

From: Dave Hostetler <dhostetler@ldc-inc.com>
Sent: Wednesday, August 13, 2025 12:07 PM
To: David Gorman <daveg@mvecivil.com>
Subject: Re: NVAR-25-0010: 1210 Eagle Rock Rd Retaining Wall
Importance: High

Drew: LDC comment responses (see attached Response labels 1-page 'pdf'), as a Land Surveyor's opinion only in "black", except where shown as MVE civil engineer comment responses in "red", to Fernandez (Lot 2) opposition comments:

1A. Request seeks a Non-Use Variance approval to allow a private on-site shotcrete erosion control/sheathed covering of an existing rock formation, improved in 2003, now deemed a retaining wall per Code Enforcement Violation ENF 24-08762, to remain.

1B. Acknowledged. **The existing shotcrete slope / wall was installed in 2003, prior to the establishment of current city criteria that now seems to classify this installation as a retaining wall. Similar shotcrete slope reinforcement was installed during the same time frame is found in other locations within Colorado Springs including within public rights-of way.**

1C. The "original" approved Riley Subdivision Hillside Development Plan was prepared by LDC and ADP for purposes of creating buildable area envelopes and lot preservation easements limits for unknown custom house plans on Lot 1 and Lot 2. Indicated retaining walls were suggested sizes and locations, subject to more detailed Hillside Site Development Plans per desired custom home size configurations for building permits. Please note that the Fernandez's engineer also did not recommend and/or build their portions of said indicated retaining walls per "original" Plan.

1D. Privately-installed home improvements are not part of this Non-Use Variance request. Ponding issues do not affect the uphill Lot 2 owner. **The subject steel roof overhang is not structurally or mechanically attached to the residential structure and consists of two coverings having areas of less than 200 sf each. The coverings do not encroach into building setbacks or preservation areas. The minor ponding near the base of the shotcrete wall has been corrected by the owner and additional erosion protection in the form of landscape rock has been added. These conditions have not, and will not, affect offsite properties. The height of the wall ranges from 2 ft to 15 ft with average height of approximately 10 ft.**

2A. Work performed by ENTECH for this effort still subject to City Engineering/associated agency review, critique and/or acceptance ... Fernandez's used the same soils engineer for their house improvements.

2B. Work performed by MVE for this effort still subject to City Engineering/associated agency review, critique and/or acceptance, with nothing of concern warranting questions about credibility, conclusions and/or licensing issues.

2C. See Response 1C.

2D. See Response 1C.

3A. Improper drainage, erosion and water ponding between the existing Rountree house and shotcrete base from Lot 1 is a private issue and does not affect the uphill Lot 2 owner. **Isolated minor drainage, ponding, and erosion issues have all been addressed.**

3B. No new Lot 1 site grading was planned with this existing Non-Use Variance request to warrant new temporary/permanent erosion control measures. **The only a significant erosion issue exists is located at a point outside the applicant's property where the existing shotcrete wall was removed by the adjacent owner. This issue should be addressed by the adjacent owner.**

4A. Mitigation of future slope or drainage risk affecting Lot 1's existing or modified improvements would be the sole responsibility of the uphill Lot 2 owner, and since all conversations/correspondence between lot owners was always contentious and adversarial, no direct coordination was conducted. A third party civil/structural engineer hired by the Fernandez's should have been involved with the Rountree's in determining and explaining the transition and protection of the gap created by the removed shotcrete and the as-built Lot 2 retaining wall, and the potential for undermining the exposed shotcrete. Recent heavy rains have caused channelized overland flows and dirt debris to cascade down between this gap, as evidenced on video, causing destabilization of the neighbor's gap improvement.

4B. Acknowledged. **This criterion was created after the 2003 installation of the shotcrete.**

4C. See Response 2A.

5A. Unknown reason for this statement. Are all Lot 2 on-site walls and garage/driveway improvements built to Hillside standards and City-approved Grading/Drainage/Erosion Control Plans?

5B. See Response 5A.

Respectfully submitted, DVH

David V. Hostetler, PLS
Director of Surveying
LAND DEVELOPMENT CONSULTANTS, INC.
3898 Maizeland Road
Colorado Springs, CO 80909
Ph: (719) 528-6133, Ext. 109
Fax: (719) 528-6848
dhostetler@ldc-inc.com

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

- A** • Request seeks approval for a 15ft wall when only a 4ft wall is allowed by code.
- B** • The existing "shotcrete stabilized slope" does not satisfy code requirements for a retaining wall.
- C** • 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.
- D** • 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

- A** • 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.
- B** • LDC's professional engineer credibility and code conclusions are questionable, with potential licensing issues raised:

- C** 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.
- D** 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

- A** • Improper drainage, erosion and water ponding at the shotcrete base remains unaddressed, contradicting engineering recommendations.
- B** • 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

- A** • Per the Project Statement, no coordination was conducted with neighboring 1220 Eagle Rock as recommended to mitigate future slope or drainage risk.
- B** • Colorado Springs City Code requires any retained slope greater than 2:1 to 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.
- C** • Risk of structural failure and site instability remains, with code and engineering recommendations unaddressed.

5. Precedence

- A** • 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.
- B** • 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.