

# LETTER OF INTENT FOR ADMINISTRATIVE RELIEF

Kennel Setback Reduction Request – Whittemore Road, Rush, CO

Khaled Zaky  
17116 Desert Wine Ln  
Parker, CO 80134  
Phone: 720-569-5959  
Email: denverrottweiler@gmail.com

Parcel Number: 500000427  
PCD Fil No: ADR2513

Date: 05-5-2026

To:  
El Paso County Planning & Community Development  
2880 International Circle  
Colorado Springs, CO 80910

## **Re: Administrative Relief Request – Setback Reduction for Major Kennel**

Property Location: Whittemore Road, Rush, Colorado  
Current Setback: 165 ft

Required Setback: 200 ft  
Requested Relief: Reduction of 35 ft (allowing a 165 ft setback)

Dear Planning Staff,

I am submitting this Letter of Intent to respectfully request Administrative Relief from the 200-foot major kennel setback requirement for my property located on Whittemore Road in Rush, Colorado. The kennel structures are located 165 feet from the property line, and I am seeking approval to maintain this 35-foot reduced setback.

### **1. Site Conditions & Hardship**

The location of the kennel was selected based on unique topographic constraints on my parcel. Directly behind the kennel structures is a significant slope that creates safety, foundation, and drainage challenges.

While other properties in the area also have slopes, the placement of those slopes differs from parcel to parcel. On my property, the slope begins immediately behind the kennel location, leaving no feasible area to push the structures farther back. Relocating the kennel to meet the 200-foot setback would require:

- Approximately \$15,000 in concrete and grading work
- A minimum of \$20,000 to move the buildings, including new electrical installation, trenching, and reconnection

This total estimated cost of \$35,000+ creates an unreasonable financial burden, and the slope makes the relocation structurally unsuitable without major engineered retaining systems.

The topography of the land was not created by me, and it significantly limits compliance with the strict setback requirement.

## **2. Required Findings for Administrative Relief**

Below are the County's required findings and how this request satisfies each one:

### **A. Unreasonable or Unnecessary Application of the Code Due to Conditions**

Strict application of the 200-foot setback is unreasonable due to:

- The extraordinary physical condition of the slope directly behind the kennel
- The cost and engineering burden required to relocate the structure
- The fact that other parcels in the same zoning district do not have the same slope placement

While slopes exist on nearby properties, their slopes do not prevent meeting the setback, whereas the slope on my property directly limits build able area.

Therefore, the standard is unnecessary and impractical for this specific parcel.

### **B. Intent of the Code Is Preserved**

The intent of the setback standard—primarily protection of neighboring properties from noise, visual impacts, and proximity—is fully preserved because:

- Neighboring parcels are large-acreage rural lots
- Drainage from the buildings and disturbances will not adversely impact neighboring or downstream properties or the whittemore road roadway and ditches.
- The kennel is still positioned 160 feet from the property line
- Additional noise control and management practices are already implemented
- Compatibility with surrounding agricultural operations remains intact

The relief does not undermine the purpose or intent of the Code.

### **C. No Adverse Impacts on Surrounding Properties**

Granting the relief will not cause adverse effects on neighboring properties because:

- There is substantial distance between residences in this rural area
- Sound mitigation and proper containment practices are already in place
- The kennel's current location is the farthest viable placement from neighboring homes due to the topography

No negative impacts to health, safety, welfare, or property values are anticipated.

### **D. No Increase in Dwelling Units**

The administrative relief relates only to the kennel setback and does not involve or allow an increase in the number of dwelling unit parcels.

### **3. Conclusion**

For the reasons described—including the unique slope location, disproportionate cost of relocation, preservation of code intent, and the absence of negative impacts—I respectfully request approval of this 35-foot setback reduction to allow the kennel to remain at 165 feet from the property line.

I am available to provide site photos, or any supporting documents upon request, and I am willing to meet with staff or attend hearings if necessary.

Thank you for your time and consideration.

Sincerely,  
Khaled Zaky