

VA-04-006

341.01

**VARIANCE OF USE
DANIEL VETRANO**

A request by Daniel Vetrano for a Variance of Use to allow a trash, recycling and hauling business on 8.4 acres in the A-1 (Agricultural) District. The property is located approximately one-half mile north of McDaniels Road, and approximately three-fourths mile of a east of Log Road, and adjacent to and west of Ellicott Highway. The parcel is addressed as 1950 Ellicott Highway in the Highway 94/ Ellicott Valley Planning areas. Assessor's Tax Schedule #34014-01-001.

PREPARED BY

Mike Pesicka
7/8/04

APPLICABLE RESOLUTION

Approval Page 19
Disapproval Page 20

DEVELOPMENT SERVICES DEPARTMENT RECOMMENDATION: Should the applicant demonstrate to the satisfaction of the Planning Commission that peculiar and exceptional practical difficulties or undue hardship exist, the following conditions and notations are suggested:

CONDITIONS

1. Prior to scheduling this item for hearing by the Board of County Commissioners, the applicant shall provide a revised site plan which includes approximate dimensions of buildings and storage areas and which describes any limits for the parking of equipment used in this business as well as areas for storage of wastes and recyclable materials.
2. There shall be no disposed-of wastes at any land on this site, nor shall there be any storage of recyclable materials for periods exceeding thirty (30) days.
3. The total number of outside employees working at the site or based from it shall be limited to three (3).
4. Approval is restricted to outside storage of light equipment and materials for the recycling and trash hauling business developed in accordance with the approved site plan.

5. The site shall be inspected on a yearly-or bi-yearly basis to determine that the parcel is being used only for a trash, recycling and hauling business. Any change in use or expansion of the facility shall require additional review by the Development Services Department and other regulatory agencies.
6. All storage shall be located inside of a building or visually screened by a six (6) foot opaque screening fence.
7. There shall be no new access from Ellicott Highway.
8. Building materials must be stored in a manner that reduces rodent harborage. There shall be no storage of junk materials, vehicles or equipment.
9. There shall be no storage of putrescible wastes on the site for a period of greater than 24 hours except in emergency situations as determined either by the Planning Division or the El Paso County Department of Health and Environment.
10. The storage area shall be kept clean of all liquid spills, with all hazardous waste handled and disposed in accordance with all local, State and Federal regulations.
11. Variance of Use approval is granted for a fifteen (15) year period commencing on Board of County Commissioners' approval.

NOTE: the applicant is asking for a 15-year Variance. Staff defers to the Planning Commission and ultimately the Board of County Commissioners for determination of a maximum approval period.

12. Well Permit number 109650 is limited to domestic uses. If the well is to be used for the recycling and trash hauling business, then a new well permit shall be applied for with the State Water Engineer.
13. Applicant shall comply with all applicable Federal, State and local laws and regulations concerning generation, storage, treatment, transportation and disposal of solid and/or hazardous waste associated with this Variance of Use.

NOTATIONS

1. No subsequent enlargement, expansion or modification of the use shall be allowed unless the proposal is reevaluated and goes through the public hearing process in accordance with the requirements of the El Paso County Land Development Code.
2. If the variance of use is abandoned or discontinued for one (1) year or longer the variance of use shall be deemed abandoned and of no further force and effect.
3. The Development Services Department shall have the right to enter the site, without notice, to inspect the facility for compliance with the terms and conditions of this Variance of Use.

4. Variance of Use requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

PUBLIC NOTICE: The property was posted on July 6, 2004

PUBLIC NOTIFICATION: The Development Services Department notified adjoining property owners of the applicant's intent on July 6, 2004, comments will be presented at the hearing as available.

HISTORY: The property was not zoned prior to 1979, at which time it was zoned to the Agricultural (A-2) Zone District. The A-2 Zone District was reclassified to the A-1 Zone District in 1990. The property was platted as Lot 1 of the Spillman Subdivision in November of 1979.

ADJOINING LAND USE AND ZONING

North	Residential/Grazing Land	A-35 (Agricultural) District
South	Residential	A-1 (Agricultural) District
East	Residential/Grazing Land	A-35 (Agricultural) District
West	Residential	A-1 (Agricultural) District

AGENCY COMMENTS

EL PASO COUNTY DEPARTMENT OF TRANSPORTATION - The El Paso County Engineering Division has no comments or objections to the above referenced submittal.

ENVIRONMENTAL SERVICES - Have no comments or objections to the above referenced submittal.

STATE WATER ENGINEER

According to our records, a well permitted under State Engineer's Well Permit number 109650 was approved for 50 gallons per minute for domestic uses on August 20, 1979. The permit is still in apparently another previous owner's name, Jim Middlestadt. As

long as the well will continue to serve the existing uses for the home, noncommercial livestock, lawn/garden of less than one acre, and there are no requested changes to supply the business, we do not object to the continued use of the well. *The applicant has taken Mr. Middlestadt's name off of the well permit, and it is now under Daniel Vetrano.*

PIKES PEAK REGIONAL BUILDING DEPARTMENT (Enumerations)

Due to the fact that the subject property includes a residence, and commercial (office and shop building) uses it requires three (3) separate addresses. In case of an emergency it would be critical for E-911 responders to quickly locate the person requiring assistance. The owner shall contact this office for the assignment of two additional addresses. 1950 Ellicott Highway will remain as one of the addresses and can be used for any of the three structures. *The applicant has satisfied the requirements of the Enumerations Office.*

MOUNTAIN VIEW ELECTRIC ASSOCIATION - No objections to the above reference submittal.

EL PASO COUNTY CONSERVATION DISTRICT - No objections to the variance of use request.

Comments, if any, from the following agencies will be presented at the meeting:

El Paso County Attorney's Office
School District #22 - Ellicott
El Paso County Health Department
Ellicott Fire Department
U.S. Army Corps of Engineers

SECTION 35.9

STANDARDS GOVERNING THE APPROVAL OR DISAPPROVAL
OF A PETITION FOR A USE VARIANCE

The Planning Commission may recommend approval or disapproval of a petition for a use variance to the Board of County Commissioners. The Board of County Commissioners may either approve or disapprove a petition for a use variance. As a minimum, all actions shall be based upon standards set forth in this Code. The power of the Board of County Commissioners to vary the provisions of these zoning regulations is permissive, not mandatory, and shall not be exercised in such a way as to frustrate the scheme or intent of the Zoning Regulations. The power to grant variances shall be exercised sparingly and in exceptional

situations where the strict application of any of the provisions of the Zoning Regulations would result in peculiar and exceptional practical difficulties or undue hardship upon either the owner or the contract purchaser of the property.

PLANNING DIVISION COMMENTS

The applicant is requesting a Variance of Use to allow the continued operation of a recycling and trash hauling business that is operated from his personal property. The applicant has a history of past code enforcement issues although these apparently have not originated from local property owners.

The property has been in violation on a continuous basis since January of 2001. Code complaints have ranged from transferring and dumping trash to conducting weekly auctions. The applicant had been made aware from the first code complaint that a variance of use would be required to conduct a recycling and trashing hauling business. An early assistance meeting was held on January 7, 2004, at which time the applicant was informed of the process and the fees associated with a variance of use. A completed application was received by staff on June 3, 2004.

A fifteen (15) year approval of the Variance of Use has been asked for by the applicant. This is a fairly unique situation in that typically the time period granted is five (5) years. The fifteen years will not allow review by the Board of County Commissioners after the typical five (5) year time period.

The property is zoned A-1 (Agricultural) Zone District, which does not allow a recycling and trash hauling business as a Permitted Principal Use, or as a Use Subject to Special Review review. The only process by which this type of commercial business would be allowed to operate at the current location is a Variance of Use or a rezoning. The use is allowed as a Special Use in the Planned Heavy Industrial District (PHID), but is not allowed as a Permitted Principal Use or Special Use in any other zone district.

There is no PHID zoning within a reasonable distance of the subject property that would allow the applicant to apply for a Special Use. Rezoning the property to PHID would likely not be supported by staff, as the typical standard to rezone to PHID (Planned Heavy Industrial) District includes central water and sewer services which are not readily available for this property to connect to. The applicant has stated in his letter of intent that he provides a necessary service to businesses and citizens in this area of the County, and has had no complaints from adjacent property owners. Although larger Colorado Springs-based companies are available to serve this area with trash collection and hauling services, there is validity to the agreement that the area could benefit from a locally based operation.

The Ellicott Valley Comprehensive Plan describes the planning area as being predominantly undeveloped, with about ninety percent (90%) of the area used primarily for agricultural activities. Since the time the plan was adopted in 1989, the area has been impacted by development primarily along State Highway 94 and Ellicott Highway. Very little land within the planning area is zoned for industrial uses making it difficult for a recycling and trash hauling business to locate in the area that provides a convenient location for conducting the business.

A Variance of Use request may be approved on one of two findings:

- a. Peculiar and exceptional practical difficulties
or
- b. Undue hardship upon either the owner or the contract purchaser of the property.

ENCLOSURES

Vicinity Map
Letter of Intent
Site Plan

El Paso County Parcel Information

Parcel Number: 3401401001

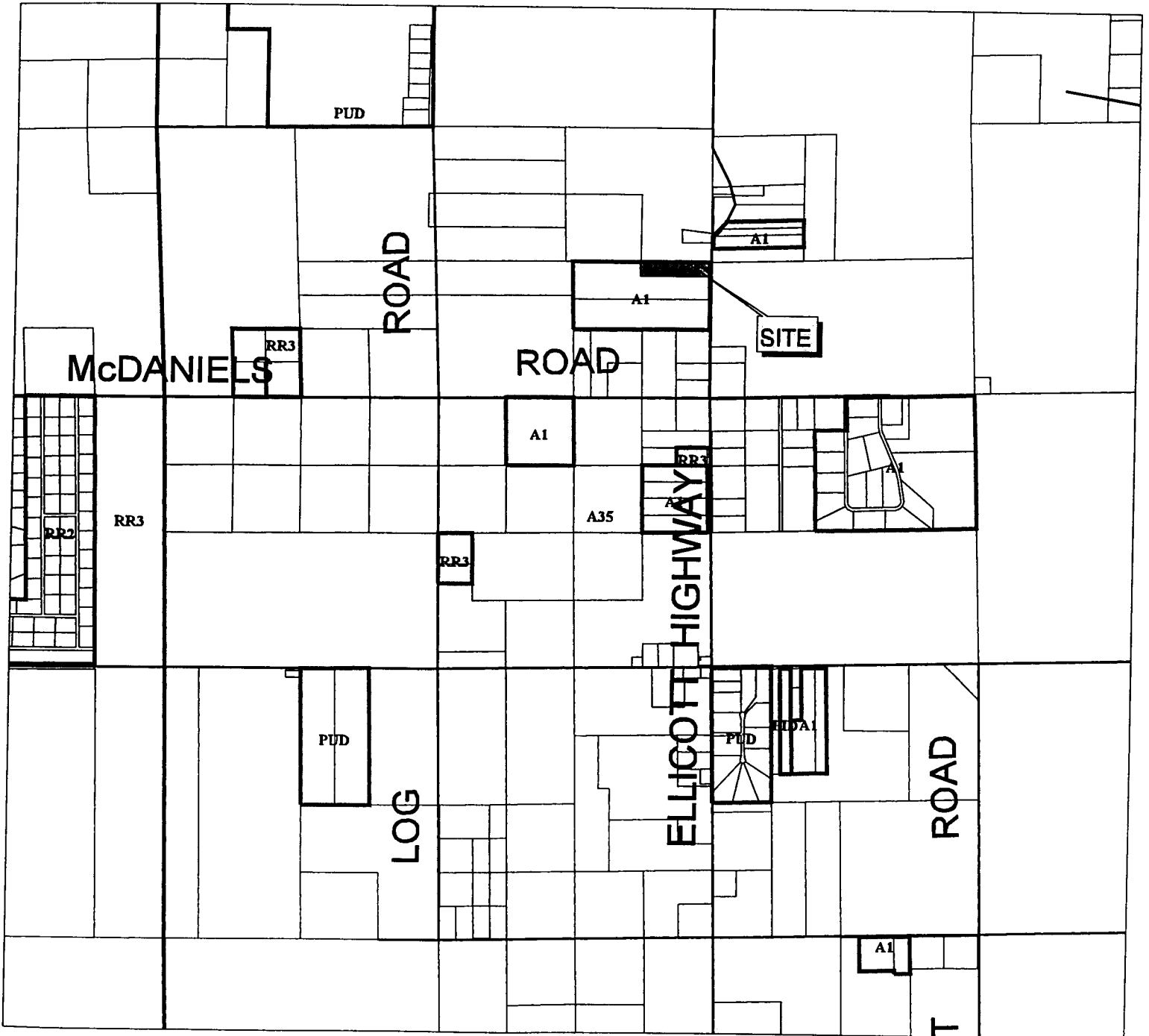
File Name: VA-04-006

Parcel Address: 1950 ELLICOTT HWY

Zone Map No.: 341.01

Parcel Owner: VETRANO DANIEL A

Owner Mailing Address: 1950 ELLICOTT HWY, CALHAN, CO 80808



Please report any discrepancies to:
El Paso County GIS/Mapping
325 S. Cascade
Colorado Springs, CO 80903
(719)520-6523

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April 26, 2004

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Letter of Intent Rev B.

Daniel A. Vetrano
1950 N. Ellicott Hwy
Calhan, CO 80808

Business Phone: (719) 683-2410
Fax: (719) 683-5225
Cell: (719) 337-6900

July 14, 2004

Site Location: Lot 1 Spillman Subdivision, 8.4 acres.
Zone: agricultural (A-1),

I am requesting a variance of use at 1950 N. Ellicott Hwy. Calhan, CO. This is to continue operating a trash, recycling and hauling business that has been in operation since 1989, and to park trucks and containers required for the business on the premises and no producible waste will ever be stored on site. The recycled material consists of metal, and is usually a one time removal of metal washers and/or dryers, etc., that we accumulate over time, and we use the same roll off containers for this process. Once the container is full, we transport this to the metal facility for recycling purposes. The majority of the business consists of trash hauling from construction sites and most all containers are emptied on the same day.

We have submitted and been approved for separate addresses for all buildings on the property. Home address is now 1940 (myself and family reside here), office will remain 1950 (Same Day Haulin, Inc office and parking for personal family vehicles) and shop is now 1960 N. Ellicott Hwy (where repairs and maintenance is performed on equipment and for parking same when not in use). We also have a storage unit on the property, and this is used for storage of paperwork and tax info required by law.

This property is one of the few sites in the Ellicott area that does not allow this type of use. But because this kind of business is needed in the area, I have always had the support of my neighbors and business owners alike. Currently there is no industrial zoning in this area, nor can we rezone this site to PHID. This variance would allow the use to be limited without central water and sewer connections. Although a site specific comprehensive plan is not available in this area of the county, I am asking for a 15 year variance instead of the standard five years from an economic stand point. Currently there is no master plan developed thus far for this area and in going with the 15 year variance, once the master plan is created, it will include this area as well as any other development being incorporated.

Since this is my livelihood for supporting my wife and five (5) children, I depend on this business and the access of all equipment available. Not allowing the above changes would put me in jeopardy of a hardship and not allow me to support my family in a manner in which I have done for the past fifteen (15) years.

Letter of Intent Rev B – Daniel A. Vetrano

Since I have been here in the Ellicott area, I and my employees have supported not only non profit organizations, but also businesses and individuals. An example of those which services we have provided, not only in my community, but in the El Paso county based area are: Falcon Fire

Department, Hi-Plains Sertoma with the Ellicott Park, Ellicott Fire Protection with the donation of an ambulance as well as support to the volunteer fire fighters, Angel Fire Sertoms and the support an efforts of a teen center, 4th of July Parade, and the list goes on from businesses such as Henderson Propane to individuals living in and around the Ellicott community.

As you can see, I and my business and staff, support the community as well as make a reasonable living for our families. To not allow us to continue as we have, would not only affect myself and my family, but also the families of my employees and the community in general which has grown to depend on us to support specific needs as they arise.

The service we provide to eastern El Paso and surrounding counties has been detrimental to keeping the eastern areas clear of debris, both by public and private sectors alike.

I am enclosing pictures of my business from various directions, so you can see how well kept my property location is maintained, along with examples of letters received from a few of the groups we have supported. In doing so, you can see how the community and or businesses support and depend on us for various community support groups and projects. Currently my property is fenced in on all four sides and a privacy screening is not required, but can be added if the need arises.

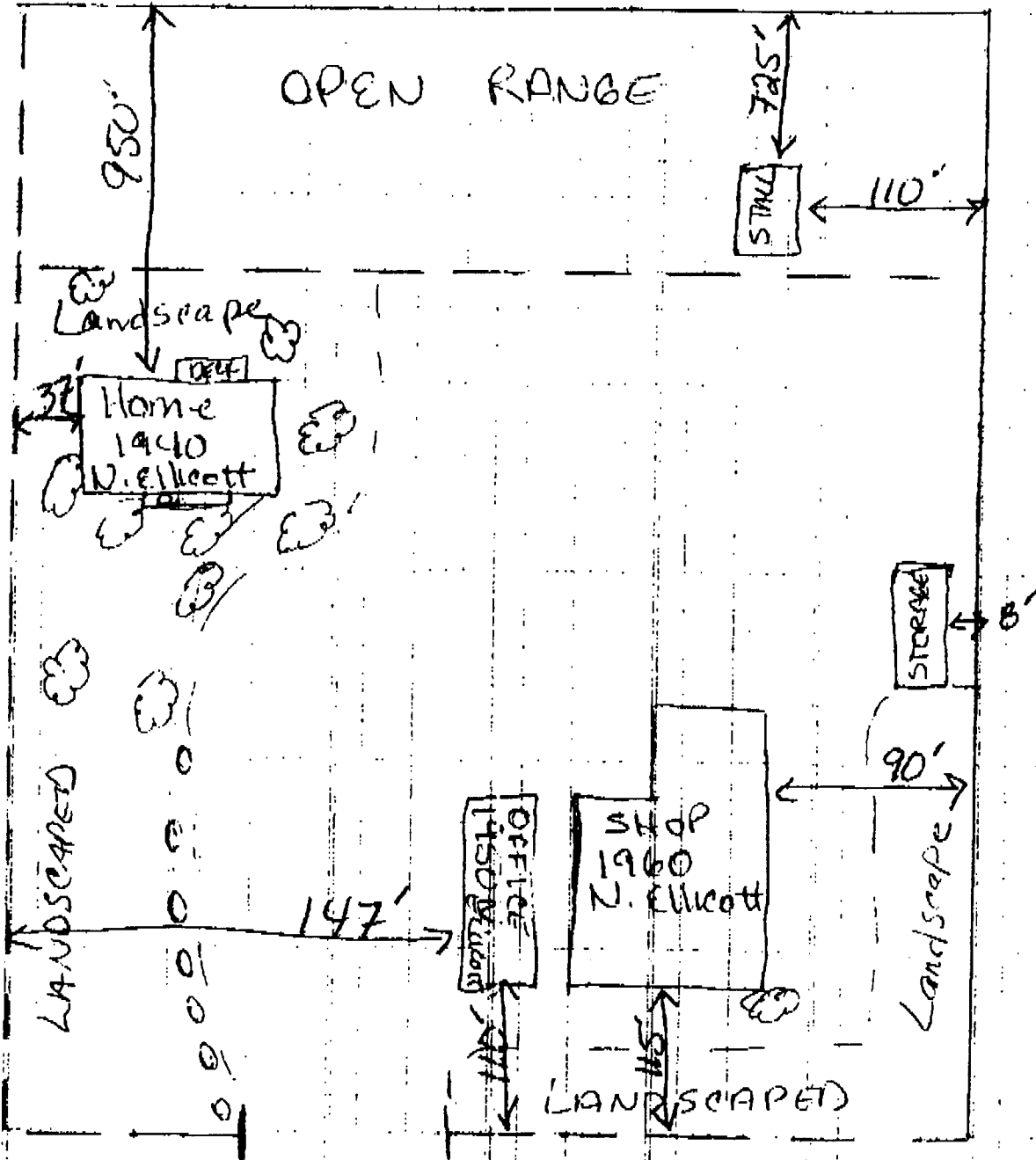
Regards,



Daniel A. Vetrano

LOT 1 SPILLMAN SUB-DIVISION

☁ - tree/bushes
○ - Rock





Hi-Plains Sertoma

1435 Dragoo Point
CALHAN, COLO. 80808
719-683-2534
719-683-4348

January 23, 2004

*Dan Vetrano
Same Day Haul-in Inc.
1950 Ellicott Hwy
Calhan, Colo. 80808*

Dear Mr. Vetrano,

Hi-Plains Sertoma would like you to know how much we appreciate you and your family, and employees of Same Day Haul-in" Inc. for the help in keeping the Ellicott Park trash removed and also that personal touch you are always so willing to give when it comes to helping with other projects.

The invaluable support and service you provide to the community is appreciated by Hi-Plains Sertoma and it is great to know we can count on you and your family and the support of your company and employees when we have a project any where in the county.

Sincerely,

Cora Corn

*Cora Corn, Pres.
Hi-Plains Sertoma*

*Henderson Propane
Service Inc.*

*CALHAN, COLO. 80808
719-683-2427
719-683-4733*

Jan. 22th, 2004

*Dan Vetrano
Same Day Haul-in Inc.
1950 Ellicott Hwy
Calhan, Colo. 80808*

Dear Mr. Vetrano,

Henderson Propane Service is glad to support your efforts to run your small business at the 1950 Ellicott Hwy. Property and have it zoned commercial. We need more individuals that support the local communities in the county around like you and your family. You support of the local business and non-profit groups goes beyond the normal business practices and is appreciate by all .It is great to know we can count on you and your family and the support of your company and employees any where in the county.

We appreciate you and your family, and the employees of Same Day Haul-in" Inc. Your personal involvement in the community is appreciated.

Sincerely,


*Dan Gillis Vice Pres
Henderson Propane Service*

Angel Fire

Serteens

23355 Highway 94 Suite C
CALHAN, COLO. 80808
719-683-3200
719-683-4733

Jan. 19, 2004

*Dan Vetrano
Same Day Haul-in Inc.
1950 Ellicott Hwy
Calhan, Colo. 80808*

Dear Mr. Vetrano,

Angel Fire Serteens would like to thank you for all you have done to support our efforts for a teen center located in Ellicott. We appreciate you and your family, and Employees personal involvement in gathering items, storing and delivering for us to use.

We need more individuals that support the local communities in the county around like you and your family. It is great to know we can count on you and your family and the support of your company and employees any where in the county.

Your personal involvement in the Ellicott Community is what makes Same Day Haul-in the company that everyone knows they can depend on for support. We appreciate you and your family, and the employees of Same Day Haul-in" Inc. In the Ellicott community and want you to know that your efforts have not gone unnoticed. .

Sincerely,

Sue Handle
Sue Handle - Assistant Serteen Advisor

FALCON FIRE PROTECTION DISTRICT

Station #1 - Administration Office
Falcon Fire Department
7030 N. Meridian Rd.
Falcon, CO 80831

Station #2 - Maintenance Facility
Falcon Fire Department
14550 N. Meridian Rd.
Elbert, CO 80106

Station #3
Falcon Fire Department
15355 Jones Rd.
Falcon, CO 80831

Dan Vetrano
Same Day Haul-in' Inc.
1950 Ellicott Hwy
Calhan, CO 80808

Dear, Mr. Vetrano

Falcon Fire Protection District would like to express a sincere thank you to yourself, family and employees of Same Day Haul-in' Inc. The support and service provided to the Fire Protection District from your organization is invaluable to us. Although you reside outside the Falcon Fire Protection District, it is reassuring to know we can count on the support of your county-based company.

Sincerely,



Chief Trent Harwig
Falcon Fire Protection District

"Serving With Pride"

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