



3898 Maizeland Road
Colorado Springs, CO 80909

Phone: 719-528-6133
Fax: 719-528-6848

Surveying • Planning

www ldc-inc.com

Revised August 12, 2025

Development Services, Land Use Review Division
30 S. Nevada Avenue, Suite 701
Colorado Springs, CO 80903

Attn: Drew Foxx, Planner II . . . Phone: (719) 385-5773; Email: drew.foxx@coloradosprings.gov

Re: **ROUNTREE NON-USE VARIANCE – 1210 EAGLE ROCK ROAD Project Statement**
APN 63200-03-002 . . . NVAR-25-0010

Drew: **LAND DEVELOPMENT CONSULTANTS, INC. (LDC)** is representing our client, Daniel L. and Kathryn A. Rountree, in this application for Non-Use Variance in conjunction with a HILLSIDE Site Plan in the City of Colorado Springs, requesting an allowance for on-site shotcrete erosion control slope covering deemed “retaining wall” correcting an apparent Code Enforcement Violation ENF24-08762.

The property consists of 1.45 acres at 1210 Eagle Rock Road, currently platted as Lot 1, RILEY SUBDIVISION and has a City zone of “R-E HS”. This property exists as a single-family two-story residence built in 2000, being the furthest upslope in this HILLSIDE area. Access to and from this lot is via a shared common private accessway to the City-maintained Eagle Rock Road. City utilities provide water, sanitary sewer, electric and gas services to the structure. No new building addition is planned for this lot. Existing lighting on-site, natural features, landscaping and trees/bushes/shrubs are not planned to be modified, added to or changed.

This property fell under a general HILLSIDE Development Plan titled “Riley Subdivision Hillside Development Plan” prepared by LAND DEVELOPMENT CONSULTANTS, INC. and ASSOCIATED DESIGN PROFESSIONALS, INC., which was approved April 5, 1999 for both Lots 1 and 2 ... City File Number AR DP 98-00727 without any known Amendment history nor additional DP/DP Amendment City File Numbers for this lot.

This existing designation for this site's use fits the existing and any proposed “R-E HS” uses for the subject and surrounding properties at the present time.

1. Extraordinary or Exceptional Conditions: The original owners of this SUBDIVISION were Willard E. and Phyllis L. Riley (Kathryn's parents). The current owners built the existing house and had a reputable Contractor apply the on-site shotcrete erosion control/sheathed covering of the existing rock formation in the vicinity of the common lot line between Lots 1 and 2. This Contractor was well known by various City agencies, no apparent permit was required for this particular work and the method for slope control/sheathed covering of rock formations was utilized in various HILLSIDE sites across town. At time of sale of the adjoining lot by the personal representative of the Riley Estate, the new owners (Fernandez in 2016) accepted the Lot by on-site inspection and signed off on documentation “as is”. The Rountree's allowed construction activities/temporary material storage in the vicinity of the shared drive access within reason from the various subcontractor's building the Fernandez's house. Issues arose after construction and trespass occurred across the Rountree's property in excess of said shared drive access easement, creating continued friction. Until recently, the Fernandez's desired to expand their driveway area. Despite said written “as is” agreement, a lawsuit was filed by the Fernandez's to remove the encroaching limits of said shotcrete erosion control/sheathed covering of the existing rock formation solely on the Rountree's property. Upon continued complaints just prior to lawsuit settlement, a request and determination of a private “retaining wall” and its apparent height, resulted in the City Code Violation being issued. This issue required extensive cost to remove and continuing costs to remedy this situation and meet the requirements of a Non-Use Variance request.

2. No Reasonable Use: Without the option of reasonable allowance for the private on-site shotcrete erosion control/sheathed covering of the existing rock formation to remain in its current condition, extensive rock formation removal, numerous tiered retaining walls and disturbance well into this Lot's Preservation Area will be required to take place.

3. No Adverse Impact: There are no extraordinary or exceptional conditions affecting this property, there are no neighborhood standards contrary to this existing use, and we feel the owner is not causing any adverse impact, detrimental to public health safety and welfare or injurious to surrounding properties. Overland flow from rainwater/snow melt was effectively dispersed by the use of this private on-site shotcrete erosion control/sheathed covering of an existing rock formation since 2003.

At time of preparation of the "original" Riley Subdivision Hillside Development Plan for both lots, the sophistication of HILLSIDE review was not as extensive as it is today. There is no plan for proposed land disturbance with the approval of this Non-Use Variance, so most of the Hillside Development Review criteria 7.2.610.D.5 is no longer applicable. Emphasis should be made on limiting land disturbance/preserving existing vegetation and slopes and non-expansion of the platted preservation easement, which approval of this Non-Use Variance will provide. There is no visual impact created by the existing improvement condition, as it is a "private" improvement hidden from view by any other adjoining property owner by existing trees/scrub oak, only to be seen by the Fernandez's at time of drive-by within the shared drive access.

This request should not weaken the general purpose of Code Enforcement or its regulations if allowed in its private condition. There were apparently no known complaints received from other adjoining property owners within this area regarding this situation, other than a complaint and continuing issues with the current neighbor.

Thank you for your consideration for acceptance.



David V. Hostetler, PLS
Director of Surveying, LAND DEVELOPMENT CONSULTANTS, INC.

Enclosure: Owner Historical Property/Construction and Neighbor Issue Explanation

File: 23027 ROUNTREE NVAR Rev PS.doc
DVH/dh

Rountree Comments

This non-use variance request is for an existing shotcrete-sheathed rock formation and is before you as a result of a code enforcement, case #ENF24-08762, filed by our neighbor, John Fernandez. His property is directly to the south of us. We are asking that you please consider approving this non-use variance request and allow the shotcrete to remain as is.

If this request is not approved, it would be an extreme financial hardship for us to remove and replace something that is already working and has been in place since 2003. If required to do so, that would cause us to remove a covered breezeway, made of two freestanding sections, a small freestanding covered deck, and multiple cement pilons used for support. The shotcrete is only 8 – 10 ft behind the house and garage. No equipment could easily access the removal and replacement without risk of damage to our house and garage only to replace what is already working. We covered exposed sheathed rock with shotcrete, as a result of excavation for our home and feel it is very natural looking for the area. The only neighbors to see the shotcrete are the Fernandez's, as we are the furthest upslope. We did not build a wall; we covered an exposed rock formation. We received our Residential Certificate of Occupancy, dated August 9, 2000, without any concerns noted regarding the exposed rock formation.

In addition, if we have to remove the shotcrete, it would cause significant vegetative/terrain disturbance to the beautiful hillside behind us. It has always been our goal to conserve the very unique and natural features that are already present up here as best we can. Removal of the shotcrete and rebuilding would also disrupt the wildlife corridors. My parents, who were the former owners of the Fernandez's property and ours, built a home up here in 1958 on the adjoining property. It was my parents who put preservation on these 2 lots as they were trying to maintain the natural beauty where I grew up. I'd like to note that there appears to be multiple preservation violations on the Fernandez's property.

We now look at a permitted 7 ft grey retaining wall that measures roughly 15 ft in height that the Fernandez's constructed this year for the purpose of an expanded driveway. It is setback only 2-3 ft from the property line. That wall does not at all blend into the very unique features of the hillside. The top 7 or 8 ft serves no purpose other than a privacy barrier. They already had privacy but cut down 2 very large, old spruce trees to make room for their expanded driveway. Also, on the Fernandez's property, off their garage, are 2 rock veneered retaining walls that are approximately 12 ft tall. They were approved but were approved in error and do not meet the Hillside criteria. I'd also like to point out that their 15 ft retaining wall has a note on it for the reason below. It is under permit #R189939 on the PPRDB website.

HOMEOWNER

EE

R

07/01/2025

Need plans updated based on as built condition and design of walls. Approved plans do not match what is built.

Additional Inspections Required (computer generated): External Agency Inspection 2 = by CSZONING is not Completed yetRequest inspection through PPRDB system or contact 719-385-5982 for zoning questions.

JOHN

The base of our shotcrete is below grade with the exception of a very small area on the northern portion which has now been repaired. We do have a catch basin, which keeps water

away from our house, with multiple drainage systems. Any ponding, that they are so concerned with, was a result of a temporary re-direction of a downspout, now moved.

We did the shotcrete in 2003 and were told by the contractor, Schanel Construction, who is very reputable, that a permit was not required. He said that shotcrete is considered slope retention for the purpose of erosion control and is not considered a retaining wall. Our shotcrete is performing as intended, and has been for over 22 years, for erosion control. This was also noted by Austin Nossokoff, P. E. at Entech Engineering, a qualified structural engineer, in a February 11, 2025 letter. The letter is regarding a Site Observation visit that was done on February 7, 2025. In that letter he mentions "shotcrete stabilized slope" several times in his report.

With regards to the 2:1 ratio mentioned in the complaint against us, it did not become effective until 1-1-2005. Perhaps that is when the city began considering shotcrete a retaining wall. Again, ours was done in 2003. Within the code enforcement complaint against us by John Fernandez, he quoted Jay Eenhuis, P.E., Deputy Building Official, as saying "We have to look at the 2 horizontal to 1 vertical slope of the soil being "reinforced by the shotcrete, anything steeper than a 2:1 slope would have to be viewed as a retaining structure and require a permit. Less than 2:1 one would assume the soil would remain in place with no additional reinforcing and the only reason for the shotcrete would be for erosion control or other stormwater reasons". Since the 2:1 did not become effective until 1-1-2005, perhaps that is why we were told no permit was required.

I have attached my emails with Jay Eenhuis, P.E. where he talks about the 2:1 ratio. One of the questions I asked was if shotcrete required a permit back in 2003. He responded and said he had only been here since 2010 and was unsure what interpretations were made at the time.

In the Fernandez's Opposition Comments, they made the statement indicating that we and our engineer deliberately circumvented things. This couldn't be more wrong and we are in disbelief that was even said. The Fernandez's have called into question not only our integrity but the integrity, credibility and reputation of three very well known, respected professionals, some of whom they have used. The Fernandez's also stated the following in their opposition comments, "LDC's professional engineer credibility and code conclusions are questionable, with potential licensing issues raised" went way too far!

The Fernandez's have no expertise in land development, structural or civil engineering. The two 4 ft walls in question were 55 ft behind our house, not where the shotcrete is. It is clearly marked on the Plot Plan. These two 4 ft walls have been removed from our updated Site Plan as they have been deemed not necessary by a qualified engineer. The same two 4 ft walls have been removed from the Fernandez's Site Plan by their engineer.

They stated in the Opposition Comments, that the steel roof overhang on our property was omitted from the Site Plan, it was not. It is clearly marked and noted on the Site Plan.

Shotcrete has been used in several places around town for erosion control. See the attached pictures of other confirmed Hillside areas, as is ours. The shotcreting there is a much larger project and was done sometime prior to ours in 2003 by the same contractor. I have also included a picture of the Manitou Cliff Dwellings that shows the area in front of the observation deck. The shotcrete is below the green fencing and also by the same contractor, Schanel Construction. You can see it is very steep. It seems as though the city saw the value of shotcrete for erosion control back then also.

Attachments:

Attachment #1: Receipt for shotcrete done in 2003.

Attachment #2: 1999 Edition of the Pikes Peak Regional Building Code Set, no 2:1 ratio.

Attachment #3: 2005 Edition of the Pikes Peak Regional Building Code Set, now has the 2:1 ratio.

Attachment #4: Letter from Austin Nossokoff, P.E. dated February 11, 2025, he mentions shotcrete stabilization several times.

Attachment #5: Quote John Fernandez is using from Jay Eenhuis, P.E., Deputy Building Official, with the code enforcement complaint regarding the 2:1 ratio.

Attachment #6: The email I received from Jay Eenhuis, P.E. talking about the 2:1 ratio dating back to 2005. Again, the 2:1 ratio did not become effective until 1-1-2005. Our shotcrete was done in 2003.

Attachment #7: Pictures of shotcrete in other Hillside areas and the Manitou Cliff Dwellings.

Attachment #8: Picture of the Fernandez's 2, roughly 12 ft, retaining walls off their RV garage.

Attachment #9: Picture of the retaining wall constructed this year by the Fernandez's, that is approximately 15 ft tall.

attachment #1 pg1

Invoice

SCHANEL CONSTRUCTION INC
3630 NORTH STONE AVE.
COLORADO SPRINGS, CO 80907

DATE	INVOICE #
10/06/2003	21605

BILL TO
DAN ROUNDTREE
1210 EAGLE ROCK ROAD
COLO. SPRGS., CO 80918

P.O. NO.	TERMS	PROJECT
	DUE ON RECE...	

QUANTITY	DESCRIPTION	RATE	AMOUNT
	SHOTCRETE EMBANKMENT	4,815.00	4,815.00

Willard E. Riley or Phyllis L. Riley
1190 Eagle Rock Road
Colorado Springs, CO 80918-3906

9186
11-4200/1210

Date 10-12-03

Pay to the order of Schanel Construction 4815.00

Forty Eight Hundred Fifteen ⁰⁰/₁₀₀ Dollars Security features included.

 Wells Fargo Bank, N.A.
www.wellsfargo.com

MEMO Roundtree Residence W.E. Riley

⑈ 9 886 ⑈ ⑆ 2 104 288 206 54 483 44 54 ⑈ 460

Total \$4,815.00

#1 pgs 2.

STRUCTURAL REPAIR

MUDJACKING
STEEL PINNING
SHOT CRETE
PRESSURE GROUTING

3630 N. STONE AVE.
COLORADO SPRINGS, CO 80907
(719) 634-2828
FAX 634-3945

Proposal

DATE: 7-15-03

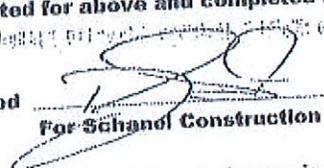
ATTN: _____

NAME: Katrina + Dan Rountree JOB ADDRESS: _____
ADDRESS: 1210 Eagle Rock Road
CITY: CS ZIP: 80918
HOME PHONE: 264-6310 WORK PHONE: _____ FAX# _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

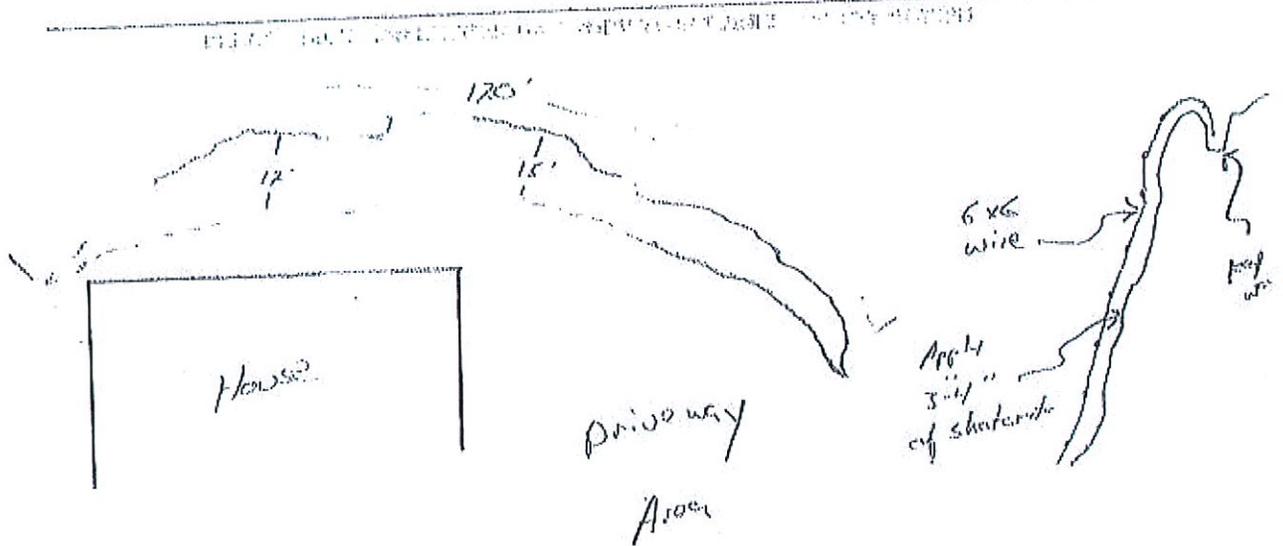
- Core drill and mudjack as per drawing: Price \$ _____
- Remove and Replace concrete as per drawing: Price \$ _____
- Install new concrete as per drawing: Apply shotcrete to embankment w/ 1/2" color Price \$ 4815.00
- Redi-Rock retaining wall: Price \$ _____
- Notes: _____

All materials are guaranteed to be as specified, and the work to be performed in accordance with the drawings and specifications submitted for above and completed in substantial workmanlike manner for the sum of Dollars:

Respectfully submitted

For Schanel Construction Inc.

Comprehensive and liability insurance to be carried by Schanel Construction Inc. Note this proposal may be withdrawn by us if not accepted within 90 days.
The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date _____ Signature _____



Attachment #2 pg 1

Pikes Peak Regional Building Code



1999 Edition

CHAPTER 16 BUILDING
ARTICLE 3 PERMITS AND FEES
PART 1 BUILDING PERMITS

SECTION:

- 16-3-101: Permits Required
- 16-3-102: Work exempt from Permits
- 16-3-103: Architect/Engineer Required
- 16-3-104: Applications for Permits
- 16-3-105: Authorized Applicants
- 16-3-106: Prerequisites to Permit Issuance
- 16-3-107: Issuance of Permits
- 16-3-108: Partial Permits
- 16-3-109: Expiration of Permits
- 16-3-110: Suspension or Revocation of Permit

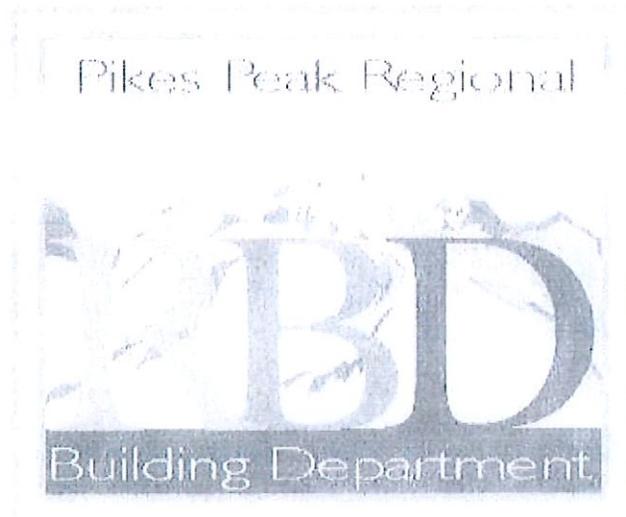
16-3-101: **PERMITS REQUIRED:** Except as specified in Section 16-3-102, no building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, change the occupancy, or demolished unless a separate permit for each building or structure has first been obtained from the Building Official. A permit is also required to install or replace any electrical, gas, mechanical or plumbing system which is regulated by this Code.

16-3-102: **WORK EXEMPT FROM PERMITS:**

A. Permits shall not be required for the following:

1. One-story detached accessory buildings not larger than 120 square feet in floor area, used for storage or as playhouses and used in conjunction with a single family dwelling.
2. Fences not over 6 feet high.
3. Movable cases, counters, and partitions not over 5 feet 9 inches high.
- * 4. Retaining walls that are not over 4 feet in height measured from the lower grade to the upper grade.
5. Swimming pools accessory to a single family dwelling and which are not regulated by Part 7 of this Code.
6. Private sidewalks, driveways, and platforms supported directly upon grade. Any steps created must comply with other provisions of this Code.
7. Repairs to roofing when such repair is less than 100 square feet.
8. Oil derricks.
9. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1

Attachment # 3
page 1



Pikes Peak Regional Building Code

2005 Edition

Revised April 1, 2010

SECTION RBC105 - PERMITS

RBC105.1 PERMITS REQUIRED. Except as specified in Section RBC105.2 of this Code, no building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, changed in occupancy, or demolished unless a separate permit for each building or structure has first been obtained from the Building Official. A permit is also required to install or replace any electrical, gas, mechanical or plumbing system regulated by this Code.

RBC105.1.1 Annual Permit. The Building Official may issue an annual permit to a licensed contractor in lieu of an individual permit. The annual permit issued shall be for a specific scope of work and discipline. Inspections and record submittal shall be as determined by the Building Official.

RBC105.2 WORK EXEMPT FROM PERMITS.

RBC105.2.1 Construction and Installations. Permits shall not be required for the following:

- 1. One-story, detached, enclosed, unheated buildings not more than one hundred-twenty (120) square feet in floor area accessory to a one- or two- family dwelling.
- 2. Fences not more than six (6) feet in height.
- 3. Oil derricks.
- 4. Retaining walls not more than four (4) feet in height measured from the lower grade to the upper grade, unless supporting a surcharge from a structure or a grade slope greater than two (2) units horizontal to one (1) vertical or impounding Class I, II, or III-A liquids.
- 5. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1).
- 6. Water tanks of any size and any accessory equipment under the direct control of a utility purveyor located completely below grade.
- 7. Private sidewalks, driveways, and platforms supported directly upon grade. Any steps created must comply with the applicable provisions of the Building Code.
- 8. Replacement of any windows or fixed glazing in Group R-2, R-3 and U occupancies unless the opening is being enlarged. Replacement of any window required as an emergency escape and rescue opening and safety glazing required due to a hazardous location must comply with the applicable provisions of



- the Building Code.
- 9. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 10. Swimming pools accessory to one- and two-family dwellings and not regulated by this Code.
- 11. Repairs to roofing when the repair constitutes less than one hundred (100) square feet.
- 12. Swings and other playground equipment.
- 13. Window awnings supported by an exterior wall which do not project more than fifty-four (54) inches from the exterior wall and do not require additional support of one- and two-family dwellings and accessory structures.
- 14. Movable cases, counters, and partitions not over five (5) feet nine (9) inches in height.
- 15. Hydraulic flood-control structures.
- 16. Pedestrian and vehicular bridges not direct serving or constructed as part of a building.
- 17. The removal and reinstallation of plumbing fixtures provided the work does not involve the replacement or rearrangement of drain, waste, vent or water pipes;
- 18. Portable heating, ventilating or cooling unit
- 19. Ice makers and humidifiers;
- 20. Evaporative coolers in connection with one- and two-family dwellings, where no structural elements or components are modified.
- 21. Agricultural buildings and agricultural structures located in the County, as defined by the El Paso County Land Development Code.
- 22. Non-public, non-residential buildings located in the A-35 District in the County, as defined by the El Paso County Land Development Code.

M. JAMES
M. 2003

RBC105.2.2 Electrical Equipment. No permit is required when the work performed is conducted by the personnel of, or for the use of the public telephone and telegraph and messenger call companies operating under regular franchise granted by the Jurisdiction and under bond to the Jurisdiction or other public or private utilities that desire to install electrical wiring, electrical fixture, appliances or apparatus on:

- 1. Installations of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for installations.



ENTECH
ENGINEERING, INC.

505 ELKTON DRIVE
COLORADO SPRINGS, CO 80907
PHONE (719) 531-5590

February 11, 2025

Kathy Rountree
1210 Eagle Rock Road
Colorado Springs, CO

Attn: Kathy Rountree

Re: Site Observation – Shotcrete Stabilized Slope
1210 Eagle Rock Road
Colorado Springs, CO
Entech Job No. 250184

Dear Ms. Rountree,

On February 7, 2025, at your request, personnel representing Entech Engineering, Inc., visited the address referenced above for the purpose of performing a limited assessment of the current condition of the existing shotcrete stabilized slope.

Observations: A shotcrete stabilized slope was observed on the southeastern portion of the property. The wall was reportedly constructed in 2003. The shotcrete wraps around the side of the existing house and existing driveway. At the time of our observation, construction on the property at 1220 Eagle Rock exposed a portion of the shotcrete wall.

The shotcrete consists of approximately 2 to 4 inches of concrete, with embedded 6x6 wire mesh. The shotcrete stabilization retains approximately 12 to 15 feet of soil at the highest point. Sandstone and interbedded claystone were observed behind the shotcrete.

Hairline cracking was observed on the face of the concrete in various locations. No expansion joints were observed in the concrete. Minor erosion was also observed on the northern portion of the shotcrete.

Conclusions and Recommendations: The shotcrete stabilization is approximately 22 years old and appears to be performing as intended. Cracking on the face of the wall appears to be cosmetic in nature. Areas of erosion at the base of the shotcrete should be remediated.

Exterior soil grades at the top and base of the shotcrete stabilization should be installed and upkeep for positive drainage away from the shotcrete stabilization and adjacent structures. This may have to be coordinated with adjacent landowners to ensure that surface drainage is discharged away from structures. Landscaping should be carefully designed to minimize irrigation adjacent to the stabilization. To minimize infiltration of water into the foundation zone, vegetative plantings placed close to stabilization should be limited to those species having low watering requirements and irrigated grass should not be located within 5 feet of the stabilization. Similarly, sprinklers are not recommended to discharge water within 5 feet of stabilization. Irrigation near structures should be limited to the minimum amount of sufficient to maintain vegetation. Maintaining proper grading and drainage is critical to foundation and slab performance.

Disclaimer: The observations described in this document are valid for the date of the observation and have been made under the conditions noted in the report. We prepared the report for the exclusive use of Kathy Rountree (Client). Entech Engineering, Inc. does not intend any other individual or party, other than local building departments and/or other regulatory

Kathy Rountree
Site Observation – Shotcrete Stabilized Slope
1210 Eagle Rock Road
Colorado Springs, CO
Page 2



agencies, to rely upon this report without our express written consent. If another individual or party relies on this report, they shall indemnify and hold Entech Engineering, Inc. harmless for any damages, losses, or expenses that may incur as a result of its use, except as allowed by law.

A review of the landscaping or structural conditions, other than those items specifically discussed, nor a comprehensive review of compliance with applicable building codes was not included in this site visit.

This report does not express or imply any warranty of the future performance of the structure or drainage condition. This report should not be considered a warranty of condition, and no warranty is implied. The opinions and recommendations presented in this report are based solely on visual observations available for viewing at the time of the site visit and information, if any, provided by the Client and/or their representative(s). We are not responsible for conditions that were not within the scope of our services at the time of inspection. We did not undertake any digging or excavation, or perform any destructive or invasive testing.

No surface testing, materials testing, calculations, nor monitoring over time of the conditions presented in the report were performed by Entech Engineering, Inc. Accordingly, we cannot comment on the condition of components that we could not see. These additional investigations can be performed upon request for an additional charge, which may or may not provide more information to better address the above-mentioned concerns.

We trust this has provided you with the information you required. If you have any questions or need additional information, please do not hesitate to contact us.

Respectfully Submitted,

ENTECH ENGINEERING, INC.



Digitally signed by Austin Nossokoff
Date: 02/11/25

Austin M. Nossokoff, P. E.
AMN/amn
Entech Job No. 250184

F:\AA Projects\2025\250184-Kathy Rountree-1210 Eagle Rock-Site Obs\09-Reports\250184_SiteObs_020725.doc

Complainant:

John

Fernandez

john.fernandez@guilford.nc.gov

il.com

Address:

Address:

City:

State:

Zip:

Attachment #5

Custom Fields

CONCERN TYPES	ASI Name	Description
---------------	----------	-------------

Part of code
violation
complaint

ASI Value

1) Plan #R189939, a code-compliant plan, was denied due to extenuating circumstances created by 1210 Eagle Rock Rd occupants' violation of Hillside Overlay code regarding retaining wall height and dimensional requirements. Code violated is 7.2.610 Hillside Overlay, section D.1.d, "Retaining walls 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," and section D.1.c City File #AR-DP-98-727 dated Feb 1999 and City-approved in April 1999 depicts two 4-ft tall tiered walls which were never constructed, and this city-approved plan was not followed. The aforementioned file also clearly states that an approved plan must be submitted prior to any grading work being done. 1210 Eagle Rock Rd. occupants received certificate of occupancy permit which identifies and approves a code-compliant retaining wall plan for a 4-ft retaining wall in the area in question. However, occupants erected a non-compliant single retaining structure exceeding 15 feet in height without acquiring a permit. On 23 Sept 2024, Pikes Peak Regional Building Department assessed that this 15+-foot high wall requires a permit, as the slope exceeds the 2:1 horizontal to vertical grade, and that the current wall is in violation of code. Jay Eenhuis, P.E., Deputy Building Official - Plans, PPRBD, further assessed that "We have to look at the 2 horizontal to 1 vertical slope of the soil being "reinforced" by the shotcrete. Anything steeper than a 2:1 slope would have to be viewed as a retaining structure and require permit. Less than 2:1 slope, one would assume the soil would remain in place with no additional reinforcing and the only reason for the shotcrete would be for erosion control or other stormwater reasons." Current unpermitted, non-compliant shotcrete wall does not provide appropriate stormwater control (see attached photos). There also appears to be an unapproved accessory structure constructed on the east side of the garage in the last

Attachment # 6
pg. 1

RE: 2:1 Ratio

From: Jay Eenhuis (jay@pprbd.org) ←

To: kdztree@yahoo.com

Date: Friday, November 15, 2024 at 10:08 AM MST

Good morning Kathy,

Dating back to the 2005 Pikes Peak Regional Building Code, in the "Work Exempt from Permit" section (RBC105), one of the exemptions includes retaining walls and reads: *Retaining walls not more than 4 feet (1,219 mm) in height measured from the lower grade to the upper grade, unless supporting a surcharge from a structure or a grade slope greater than two (2) units horizontal to one (1) vertical or impounding Class I, II, or III-A liquids.*

So, even if a retaining wall was only 2' in height, but supported a slope greater than 2:1, a permit would be required. I hope this information is helpful.

Thank you,

Jay Eenhuis, P.E.

Deputy Building Official - Plans

Pikes Peak Regional Building Department

O: 719-327-2910 E: jay@pprbd.org W: pprbd.org

shotcrete was done in 2003



From: Kathy Rountree <kdztree@yahoo.com>

Sent: Friday, November 15, 2024 9:33 AM

To: Jay Eenhuis <Jay@pprbd.org>

Subject: 2:1 Ratio

You don't often get email from kdztree@yahoo.com. [Learn why this is important](#)

Hello Jay,

I'm hoping you can help me with the 2:1 ratio on slopes. I'm wanting to find out when this became the standard/effective for determining a shotcrete wall versus a retaining wall. You were in communication with Drew Foxx in the planning department which is how I got your email address.

Any help you can give me would be greatly appreciated.

Thank you

Kathy Rountree

RE: 2:1 Ratio

From: Jay Eenhuis (jay@pprbd.org)

To: kdztree@yahoo.com

Date: Friday, November 15, 2024 at 01:23 PM MST

K Kathy,
Unfortunately, I have only been here since 2010 and I am unsure what interpretations were made at that time.
Jay

Jay Eenhuis, P.E.
Deputy Building Official - Plans
Pikes Peak Regional Building Department
O: 719-327-2910 E: jay@pprbd.org W: pprbd.org



From: Kathy Rountree <kdztree@yahoo.com>
Sent: Friday, November 15, 2024 1:08 PM
To: Jay Eenhuis <jay@pprbd.org>
Subject: RE: 2:1 Ratio

You don't often get email from kdztree@yahoo.com. [Learn why this is important](#)
Hi Jay,

K I apologize but have one more question. In 2003 we were told our shotcreting did not require a permit, is that correct?

Thank you again for your help.

Kathy

[Yahoo Mail: Search, Organize, Conquer](#)

On Fri, Nov 15, 2024 at 11:32 AM, Kathy Rountree

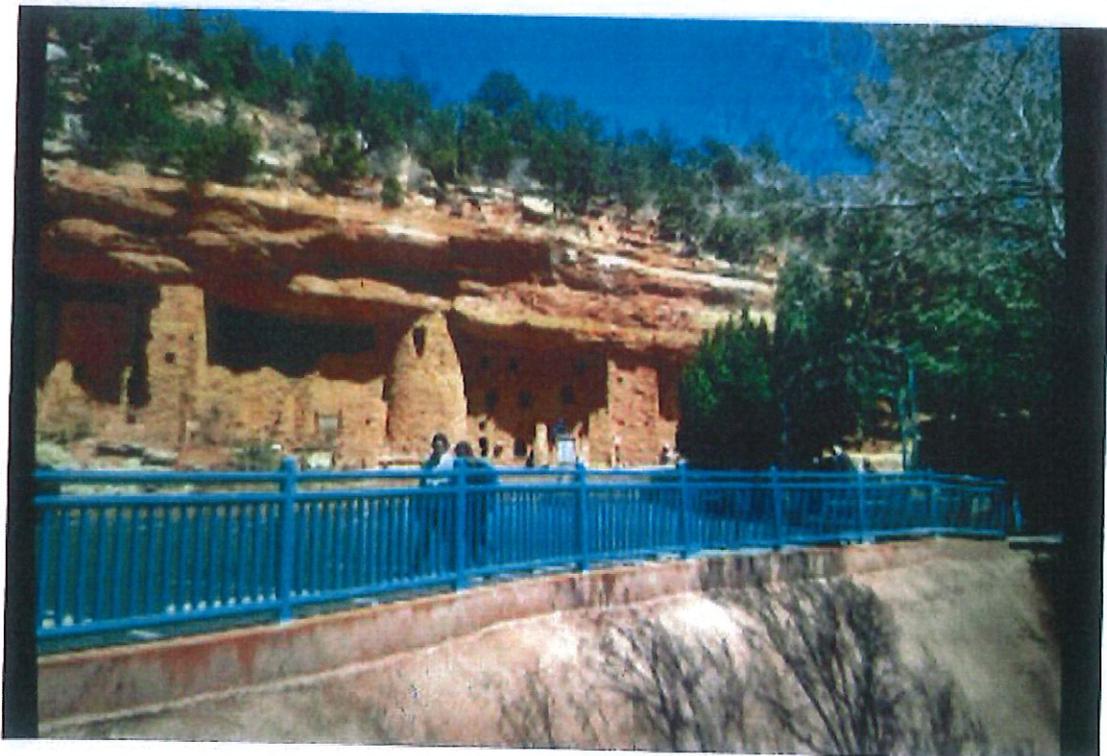
<kdztree@yahoo.com> wrote:

Attachment #7 Page 1

Shotcrete done in other confirmed Hillside area. The shotcrete below was done during the same timeframe as ours and by the same contractor. Shotcrete has been used as an effective means of erosion control.

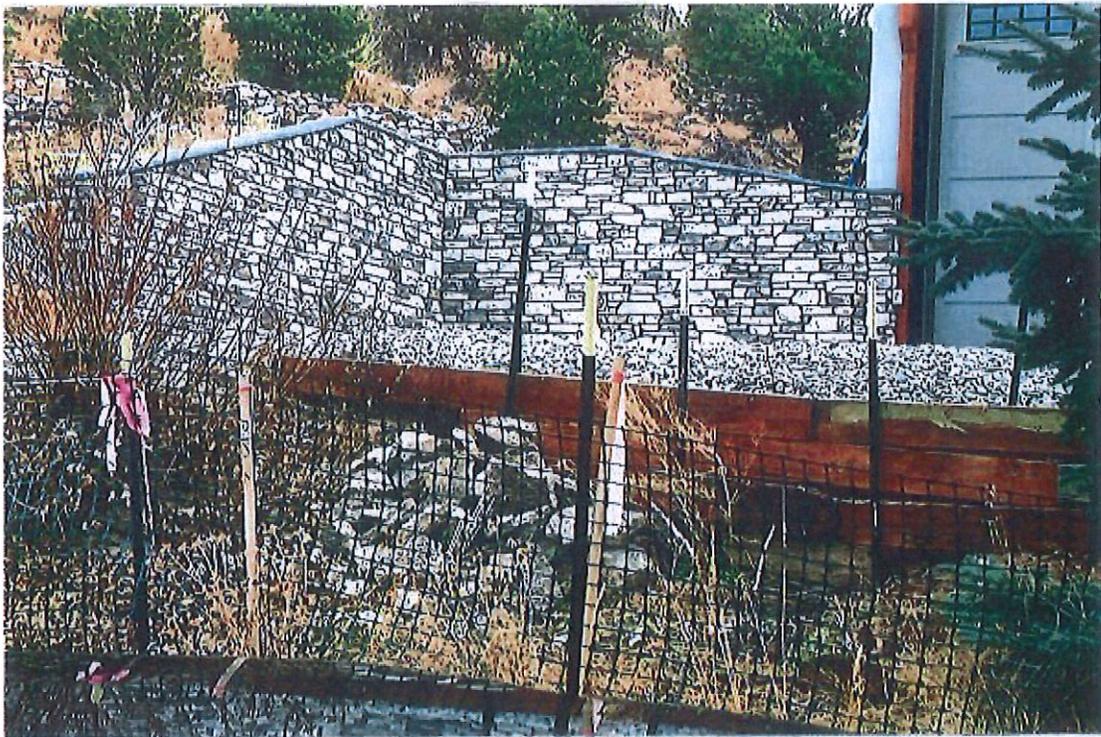


Additional picture of shotcrete done in confirmed Hillside area. The bottom picture is the shotcrete done at the Manitou Cliff Dwellings in front of the observation deck. It is below the green fencing and you can see how steep it is. Also done by the same contractor.



Attachment # 8

Picture of the two rock veneered retaining walls on the Fernandez's property. They are roughly 12 ft in height and were constructed around 2019. One wall extends to the east of the garage and the other to the north. They were approved but were approved in error. These walls do not meet the Hillside Overlay code requirements of 7.2.610.



Attachment #9

Picture of the retaining wall on the Fernandez property constructed this year and completed in April. It is separating the two properties. It is an approved 7 ft retaining wall that is roughly 15 ft high under permit # R189939. The 7 ft wall was approved "in relation to their driveway placement". The wall itself is 15 ft high.

