

# LETTER OF INTENT

27 Aug 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  
719-238-8075  
jperry721@outlook.com

## Consultant

Glenn R Brooke  
719-637-0522

## Property

3780 Overlook Rd  
parcel 7502204030  
currently zoned A-5

## Background

- Parcel was subdivided in 1911
- Parcel and surrounding neighborhood exhibit extreme topographical conditions (grades 30% +)
  - Limited build sites
- Single-family residence and legacy accessory structures, including historical detached carport
- Applicants contemplate the following:
  - Demolishing historical detached carport
    - Antiquated dimensions, deteriorating walls
  - Rebuilding 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.

## Description of Request

- 1) Variance to physical requirements, setbacks
  - a) a 7' 10" Front setback where 25' is required (for East lot line)
  - b) a 8' 1" Side setback where 25' is required (South lot line)
- 2) A reduction in minimum lot size to 0.45ac, where 5ac is required
  - a) Parcel is 19,700 sq ft

## Rationale

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

## Criteria

“• 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 also note that with pre-zoning subdivision, the lots in Overlook are much smaller than the 5 acres that 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 Overlook neighborhood to mutual benefit of nearby properties
- Requested variance still maintains some setback from East and South lot lines; full setbacks maintained North and West (back and side) of proposed structure

“• The granting of the administrative relief will not result in an adverse impact on surrounding properties; and ”

- Many of the historic structures in Overlook 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 southern lot line. 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 structure's footprint would be to the north and the west, and those back and side 25' setbacks will be preserved.

“• The granting of the administrative 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 contemplates 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.

## Additional factors

- “• The granting of administrative 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.
  
- “• The granting of administrative 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.
  
- “• The granting of administrative 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.
  
- “• The granting of administrative 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.

## 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 any questions or additional information is needed.

Thank you very much for your help,

