



January 3, 2025

Chris Sullivan, Senior Planner
El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: North Star Sanctuary Non-Use Variance Project Statement

Dear Mr. Sullivan:

The property owner would like to request approval of a non-use variance for parcel number 7326302059. The parcel currently does not have an address, but one will be assigned as part of the separate final plat application that has been submitted.

The property is 2.94 acres and is proposed to be platted as North Star Sanctuary Filing No. 1. The site is located within the Kissing Camels golf course community.

The site is bounded by Coyote Point Drive to the north, Kissing Camels Drive to the south, and Camels Grove to the west. Golf course property and single-family residential properties surround the property as well.

Parcel 7326302059 is currently unplatted and zoned A: Agricultural.

Approval of the non-use variance will also require an amendment to the Garden of the Gods Club Master Plan. Currently, the property is Residential 3.5-7.99 du/ac. The master plan would be amended to reflect this property as Residential 0-1.99 du/ac.

The proposed non-use variance meets the following criteria for approval of a non-use variance, as outlined in Chapter 7 of the City Code of Colorado Springs.

1. The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards):

The standards outlined in Part 7.3.3 are not applicable to this application. However, the intent of a non-use variance is to provide for Planning Commission review of applications for variations from provisions of Article 7.4 (Development Standards). Table 7.4.2-A states that the minimum lot area for a single-family detached home in Agriculture zoning is 5-acres. The non-use variance is to request a lot size smaller than 5-acres in Agriculture zoning. The actual lot size will be 2.94-acres.

2. The property has extraordinary or exceptional physical conditions that do not

generally exist in nearby properties in the same zone district:

As Kissing Camels golf course community has been developed over the years, adjacent properties have been rezoned to an appropriate zoning district to accommodate the appropriate dimensional standards. As such, there is no adjacent property with the same zone district. As the golf course community has developed around this property, this property has become an enclave within the golf course community. Since it has never been developed, it has always remained as Agriculture zoning. Since the parcel was originally established, it has always been 2.94-acres in size, without the ability to increase in size because of surrounding golf course property and single-family residences.

3. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief:

Since the property has always been 2.94-acres in size, a single-family residence can't be constructed on the property in its current zoning, because 5-acres is the minimum lot size for its current zoning. Without the relief, a single-family home can't be constructed without some other action.

4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties:

Granting the Non-Use Variance will not have an adverse impact on surrounding properties. The adjacent properties are single-family residential and golf course property. The adjacent single-family residential properties were rezoned to R1-9 when they were developed and at a density rate of 0-1.99 du/ac per the master plan. Allowing the Non-Use Variance will allow this property to be in line with the adjacent properties and master plan and be developed at a density rate of 0-1.99 du/ac. The only other way a single-family residence can be built on this property is to rezone the property. However, rezoning the property could allow a future buyer to further subdivide the property and construct multiple single-family residences. Approving the Non-Use Variance will eliminate this possibility and still allow a single-family residence to be built.

The property owner would greatly appreciate your consideration of this non-use variance request.

Sincerely,



Brett Louk, PE
SMH Consultants