

Letter of Intent

April 20, 2020

Property Owner: Craig and Sally McDermott
12830 Herring Rd
Colorado Springs, CO 80908

This should be 5.5.1(B)

Request:

Applicant (owner) is requesting administrative relief for a 20% larger accessory building footprint by qualifying under El Paso County Land Development Code sections 5.4.1 (B) and 5.4.1 (B) (3) which state, in part, "...to provide limited flexibility to lot standards when it is determined that no substantial detriment to the public good nor harm to the general purpose and intent of this Code will be caused by the administrative relief granted."

The footprint of the existing residence is 2,077 sq. ft. in County records making the maximum accessory building footprint of allowed by El Paso County LDC to be 4,154 sq. ft. (twice the footprint of the primary residence).

See comment on site plan regarding building square footage. You should specify that the maximum allowed with the additional 20% is 4,984.8 sq. ft. and then indicate the square footage you are proposing.

Related information:

Contingent upon approval of this administrative relief, it is anticipated that applicant will proceed with an existing petition to build extended family living quarters within the accessory building. Administrative relief for a 20% larger building footprint (4,984.8 sq. ft. total) will allow a single building to be large enough to satisfy the space requirements for both accessory building uses and extended family living quarters. Should administrative relief for a larger building be denied, applicant anticipates building separate structures for these two purposes. In that event, both of the separate structure sizes would conform to Code specifications without administrative relief. Applicant speculates that a larger single 4,984.8 sq. ft. building is more desirable to the neighboring community than two separate structures (4,154 sq. ft. accessory building and 1,500 sq. ft. extended family dwelling). A single larger building results in 669 sq. ft. less total building footprint on the property.

Site Description: Property is owner/applicants primary residence located at 12930 Herring Rd., 4/10 mile north of the intersection of Shoup Road and Herring Rd.



Project Details: The following information applies to and demonstrates qualification for the stated request.

This is the section of the Code relating to a Special use permit. The section for Administrative Relief criteria is 5.5.1.

- 1.) The property is a 29.32 acre lot in Black Forest that is zoned RR5 and is the applicant's primary residence.
- 2.) Existing and proposed structures: A single-family dwelling and a detached garage currently exist on the lot. This dwelling is a 2014 rebuild after the Black Forest Fire in 2013 and has a physical footprint of 2,077 sq. ft.
- 3.) The proposed administrative relief is in conformance with the letter and spirit of applicable conditions for granting the request as described in LDC 5.3.2(C) as demonstrated in detail below:
 - a. **Applicability:**
 - i. The property is zoned RR-5 in unincorporated El Paso County with no covenants or master plan. RR-5 zoning allows the proposed accessory building with an additional 20% footprint if granted administrative relief.
 - ii. The property does reside within the confines of the Black Forest Preservation Plan. BFPP conformance is addressed in section 6 below.
 - b. **Qualifying criteria:**
 - i. The proposed larger accessory building is consistent with the rural residential nature of the area. Multiple adjacent properties include accessory and/or agricultural buildings.
 - ii. The property is at least twice the average size of parcels in the area so a larger accessory building on this property is in harmony, and compatible, with the general nature of the area.
 - iii. Traffic and public services in the area are minimally impacted and unremarkable.
 - iv. Physical access to the accessory building to utilize and share the existing driveway for the existing structures.
 - v. Property contours allow for the proposed building site to have more than adequate drainage.
- 4.) Pursuant with section 1.d of the Black Forest Preservation Plan, the following demonstrates consistency with the BFPP land use Policies and Goals:
 - a. Growth and land use item 1.6: Numerous properties in the immediate vicinity already have large accessory or agricultural buildings found in rural-residential settings, so approval of this application for relief would not deviate from the predominantly rural-residential character of the area.
 - b. Residential Goal item 3.A: A private use accessory building with a 20% larger footprint does not detract from rural-residential nature of the Black Forest Planning Area. Therefore, approval of this application for relief does perpetuate the rural-residential nature of the area.
 - c. Other provisions of the BFPP either do not apply or are not violated by this request for administrative relief.

The proposed accessory building project is expected to commence upon successful petitioning for a administrative relief for the building footprint and acquisition of a building permit.

Respectfully,

Craig A. McDermott

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