

September 23, 2020

Celina M. Alongi
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RE: Variance Request for Existing Attached Pergola Setback Encroachment

Parcel #: 5301401004
Legal Description: Lot 3 BLK 5 Courtyards at Woodmen Hills West
Lot Size: 3195 SQFT
Zoning: PUD

Project Description:

Existing attached pergola that encroaches on rear setback by 4'

Therefore I am requesting a setback variance from 10' to 6'

Background:

Presently I have an existing 36' x 8' concrete patio and a small 16' x 8' attached pergola on the back of my home to provide for shade relief. In August of 2018 I hired a contractor for this project who advised he was licensed and that a permit was not required due to the dimensions of the pergola being under 200 sq. ft. I was recently contacted by the Pikes Peak Regional Building Department (PPRBD) advising that they had been notified a permit was not pulled for the project and in fact one was required. I had contacted the contractor and requested he pull the proper permit for the project and he refused. After researching the contractor, I discovered he was not licensed as he had assured me he was. I then submitted the necessary paperwork to pull the permit through PPRBD myself and although my building plans for the pergola were approved by PPRBD, my application was denied by the EPC Planning & Community Development Department. I was advised the denial was based on the fact that the rear setback requirement for my lot is 10' based on the Courtyards at Woodmen Hills West 1A PUD (10-002). The distance between the property line and the back of my home is 14', therefore the 8' depth of the pergola encroaches into the rear setback by 4'.

The home is located on a parcel that backs to an open space where there are no homes. With the area behind my home being designated as open space, the pergola would not encroach upon any homes to the backside (north) of the property and in addition is well within the side setback requirements as to not encroach on the two side properties. There are similar pergolas within my community that have been constructed which also encroach on the required setbacks.

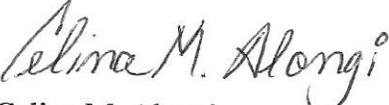
Reason & Purpose:

The reason and purpose for the variance request is that the pergola provides for the use of the rear yard/outside to be enjoyed by my family and our pets. It provides shaded areas of relief from the hot sun while outside. The pergola prevents direct sunlight from entering the north facing window and sliding glass door in the kitchen which provides protection and allows for longevity of the wood flooring within the kitchen while also keeping the house cooler, reducing the use of natural resources and energy. The pergola provides an area to hang plants and bird feeders directly benefiting our ecosystem. It also provides for additional lighting to be hung, adding an additional measure of security to the back of my home where there are no outside perimeter lighting sources.

Hardship:

The exceptional shallowness of the backyard provides a practical hardship for construction of a small standard sized pergola. By staying within the current setback requirements the size of the pergola would be restricted to a depth of 4' feet from the house and would not provide an area that would be functional for shade relief and would defeat the purpose of what a pergola is designed for. It would limit the size and quantity of seating that would allow my family to benefit from the intended shade relief. Based on the orientation of my home and the direct sunlight in my rear yard during the afternoon hours allowing this slight setback variance will allow for the maximum shade benefit during the hottest times of the day, where reducing the size of the pergola would inhibit that.

Sincerely,



Celina M. Alongi