

Letter of Intent

May 26, 2020

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

Request:

Applicant (owner) is requesting administrative relief for a 20% larger accessory building footprint by qualifying under El Paso County Land Development Code sections 5.5.1 (B) and 5.5.1 (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."

Related information:

Under current code, the size allowance for an accessory building on this parcel is a maximum of 4,154 sq. ft. (2X the existing residence footprint of 2,077 sq. ft.). Administrative relief for a 20% larger building footprint would extend the allowable footprint for an accessory building to a maximum of 4,984.8 sq. ft. (4,154 sq. ft. x 120%). Applicant is proposing an accessory building with a footprint of 4,983.4 sq. ft. which is less than maximum footprint of 4,984.8 sq. ft. allowed if administrative relief is granted.

Contingent upon approval of this administrative relief request, it is anticipated that applicant will proceed with an existing but separate petition to build extended family living quarters within the accessory building. Applicant anticipates that the (20%) larger accessory building will allow a large enough structure to satisfy the space requirements for both accessory building uses and the extended family living quarters. However, should administrative relief for a larger building be denied, applicant anticipates building two separate structures for these two purposes. In that event, both of the separate structure sizes would conform to Code specifications without administrative relief (4,154 sq. ft accessory building and 1,500 sq. ft. extended family dwelling).

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.

- 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 5.5.1 as demonstrated in detail below:

a. Criteria to be met:

- i. The strict application of the standard in question is unreasonable given that the development proposal results in a single building with less total square footage than the alternative approach which would result in two separate structures and greater impact on the community. (Described in detail in the Related Information section above).
- ii. Applicants property is substantially larger than the average property in the community (~30 acres vs. the more typical 5 acres). This is an exceptional physical condition that generally does not exist in the community.
- iii. The proposed building size conforms with the letter and spirit of the regulations which allow for a 20% larger building when the impact creates no substantial detriment to the public good and doesn't violate other provisions of The Code. The requested administrative approval is allowed under these conditions and no other exceptions to those code provisions is being requested.
- iv. The area in general has numerous instances of large accessory or agricultural buildings. It is considered a norm for the area and the relief for the increased building size would have negligible or no adverse impact on the immediate surrounding properties. Applicants proposal is also not extraordinary to the community as a whole.
- v. Applicants request for administrative relief for the accessory building footprint is confined to considerations about the building size. It does not contain any alteration to the existing number of dwellings on the parcel.

b. Additional Considerations:

- i. Applicant speculates that a single 4,983.4 sq. ft. building is more desirable to the neighboring community than two separate structures.
 - ii. A single (20%) larger building actually results in 669 sq. ft less total building footprint on the property than two separate structures. It would also result in less grading, less vegetative removal, and less total site disturbance.
- 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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