



1210 EAGLE ROCK RD – RETAINING WALL

Planning Commission October 8, 2025

Staff Report by Case Planner: Drew Foxx



Quick Facts

Applicant

Land Development Consultants, Inc.

Property Owner

Daniel L & Kathryn A Roundtree

Developer

N/A

Address / Location

1210 Eagle Rock Rd

TSN

6320003002

Zoning and Overlays

Current: R-E HS-O WUI-O (Single-Family - Estate with Hillside and Wildland Urban Interface Overlay)

Site Area

1.45 Acres

Established Land Use

Single-Family Detached Dwelling

Applicable Code

7.2.610.D.1.d

Council District

District #1

Project Summary

A Non-Use Variance to City Code Section 7.4.610.D.1.d to allow a fifteen (15) foot retaining wall where a maximum of four (4) feet in height is usually permitted within the Hillside Overlay located at 1220 Eagle Rock Road on a 1.64-acre property zoned R-E/HS-O (Single-Family - Estate with Hillside Overlay).

File Number	Application Type	Decision Type
NVAR-25-0010	Nonuse Variance	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	North Colorado Springs Addition #1	1969
Subdivision	Riley Subdivision	April 21, 1999
Master Plan	N/A	N/A
Prior Enforcement Action	ENF24-08762	October 28, 2024

Site History

This site became a part of the City of Colorado Springs in 1969 via the North Colorado Springs Addition #1 annexation. The property was later platted as part of the Riley Subdivision plat on April 21st of 1999 establishing this 1.45-acre lot. A Hillside Development Plan approved in 1998 (City File No. AR DP 98-00727; See Attachment #1 – Original Hillside Development Plan) approved the development of single-family residences at 1210 and 1220 Eagle Rock Road. The single-family residence at 1210 Eagle Rock Road was permitted in 1999 via building permit number D57154 and the single-family residence at 1220 Eagle Rock Road was permitted in 2019 via building permit number M10094. Both residential structures have since been built.

Applicable Code

The subject application was submitted after the implementation date (06/05/2023) of the City's Unified Development Code. All subsequent references within this report that are made to "the Code" and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	R-E/HS-O (Single-Family - Estate with Hillside Overlay)	Dwelling, Single-Family Detached	None
West	R-E/HS-O (Single-Family - Estate with Hillside Overlay)	Dwelling, Single-Family Detached	None
South	R-E/HS-O (Single-Family - Estate with Hillside Overlay)	Undeveloped	None

East R-E/HS-O (Single-Family - Estate with Hillside Overlay) Open Space

Austin Bluffs Open Space; Owned by the City of Colorado Springs

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	During Internal Review / Prior to Planning Commission
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	31
Number of Comments Received	One (1)

Public Engagement

The City Planning Department received opposition to the project from the property owner at 1220 Eagle Rock Road, which is directly to the south of the subject lot. City Planning staff has communicated with the property owner all information regarding the proposed retaining wall and application process. A letter of opposition was provided with concerns over code compliance, drainage, erosion, ponding, safety, and discredits the validity of the hired Engineer and consultant (See Attachment #2 - Notice of Opposition). The letter of opposition was delivered to the applicant and a response to the owner of 1220 Eagle Rock Rd was provided (See Attachment #3 - Public Response Letter).

Timeline of Review

Initial Submittal Date	July 1, 2025
Number of Review Cycles	Two (2)
Item(s) Ready for Agenda	September 15, 2025

Agency Review

City Engineering

- The GeoHazard Report has been accepted and approved by the City Engineering Department.

Hillside Overlay

- All comments addressed.

SWENT

- All comments addressed.

Colorado Springs Utilities

- All comments addressed.

Nonuse Variance

Summary of Application

The proposed Non-Use Variance application is to allow for an existing fifteen (15) foot retaining wall where only four (4) feet is permitted within the hillside overlay per 7.4.610.D.1.d of the Code. This application was submitted in reaction to a code enforcement complaint submitted by the property owners of 1220 Eagle Rock Road explaining that the existing retaining wall had not acquired the required building permit and violated the approved development plan for the lot that required two four foot retaining walls (see Attachment #4 – Code Enforcement Complaint).

It is City Planning's understanding that the purpose of the existing shotcrete retaining wall was to stabilize the excavated rock slope, support erosion and drainage control, and preserve the hillside area on the eastern portion of the lot (see Attachment #5 – Hillside Development Plan). The shotcrete wall was established in 2003 by the previous homeowners in lieu of two required four (4) foot tall retaining walls that were required by the original hillside development plan. According to the current homeowner, the previous homeowner had hired a licensed contractor to install the shotcrete wall, but no required building permits were acquired at that time (see Attachment #6 - PPRBD Correspondence). The shotcrete wall is located along the eastern boundary of the driveway and along the eastern elevation of the home. The owner is requesting approval of this Non-Use Variance to support the location of the existing shotcrete retaining wall to maintain the existing physical condition of the hillside and to avoid the financial risks associated with removal of the wall. The application also

allows the owner to maintain existing drainage and erosion control measures and limit any risks of damage to the existing structures adjacent to the shotcrete retaining wall. According to the applicant, removal of the shotcrete retaining wall will require modifications and/or removal of a covered patio, attached deck, and several pilons with concrete foundations (see Attachment #7 - Project Statement). The highest portion of the wall is 15 to 16 feet in height and located on the southern portion of the shared property line with 1220 Eagle Rock Road. The shotcrete retaining wall tapers down to the northeast side of the home to about six (6) feet in height. The entire wall is greater than four (4) feet in height and therefore the entirety of the proposed wall is under review with this Non-Use Variance application.

It should be mentioned that another section of the UDC, 7.4.203.A: Setback Exceptions, restricts a wall within a setback to seven (7) feet in height. The highest portion of the wall on the south side of the lot is within a ten (10) foot side yard setback, however, City Planning has required that the Non-Use Variance request be in reference to 7.4.610.D.1.d as this section limits retaining walls for the entire property to four (4) feet in height, therefore, making this section the more restrictive code requirement.

Application Review Criteria

UDC 7.5.526.E: Non-use Variance

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

There are no use specific standards in part 7.3.3 of the UDC that are applicable to retaining walls. City Planning staff find that this request complies with the use-specific standards in part 7.3.3 of the UDC.

2. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district.

The property is located within the hillside overlay and within a geological hazard area. The primary dwelling unit on the property is in close proximity to steep grade that requires a retaining wall system to maintain slope stability, and erosion and drainage control. The approved Entech GeoHazard Report states that "*the topography of the site is generally gradually to moderately sloping to the northwest in the area of the existing residence with steep slopes to the northwest located to the east and west of the residence*" (see "Attachment #8_Geologic Hazard Report"). Comparatively, the property to the south has remediated their erosion and drainage control concerns along the same hillside and geological hazard area with equally tall vertical retaining wall (see Attachment #9_1220 Eagle Rock Grading Plan). Other homes in the neighborhood are located on less steep grade than the subject property and therefore development did not need retaining walls greater than four (4) feet in height (see Attachment #10_Landslide Susceptibility Map). City staff find that this criterion is met considering the exceptional grade conditions adjacent to the primary structure.

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.

The previous homeowner established a shotcrete retaining wall along the east side of the driveway and the east elevation of the home to retain erosion and control drainage. The only known alternative according to the project statement and as approved by the original hillside development plan is to place multiple retaining walls upslope from the home in the area that the homeowner would like to preserve in an undisturbed state. Additionally, removal of the wall would have heightened financial implications and would require removal of structures that are attached to the home. Furthermore, while the original development plan did require two four-foot walls to be established upslope to the east of the home, the current shotcrete wall has been in place since 2003 without any prior drainage or erosion impacts complaints reported on the subject lot or adjacent lots. The code enforcement complaint on the property states that there are drainage issues with the existing shotcrete wall; however, Appendix B of the Entech Geologic Hazard Report states that this shotcrete wall is retaining erosion and controlling drainage and is not in any deteriorating condition. After evaluation of the Non-Use Variance application and existing site conditions, City staff find that the application meets this review criteria.

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

As previously stated, the shotcrete retaining wall has been in place since 2003 and to date has no known structural issues according to the submitted Entech Geologic Hazard Report. The report was approved by the City Engineering Department which has evaluated the structure and surrounding topography with no known concerns over the location and structural conditions of the existing shotcrete wall. According to Appendix B of the Entech Engineering Geologic Hazard Report, the shotcrete wall is “performing as intended” and the observed “cracking on the face of the wall appears to be cosmetic”. The report also states that “minor erosion was observed on the northern portion of the shotcrete” and is recommended to be remediated. The report recommends that soil and plantings should be installed at the top and base of the shotcrete wall to support drainage away from the shotcrete stabilization structure and other adjacent structures. The report disclaims that it does not “imply any warranty” of the future performance of the structure or drainage condition.

Additionally, the code enforcement complaint that was submitted by the neighbors of 1220 Eagle Rock Road makes mention of drainage issues associated with the shotcrete retaining wall; however the drainage issues that occur during a rain event have been explained by the applicant to only be impactful to the property owner of the subject lot and is not impactful to the neighboring properties.

Finally, the location and design of the shotcrete retaining wall is compatible with the surrounding environment, as it resembles the natural sandstone outcroppings and softens the structural mass of the wall resulting in little to no visual impacts.

City planning staff find that no visual, safety, drainage, erosion, or other adverse impacts are occurring due to the shotcrete wall. City staff find that the application meets the review criteria.

After evaluation of the Non-Use Variance application, City staff find that the application meets the review criteria.

Compliance with Development Standards

Development Standard	Required	Proposed
7.2.610.D.1.d: Hillside Development Plan	Retaining walls shall be Four (4) feet or less in height	Fifteen (15) foot retaining wall

Compliance with Relevant Guiding Plans and Overlays

Hillside Overlay (HS-O):

A Hillside Overlay is applicable to this site and the reason that this Non-Use Variance application has been submitted is due to the requirement for retaining walls within the Hillside Overlay zone, under section 7.2.610.D.1.d: *Hillside Development Plan and Building Lots*, be no higher than four (4) feet in height. A portion of the proposed retaining wall located within the required 10-foot side yard setback is fifteen (15) feet in height and is the highest portion of the wall. Per 7.4.203.A: *Setback Exceptions*, fences and walls are permitted within a required setback if seven (7) feet or less in height rearward of front building façade, or four (4) feet or less in height forward of front building façade. City Planning staff finds that the more restrictive requirement applicable to the shotcrete retaining wall is found in 7.2.610.D.1.d, where retaining walls located within the Hillside Overlay are to be limited to four (4) feet in height with no more than two (2) tiers separated by four (4) to six (6) feet.

Staff Analysis: While the proposed wall complies with a majority of the Hillside Development Plan Review criteria, the wall as designed does conflict with criteria 7.2.610.D.5.d.

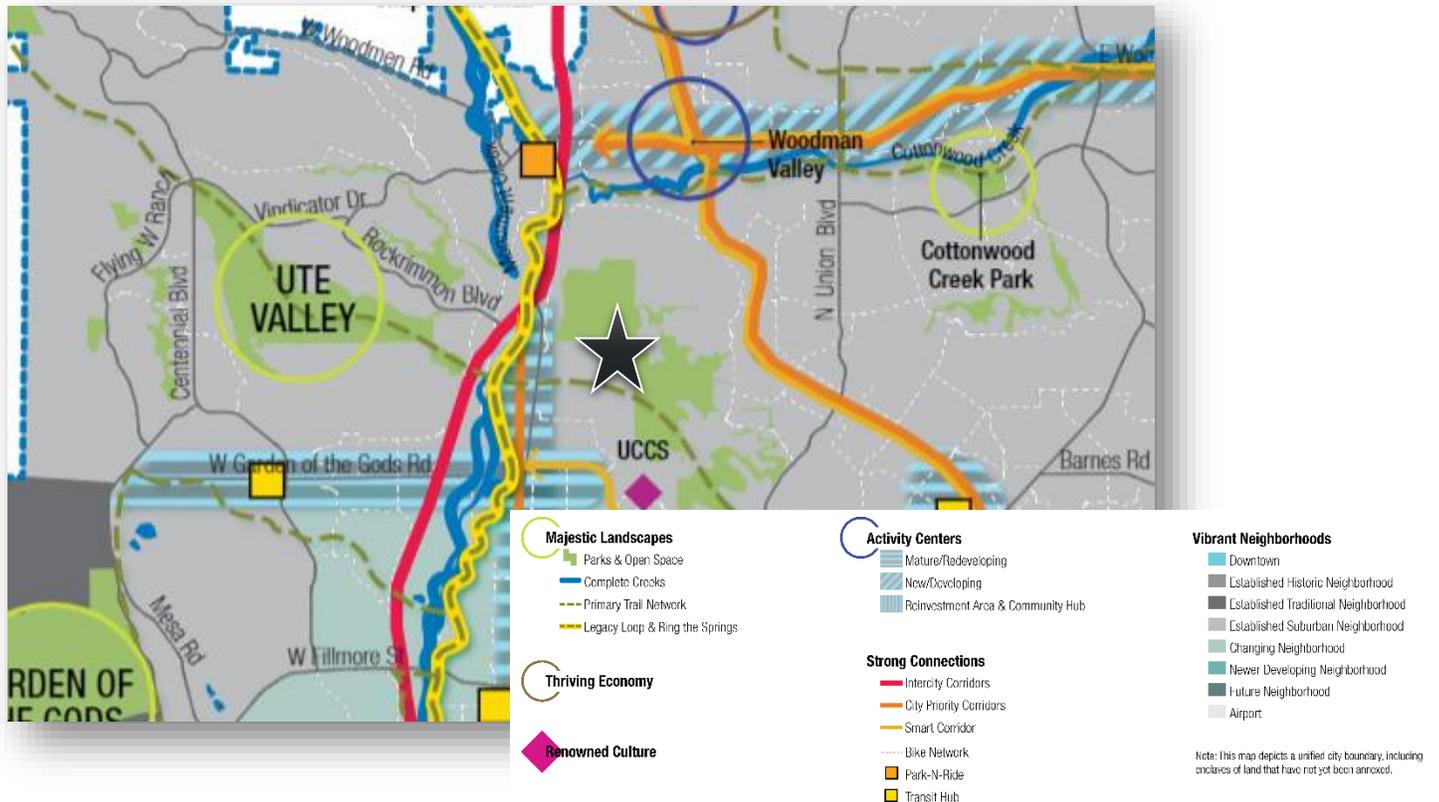
Hillside Development Plan (City File No. AR DP 98-727)

Per the approved Hillside Development Plan for this lot, any proposed retaining wall shall only be constructed after the review and approval of a Hillside Site and Grading Plan. The referenced Hillside Development Plan also requires that walls remain under four (4) feet in height. While there is a note restricting the height of any retaining wall associated with this lot to four (4) feet in height, Should the nonuse variance application be approved, a condition of approval requiring the

modification is recommended to ensure that the application meets the Hillside Overlay Review Criteria per UDC 7.2.610.D.5: Hillside Development Plan Review Criteria.

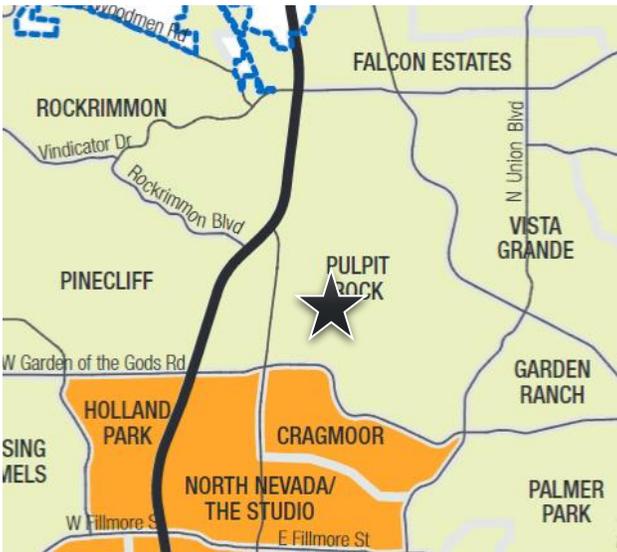
Compliance with PlanCOS

PlanCOS Vision



Staff evaluated the proposed application for conformance with the City’s current comprehensive plan (herein referred to as “PlanCOS”), adopted in January 2019. According to the PlanCOS, the project site is identified as being within a “Established Suburban Neighborhood”. Established Neighborhoods are predominantly completed and have been for at least a few decades. Relative to other neighborhoods, they are stable and do not anticipate high levels of land use changes.

Suburban Neighborhoods are defined as a subcategory to Established Neighborhoods in PlanCOS, and include those that developed with a suburban pattern, including curvilinear streets with cul-de-sacs. These neighborhoods have matured to the point where they are not actively being developed and no longer have actively managed, privately initiated master plans, and ordinarily do not yet have publicly initiated master plans. These neighborhoods have a high value in maintaining the privacy of homes and safe streets for families.



Predominant Typology

Downtown	Established Traditional Neighborhood
Newer Developing Neighborhood	Established Suburban Neighborhood
Changing Neighborhood	Airport
Established Historic Neighborhood	Future Neighborhood

Vibrant Neighborhoods

Strategy VN-3.A-5 asks that the city supports updates to plans to encourage a blend of uses that positively affect neighborhoods. The proposed application generally supports this effort in that it improves the erosion and drainage control that could potentially be otherwise impactful to other residential sites in the area. The area under review is at higher elevation than other sites to the west and therefore, could be a factor in how drainage and erosion control impacts other properties in the neighborhood that are below the site.

Statement of Compliance

City File No. NVAR-25-00010

After evaluation of the nonuse variance application, the application meets the review criteria with the following conditions:

- a. An amendment to the applicable hillside overlay development plan (City File No. AR DP 98-727) shall be processed prior to approval of a building permit.
- b. A building permit must be obtained by the property owner for the shotcrete wall with Pikes Peak Regional Building Department.