

LETTER OF INTENT

19 Oct 2021

El Paso County Planning and Community Development
Attn: Mercedes Rivas
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: 3780 Overlook Board of Adjustment for Setback Relief
PCD File No. BOA216

Applicants

James and Amy Perry
3780 Overlook Rd
Colorado Springs, CO 80906

Ownership

Mountain Parcel Trust dtd 5/15/2021
445 E Cheyenne Mountain Blvd C-177
Colorado Springs, CO 80906

Primary contact

James A Perry
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Consultant

Glenn R Brooke
719-637-0522

Property

3780 Overlook Rd Parcel 7502204030 Currently zoned A-5

Background

- This parcel is part of the Overlook Colony, which was established and subdivided in 1911. The parcel and surrounding neighborhood exhibit extreme topographical conditions, with grades 30% +, and smaller lot sizes. This greatly limits potential build sites. Our parcel has a single-family residence and accessory structures, including a historical detached carport.

List of Structures

Name	Use	Status	Distance from Property Line(s)
Existing (detached) Carport	Off-street parking for residence	Existing	7' 10" (Front) 8' 1 1/8" (Side)
Detached Garage	Off-street parking for residence	Proposed	7' 10" (Front) 8' 1 1/8" (Side)
Existing Residence	Single-family dwelling	Existing	5' 5 1/16" (Front)
Existing Structure (53 sq ft)	Accessory structure (shed)	Existing	8' 4" (Front)
Existing Structure (121 sq ft)	Accessory structure (treehouse)	Existing	setbacks met

Note - This parcel is accessed from Overlook Rd ROW (not McKay Rd), Overlook Rd is Front.

Description of Request

- Applicants propose the following:
 - Demolishing historical detached carport
 - Antiquated dimensions, deteriorating walls
 - Rebuilding carport as a **Detached Garage** in same location, with 2nd-story unfinished storage unit
 - Provide protection from the hail; Sustained significant hail damage in 2018, 2020
 - Storage unit may be finished to a LDC 5.1.29-compliant guesthouse (ALQ) at some time in the future (“Phase II”). If the ALQ is built, there will be no permanent habitation; it would be for occasional family visits only.
- 1) Variance to physical requirements (setbacks) **to rebuild carport as a Detached Garage**, and for other legal nonconforming structures as requested by PCD:
 - a) We are requesting a Front setback of 7’ 10” where a 25’ setback is required to allow for the Existing (detached) Carport
 - b) We are requesting a Side setback of 8’ 1 1/8” where a 25’ setback is required to allow for the Existing (detached) Carport
 - c) We are requesting a Front setback of 7’ 10” where a 25’ setback is required to allow for proposed Detached Garage
 - d) We are requesting a Side setback of 8’ 1 1/8” where a 25’ setback is required to allow for proposed Detached Garage
 - e) We are requesting a Front setback of 5’ 5 1/16” where a 25’ setback is required to allow for the Existing Residence (single-family dwelling)
 - f) We are requesting a Front setback of 8’ 4” where a 25’ setback is required to allow for existing Accessory structure (shed)
 - 2) A reduction in minimum lot size to 0.45ac, where 5ac is required for A-5
 - a) Parcel is 19,700 sq ft

Rationale

PCD requested we address the following criteria: (LDC Chapter 5, section 5.5.1(D))

“• The strict application of the standard in question is unreasonable or unnecessary given the development proposal or the measures proposed by the applicant; or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district;”

- We believe our proposal suitably addresses concerns (see below), and note that 30%-plus grades for most of the parcel present exceptional and extraordinary physical conditions; we also have bedrock outcrops which further reduce buildable envelope. We believe requiring the full 25’ setback in all dimensions would vastly complicate the construction effort, add disruption to land and neighbors, and constitute a unique and undue hardship on the owner.
- We note the lot has legal nonconformities, continuously occupied structures that predate the application of A-5 zoning to said lot. Requiring full 25’ setbacks for these structures would’ve constituted a severe hardship given the noted exceptional and extraordinary physical conditions; both access and construction would’ve been severely complicated had they been pushed to the interior of the lot. The longstanding residential use of these structures is consistent with A-5 zoning; formal recognition of these structures as compliant will streamline future land planning for the county and provides an additional measure of surety for the residents.

Criteria (continued)

- We also note that with pre-zoning subdivision, the lots in Overlook Colony are much smaller than the 5 acres that subsequently-applied A-5 zoning requires. This lot is 0.45ac, for instance. However, acquisition of additional land is impractical with fragmented ownership, steep terrain, and the built-out nature of neighborhood.
- The intent of this Code and the specific regulation in question is preserved; ”
 - Applicant’s proposal remains residential in character, and consistent with A-5 zoning
 - Proposal does not change any land uses
 - Proposal maintains the character of the Overlook Colony neighborhood to mutual benefit of nearby properties
 - Requested variance still maintains some setback from Front and Side lot lines; full setbacks maintained on Back and other Side of proposed structure
 - The legal nonconformities are also residential in use, and have been continuously occupied.
- The granting of requested relief “will not result in an adverse impact on surrounding properties; and ”
 - Many of the historic structures in Overlook Colony already encroach well within 25’ of neighboring lots and the roads; residents understand this and accept this. For instance, the neighbor’s detached garage just south of us encroaches to within 7’ of our Side lot line. The neighbor’s single-family dwelling encroaches even closer in the Back. These encroachments are actually quite benign, as the vegetation and steep grades of this neighborhood afford excellent natural and topographic separation of the structures. Granting setback relief for this project would not change the character of the neighborhood, nor do we propose to encroach any further than the historical structure we propose to rebuild. Expansion of the carport structure’s footprint would be to the north and the west, and those Back and Side 25’ setbacks will be preserved.
 - Existing structures will remain as-is, encroaching no further and preserving the character of this 100+ year-old neighborhood.
- The granting of requested relief “will not allow an increase in the number of dwelling units on a parcel. ”
 - Phase I of our project entertains a detached garage with a second story, unfinished storage unit; this would not be habitable space. Phase II proposes finishing out storage unit into a LDC-compliant ALQ (guest quarters), strictly for occasional family visits. Phase II, if built, would not be used for permanent habitation.
 - No changes to other, existing structures or uses are proposed.

Additional factors

- The granting of requested relief “would help minimize grading and reduce vegetation removal; ”
 - With setback relief, Applicant would be able to demolish the historical detached carport and rebuild in the same location. Doing so would substantially reduce grading and vegetation removal. Phase I, detached garage and storage unit, would only add approx. 120 square feet of footprint. If Applicant had to build deeper into the interior of parcel, where the grade sits well above the primary access (driveway), the amount of excavation would be substantially higher and far more vegetation would have to be removed.
 - Leaving other, existing structures as-is avoids any additional grading or vegetation removal. Were other structures ever rebuilt with the full 25’ setback, substantially more earthworks, grading, and vegetation removal would be required to provide suitable access and even suitable structure placement. Note in the Site Plan, for instance, the steepening of contour lines at the center of the lot. The center of the lot also features multiple bedrock outcrops.

Additional factors (continued)

- The granting of requested relief “would avoid unnecessary site disturbance or minimize grading; ”
 - As outlined above, setback relief would allow Applicant to reuse site of existing, historical carport. This would avoid unnecessary site disturbance, and substantially minimize required grading.
 - Leaving other, existing structures as-is avoids any additional disturbance or grading. As noted above, were other structures ever rebuilt with the full 25’ setbacks, the site disturbance would be substantial.

- The granting of requested relief “would allow the proposed building location and existing vegetation on the site to restrict visibility of the additional height from a distance, from the road or from downhill properties; and ”
 - Setback relief would allow reuse of the historical carport site. As a result, the proposed detached garage would be at the lowest grade possible, i.e., on-grade with Overlook Rd, and therefore keep the overall structure nestled into the hillside and among the trees, thus restricting the structure’s visibility from a distance, from Overlook Rd, and from downhill properties.
 - Were other structures ever rebuilt with the full 25’ setback, the house would sit far more prominently above the landscape, which would amplify its visibility from a distance, the road, and downhill properties.

- The granting of requested relief “would allow for building design such as split pads, stepped footings, below grade rooms and roof forms pitched to follow the slope. ”
 - Setback relief would allow reuse of the historical carport site, which places the proposed structure closer to Overlook Rd. This, in turn, would allow builder to make use of stepped footings to the north and west, when the Phase II ALQ was built out. The structure would nestle into the hillside. Applicant also plans to pitch the roof to follow the slope, even with the earlier Phase I garage / storage unit.
 - As noted above, we believe that were a house ever rebuilt in the center of the lot, even split pads and other measures would be insufficient to fully nestle the house into the hillside, and below-grade rooms would be constrained by abundant bedrock.

Drainage

- Proposed structure would occupy site of historical detached carport
- Based on Applicant’s and Consultant’s observation, including over several years’ monsoon, we believe there will be no adverse impacts to adjacent properties or runoff patterns

Attachments - Filed in EDARP

- Adjacent Property Owner Notification
- Application/Petition Form
- Legal Description
- Vicinity/Location Map
- Floor Plans
- Site Plan showing Existing and Proposed uses
- Elevation Plans for proposed detached garage

Please contact me if you have any questions or need any additional information.

Thank you very much for your help.

