

INVAR-25-0010 OPPOSITION COMMENTS

Submitted by: Residents of adjacent property, 1220 Eagle Rock Rd. Colorado Springs, CO 80918

SUMMARY: THE REQUEST TO APPROVE A 15-FOOT RETAINING WALL, SIGNIFICANTLY EXCEEDING THE 4-FOOT LIMIT SET BY CODE, RAISES MULTIPLE COMPLIANCE, SAFETY, AND ENGINEERING CONCERNS. THE EXISTING SHOTCRETE SLOPE DOES NOT MEET STRUCTURAL OR CODE REQUIREMENTS FOR A RETAINING WALL, AND REQUIRED RETAINING WALLS PER THE ORIGINAL APPROVED PLAN WERE NEVER CONSTRUCTED, INDICATING DELIBERATE CIRCUMVENTION BY THE APPLICANTS AND THEIR ENGINEER. SIGNIFICANT OMISSIONS IN THE SITE PLAN, INCLUDING A STEEL ROOF OVERHANG, EXACERBATE DRAINAGE AND PONDING ISSUES THAT DIRECTLY CONTRAVENE ENGINEERING GUIDANCE. THE ENTECH ENGINEERING REPORT DOES NOT VERIFY THE SLOPE'S ADEQUACY AS A RETAINING WALL, AND CREDIBILITY QUESTIONS SURROUND THE PROFESSIONAL ENGINEER INVOLVED. UNRESOLVED EROSION, DRAINAGE PROBLEMS, AND LACK OF COORDINATION WITH NEIGHBORING PROPERTIES FURTHER INCREASE RISKS OF STRUCTURAL FAILURE AND SITE INSTABILITY, VIOLATING COLORADO SPRINGS CITY CODE AND SAFETY STANDARDS. PREVIOUS RELATED REQUESTS FOR SIMILAR BUT LESS EXTENSIVE STRUCTURES HAVE BEEN REJECTED BY LOCAL REGULATORY BODIES, ESTABLISHING A PRECEDENT AGAINST APPROVAL OF THE CURRENT VARIANCE.

1. Code and Regulatory Compliance

- Request seeks approval for a 15ft wall when only a 4ft wall is allowed by code.
- The existing "shotcrete stabilized slope" does not satisfy code requirements for a retaining wall.
- Required retaining walls per the original approved Plot Plan were not built, violating city requirements. The applicants and their engineer deliberately circumvented the approved plan.
- Attached steel roof overhang structure was omitted from proposed Site Plan. Omitted structure causes ponding at base of 15-ft wall, which Entech Site Observation Report directly advises against.

2. Structural and Engineering Validity

- The Entech engineering report explicitly does not confirm adequacy of the shotcrete slope as a retaining wall. No comprehensive engineering review or additional investigations were performed to ensure safety.
- LDC's professional engineer credibility and code conclusions are questionable, with potential licensing issues raised:

1. LDC's new Project Statement states that "no permit was required" for the existing 15-ft shotcrete wall when it was built in 2003. However, HS-O requirements, including those for two 4-ft retaining walls, were in effect when the 15-ft structure was installed. Accordingly, two 4-ft retaining walls were on LDC's original plot plan. These approved two 4-ft walls were ignored by the Rountrees.
2. LDC designed/approved original Plot Plan which included two 4-ft retaining walls in compliance with HS-O. However, LDC's new Project Statement for this non-use variance request suddenly contradicts LDC's original Plot Plan and states that LDC's original plans, which the homeowners did not follow, were inadequate.

3. Site Conditions and Maintenance

- Improper drainage, erosion and water ponding at the shotcrete base remains unaddressed, contradicting engineering recommendations.
- Temporary erosion and water diversion measures (e.g., block wall, waddle) on site are not part of the proposed plan. Why would these measures be needed if the 15-ft wall was adequate?

4. Risk and Safety Concerns

- Per the Project Statement, no coordination was conducted with neighboring 1220 Eagle Rock as recommended to mitigate future slope or drainage risk.
- Colorado Springs City Code requires any retained slope greater than 2:1 to be retained. If the slope is greater than 8 feet (two 4-ft walls), per HS-O it must be permitted due to the high risk of retainment failure and site instability.
- Risk of structural failure and site instability remains, with code and engineering recommendations unaddressed.

5. Precedence

- In Oct 2024, PPRBD rejected a plan to replace a much shorter version of the exact same structure as the 15-ft structure in this non-use variance request with two staggered 4-ft walls.
- In Nov 2024, City Planning Commission disapproved the use of a fully engineered single 9-ft wall to replace the exact same wall (only taller at 15-ft) that the Rountree's are trying get approved.