

## Letter of Intent

Owner name: Mark P. and Jerry L. Grissom, (719) 651-0927, [airtoyz@aol.com](mailto:airtoyz@aol.com)

Property address: 1410 Trumpeters Ct., Monument, CO 80132-3089

Property tax schedule: 6109006010

Current zoning: PUD 04008

Proposed variance: Requesting a 62' setback (38' variance) where 100' is required within the Hilltop Pines PUD zoning district for the purpose of building a detached two car garage. The detached garage is needed by the homeowners for the purpose of parking a car and convenient access to tools and equipment required to maintain the 2.5 acre property. Currently, the homeowner stores tools and equipment in a detached shed over 150' from the back door of the home. The proposed detached garage to be built next to the existing garage would allow all tools and equipment to be closely accessible. The closest surrounding zoning district that is not included in the same PUD zoning district is Peaceful Pines, zoned RR-5, where the minimum setback along all lot lines is 25'. The Hilltop Pines Board of Directors approved this variance request on September 17, 2024 (ARC/Variance approval.doc).

Difficulties that exist: Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (2019), states the following:

*The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property. Practical difficulties and hardship, in this context, may exist where the legal use of the property is severely restricted due to*

*(1) the exceptional narrowness, shallowness or shape of the specific piece of property,*

The lot is not restricted due to natural features, however, it is restricted due to the required setbacks of the Hilltop Pines PUD (Planned Unit Development) development plan.

*2) The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.*

The architectural design of the existing home includes a walkout lower level. The house had to be constructed on the highest point of the lot in order to accommodate this design. The topographic condition of the highest point being on the western side of the lot resulted in the western edge of the house to be just 10' from the developer-imposed 100' setback.

However, Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Code continues by stating the following:

*The Board of Adjustment may also grant variances from the strict application of any physical requirement of this Code based upon equitable consideration, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property and;*

- The variance provides only reasonably brief, temporary relief; or*

This variance would provide permanent relief.

- *The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements; or*

The variance request does not include an alternative plan, standards or conditions that mitigate impacts or serve as a reasonably equivalent substitute for current zoning requirements. Three alternative locations were thoroughly investigated as discussed in the attached documents “Alternate locations” and “Elevations/Slopes”. None of these alternate locations are viable due to blocking the views of the Werschkys (Lot 20) and Peppers (Lot 21), excessive fill dirt requirements, additional asphalt driveways required, blockage of drainage from back yard and unacceptable aesthetics of a two car garage blocking one half to one third of the home from street view.

- *Some other unique or equitable consideration compels that strict compliance not be required.*

The intention of the property owner is for reasonable access to storage of a car, tools and equipment. As noted above, alternative locations for the addition were reviewed and discounted for the reasons stated.

Justification:

Per the PUD, subdivision guidelines use both 50' and 100' side setbacks at each lot. If our home on Lot 29 was built on the 100' setback and the home on Lot 20 was built on their 50' setback, they would both be in compliance with the PUD zoning and there would be 150' between structures. If this variance is approved, the proposed garage would be built at the 38' variance to the 100' setback on the west side of Lot 29. This location results in the west side of the detached garage being 70 yards (210') from the Werschky's house and would include over 100 trees in the sightline. See “Properties/Sight Lines.doc” file. As such, this variance request is in keeping with the subdivision's guidelines and overall intent for the development. Two other variances have been approved in the past in Hilltop Pines for detached two car garages. These approvals were for a 50' variance (resulting in a setback of 50' where a 100' setback is required) for 1510 Trumpeters Court (BOA-19-005) and a 20' variance (resulting in a setback of 30' where a 50' setback is required) for 19004 Hilltop Pines Path (File ADR-21-009).

Please include a statement regarding drainage and include the following in the discussion:

Drainage from the proposed garage will not impact adversely impact downstream or adjacent properties.