeting of July 12, 2016. Please provide me a vicinity map.

CC: Dennis Wolf

Devon K. Bowen
2215 Farragut
Colorado Springs, CO 80907

Leland Pilger
2211 Farragut
Colorado Springs, CO 80907

CITY CLERK'S OFFICE

2016 JUN 27 P 12:11

- File #CPC AP 16-00071 *6/16/2016*
- Statement of Appeal
- Description of the Appeal: I, Leland Pilger, am appealing the decision from commissioners to accept the appeal from Devon Bowen for his fence. The administrative decision is incorrect because it is against the express language and intent of the previous site standard 7.4.102 and the new ordinance 16-19. Also the City Planning Commission made an erroneous decision because they were led to believe some members would be adversely affected by the fence/retaining wall Zoning Ordinance.
- Old site standard 7.4.102 from Section A: Fences or walls over six feet(6ft) are considered an accessory structures and must meet accessory structure setback requirements and receive a building permit for construction. Fence height shall be measured from the top of the fence to the natural grade on both sides: if the height on the two sides varies then the higher of the two(2) measurements shall be used in the determining the height of the fence. On or about January 27, 2015 Leland Pilger spoke to Devon Bowen at the beginning of his construction of fence to let him know that it was not meeting code to build on top of retaining wall without a backset. On or about January 27, 2015, Devon Bowen started constructing, in the front yard setback area along the southern property line including the side yard setback area, a fence which exceeds the height limit established in 7.4.102 A and now Zoning Ordinance 16-19.
- New Ordinance 16 19 1. 1. If the height of the two sides varies, then the larger of the two measurements shall be used in determining the height of the fence.
- 2. If the fence is located within three feet of the face of a retaining wall, the height of the fence is measured from the top of the fence to the finished grade at the bottom of the retaining wall.
- Measurement of the fence from top to the finished grade is 10 feet.
- Impacts and Issues with the property- The fence is the issue that has caused damage to the retaining wall. The retaining wall has a offset crack from top to bottom as well as leaning over towards the south. (as seen in photograph) The crack and leaning of the retaining wall will continue until it no longer retains the higher elevation soil/yard at 2215 N. Farragut Ave. The owner of 2215 Farragut has put concrete blocks and soil against the lower portion of the fence which adds to the

pressure and leverage exerted by the tall fence posts which are poured in concrete and against the old retaining wall.

- Photograph from Google maps dated 6/25/ 2013 without fence shows no leaning to the south or the present offset crack.
- Two photographs taken by Leland Pilger dated 6/25/2016 shows the offset crack and leaning of retaining wall.
- The 10 ft. fence built on retaining wall has caused light and breeze reduction for the two north facing bedroom windows of 2211 N. Farragut as shown by the two photographs dated 6/26/2016.
- Along with the light reduction it has given a closed in confined atmosphere to the two north facing bedrooms and the outside narrow walkway.

Leland Pilger
Leland Pilger
2211 Farragut
Colorado Springs, CO
80907

CHAPTER 7 PLANNING, DEVELOPMENT AND BUILDING

ARTICLE 4 SITE DEVELOPMENT STANDARDS

PART 1 GENERAL STANDARDS

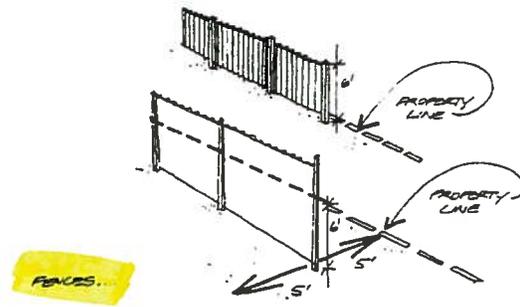
SECTION:

- 7.4.101: Purpose
- 7.4.102: General Standards

7.4.101: **PURPOSE:** These standards shall ensure that new or modified development will produce a stable, desirable character which is harmonious with existing and future development and is consistent with the City's Comprehensive Plan. (Ord. 94-107; Ord. 01-42)

7.4.102: **GENERAL STANDARDS:** These standards shall apply to all new construction or modifications to an existing structure which is fifty percent (50%) or more of the existing floor area. No permit shall be approved unless it conforms to all of the applicable standards listed in this section.

A. **Fences:** Except in a TND and HS overlay zone, fences or walls six feet (6') or under in height may be placed anywhere on the property except within established preservation areas. Fences within preservation areas are subject to development plan approval to establish appropriate locations. All fences must comply with the corner visibility regulations described in this section. Fences or walls over six feet (6') are considered accessory structures and must meet accessory structure setback requirements and receive a building permit for construction. Fence height shall be measured from the top of the fence to the natural grade on both sides; if the height on the two (2) sides varies then the higher of the two (2) measurements shall be used in determining the height of the fence. See article 3, part 9 of this chapter for fence heights in front yard setback areas in the TND zone. Alternate requirements for fencing may be included as a part of an FBZ regulating plan.



Contact the Utility Notification Center of Colorado (UNCC), "Call Before You Dig", at 1-800-922-1987 or contact the UNCC online at www.uncc.org. Call before you design to determine the existence of utility facilities or utility easements, Colorado Springs Utilities at 719-668-7221.

B. **Screening:** In various sections of this Code, opaque screening is required to improve compatibility between land uses and minimize visual impacts of outdoor storage. Opaque screening may include masonry walls, solid wood fencing, chainlink fencing with permahedge inserts, chainlink fencing with opaque slats or a limited use of solid evergreen plantings. The specific type of screening materials shall be determined in conjunction with the review of a development plan where one is required.

C. **Height Exceptions:**

1. **Place Of Public Assembly:** When located in a residential zone, hospitals, churches, schools, and other places of public assembly may exceed the height limitations if the side and rear building setback requirements are increased by an additional foot more than that which is required for each foot that the height of such building exceeds the maximum height requirements.

2. **Ornamental Features:** Church spires, church towers, cupolas, flagpoles, chimneys, flues,

Handwritten notes:
 0' BOB = 2' ...
 5' ...
 EDGE OF ...

FENCE or WALL: A structure made of wood, brick, stone, stucco, concrete, wrought iron, chain link, plastic, composite, vinyl or other similar material that provides screening or encloses an area, most often a front or back yard. Walls include both freestanding walls and retaining walls.

Section 2. Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.102: General Standards

* * *

A. **Fences or Walls:** Except in a TND and HS overlay zone, fences or walls six feet (6') or under in height may be placed anywhere on the property except within established preservation areas. Fences within preservation areas are subject to development plan approval to establish appropriate locations. All fences must comply with the corner visibility regulations described in this section. Fences or walls over six feet (6') are considered accessory structures and must meet accessory structure setback **and height** requirements **identified in Section 7.3.105.A** and receive a building permit for construction. Fence height shall be measured from the top of the fence **including fence poles, posts, and finials** to the **natural-finished** grade on both sides **of the fence**; ~~if the height on the two (2) sides varies then the higher of the two (2) measurements shall be used in determining the height of the fence. See article 3, part 9 of this chapter for fence heights in front yard setback areas in the TND zone. Alternate requirements for fencing may be included as a part of an FBZ regulating plan.~~

1. If the height of the two (2) sides varies, then the larger of the two (2) measurements shall be used in determining the height of the fence.

2. If the fence is located within three feet (3') of the face of a retaining wall, the height of the fence is measured from the top of the fence to the finished grade at the bottom of the retaining wall.

3. The finished grade of the fence area shall not be altered to artificially comply with these regulations.

4. An additional 12 inches (12") of height is permitted for fence posts, poles, and finials when spaced 8 feet (8') or more from each other.



Farragut Ave, Colorado Springs, Colorado, United States X

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2215 Farragut Ave, Colorado Springs, CO 80907



Privacy concern with this image

2A 2215 Farragut

2211 Farragut



ZB

6/1/2013

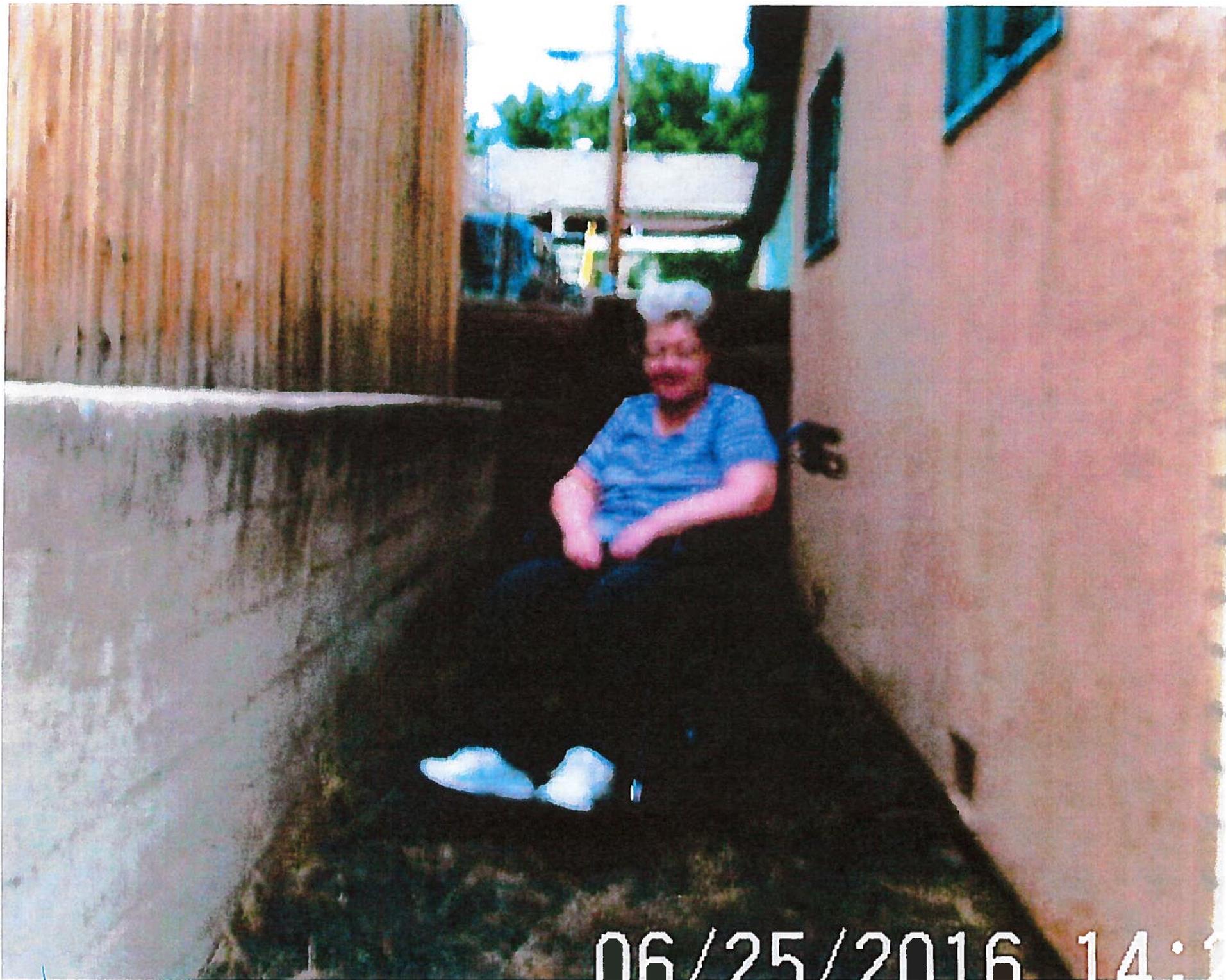
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