

4505 Windmill Flats Ct

Peyton Co

Administrative Relief LOI

PCD File # ADR 19-012

Parcel ID # 4321001007

RR-5 Zoning

July 8, 2019

El Paso County Planning and Community Development Director,

Seeking administrative relief for an existing structure located near the north property line of 4505 Windmill Flats. We would like to request the building to the north of the site plan be grandfathered in and made legal, by accepting the setback of the structure at 21'-0" ILO 25'-0" as required. In compliance with the Land Development Code Section 5.4.1(D) 1-2 we attest to the following.

1.

- The existing building on the property is near the property line yes, it was also purchased that way as the building has been there for nearly 10 years prior to my client taking possession of the property. In the same area as this property there are other out building and agricultural use building located much closer to their property lines than this one. We believe this may have been common practice prior.
- Even though the building is 4 feet inside of the required set back of 25 feet, if allowed to keep the structure in place nobody would even realize the set back was out of compliance in the area due to the large open lot sizes of 5 plus acres in the development, hereby preserving the codes intent.
- Granting the Administrative relief would not adversely impact surrounding properties as they have all been well informed and have no issue with this relief being granted. There would be no change unless the relief was not granted.
- We do not intend to add dwelling units to the property. We are merely trying to keep the outbuilding that is already on the property in its undisturbed location.

2.

- Granting the admin relief would not only minimize the loss of vegetation it would not impact the established vegetation in its entirety.
- This relief would also negate any need to impact the area with grading activities, land disturbance and vegetative destruction.
- The building location and vegetation does not currently affect the area or the neighbors in regard to height, set back, views or any other factors.

- We do not feel the last section applies as the building is of typical pole barn style construction and meets all applicable building codes.

Regarding the Engineering comment response for the utility and drainage easement to the north property boundary, the building is 21 feet to the south the property line which according to note #9 of the official Windmill Flats plat for this property is 11 feet outside of the 10-foot utility and drainage easement. Therefore, there is no impact to the easement or the maintenance of.

In summary we feel this relief would not adversely affect the community, it would not jeopardize the integrity of the zoning code while not creating any hardship for us to remove or move the building, further disturbing the site and impacting the community with new demolition and construction projects.

Ty Toler

CC: Eric Olsen

Mike Fisher