

**El Paso County Planning
And Community Development
2882 International Circle, Ste. 110
Colorado Springs, CO 80910**

Name: Luke Shollenberger

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Address: 240 Steven Dr Colorado Springs, CO 80911

Property Tax Schedule Number: 6511113003

Current Zoning: RS-6000 CAD-O

Please add:

[] A discussion regarding the surrounding area and how the proposal fits within the context of the area.

On October 14, 2024, I employed a contractor to erect a 6 ft tall, 38 ft long cedar fence on my property, located in the front setback area of 240 Steven Dr. Unbeknownst to me at the time, this newly constructed fence was in violation of unincorporated El Paso County zoning laws. While ignorance is never a valid excuse, as a first-time homeowner, I was unaware prior to construction that this fence would not be up to code, as I was assured by my contractor that it was a perfectly legal placement. Therefore, I never would have constructed the fence as such, if I had done my due diligence. However, I am asking the BOA for a variance to mitigate these issues.

"now" ?

In any event, the fence was intended to create privacy and relative security in relation to the adjacent neighbors, whom I have had multiple verbal altercations with and one physical altercation with. El Paso County sheriffs have been called to both residences at least 3 times since 2018. As far as my privacy is concerned, the neighbors in question also have a camera pointed into my front yard that also has an audible alarm that activates anytime I or my 9-year-old son goes into our yard. We are being spied on constantly. Additionally, said neighbors have purposefully directed their flood lights to shine directly into my lawn and driveway to the point that I am blinded if I go into my front yard at night. While exploring other options, I do not believe any attempts at verbal communication with these neighbors would resolve any of these issues, as I believe they may be prone to violence if I even enter onto their property. I don't think there are any alternatives besides a privacy fence that provides that we do not have to visually see one another on a daily basis. The fence I have erected mitigates all the issues of privacy, safety and light pollution onto my property. Cutting the current 6 ft fence down to 30 inches, all the way back to 25 ft would provide zero additional privacy. I am asking the County for a variance for the purpose of retaining the majority of the 6 ft fence, up to a 10 ft setback, where a 25 ft setback is required. I believe this is an equitable compromise, as I will be able to retain the majority of my privacy and security whilst the adjacent neighbors will be afforded sufficient site line as they egress to and from their driveway. Additionally, the fence as it is now, and if granted

Please expand. The BOA will likely ask questions about this.

Please address why this alternative was not acceptable for your situation and why are you are pursuing a BOA Dimensional Variance request instead.

the setback I am requesting, does not impede line of site for any public traffic on county roadways and does not negatively impact any of the other adjacent neighbors either. Alternative options that I have been informed of include a taper from 30" plus 20% admin relief in setback....36" at 20' reduced admin relief in front' setback. I believe these requests falls under:

State Strict Compliance with Code poses a safety threat based on the verbal altercations and physical altercations.

5.5.2.B.2.a, Variance to Physical Requirements, of the Code continues by stating the following: The Board of Adjustment may also grant variances from the strict application of any physical requirement of this Code based upon equitable consideration, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property and; • The variance provides only reasonably brief, temporary relief; or The variance would provide permanent relief. • The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements, or The variance does not include an alternative plan that substantially and satisfactorily mitigates the anticipated impacts or serves as a reasonably equivalent substitute for current zoning requirements.

You may want to compare that an SUV parked parallel to fence or in driveway is as tall or taller than the fence so fence does not create a safety issue, and it is not practical to limit SUV parking so fence should be considered.

Additionally, I believe reducing the entire 25 ft length of the fence in the front setback area to the 30-inch height requirement would result in an aesthetically unpleasant structure, thus detracting from the overall value and appearance of the property as a whole. My variance request "includes an alternative plan" which I believe satisfactorily mitigates any anticipated impacts of all parties involved and is a reasonably equivalent substitute for the current zoning requirements. I believe my proposal will be an equitable solution to all parties involved.

"Board of Adjustment"

While an unfortunate situation, I am asking the Board of Adjusters for consideration in granting my request relating to this variance. I thank the Board for their time and consideration in this matter.

Respectfully,

If the fence will not cause adverse drainage impacts to neighboring or downstream properties, please clearly state that in the letter of intent.

Please describe/restate how the reduced setback will provide that equitable solution. (Ex: address the adjacent driveway and any other impacts.)

