

LETTER OF INTENT

Submitted by: Douglas M. Stimple

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DATE: October 9, 2020

To the Board of County Commissioners:

This is a request for a Waiver of Code Section 5.2.1(F) of the El Paso County Subdivision Code. Section 5.2.1(F) pertains to the construction of an Accessory Structure and states as follows: "No building permit for construction of an accessory structure, where a building permit is required, shall be authorized prior to construction of the principal structure except in A 35 zoning districts". Section 5.2.1E of the Code says that any accessory structures exceeding 200 square feet shall obtain a building permit.

The requested waiver pertains to Lot 58, Flying Horse North Filing No. 1, containing an address of 14842 Longwall Drive and located within the Flying Horse North subdivision ("Lot"). The Lot in question is just over 3 acres in size and the attached site plan shows the configuration of the proposed principal structure and the accessory workshop structure. The proposed accessory structure is over 5000 square feet and thus Section 5.2.1E applies and a building permit is required for it to be constructed. Because the Lot is not in the A 35 zone district, Section 5.2.1F applies and the accessory structure is not to be permitted in advance of a permit for the principal structure.

This waiver is requested to allow the accessory structure to be permitted in advance of the primary structure. The accessory structure is designed and ready for permit. The applicant desires to construct the accessory structure immediately, to be followed by a permit of the principal structure within 12 months from the date of issuance of the permit of the accessory structure. As you can see from the site plan, there is a significant amount of driveway to construct to access both the workshop and the principal residence. Plans are still being developed for the principal structure and are anticipated to be complete by June, 2021.

Applicant requests to be allowed to build a significant portion of the driveway access and the workshop in advance of permitting of the principal structure. The intent is to complete the workshop in advance of a permit being obtained for the principal structure. The workshop would then be utilized to store and stage materials necessary for construction of the principal structure.

Review Standard: Per EPC Subdivision Code: A waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- (1) The waiver does not have the effect of nullifying the intent and purpose of the Code.

Response: This waiver does not nullify the intent or purpose of the Code. The purpose behind this regulation is to ensure that an accessory structure is not constructed in a situation where the principal residence is never constructed or completed. In this instance, the applicant seeks to build the accessory structure first to allow for the accessory structure to be used for security, staging and storage of materials and supplies necessary to construct the principal structure. This entire construction program will last from 18-24 months and upon conclusion a principal residence and an accessory structure will be co-located upon the lot.

(2) The waiver will not result in the need for additional subsequent waivers.

Response: This waiver will not result in request of additional waivers.

(3) The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to other property.

Response: There is no public safety, health or welfare impacted by this waiver. The lot in question is adjacent to a golf course on the north and south lot lines and a vacant lot to the southwest. To the northwest, there is a home under construction. There is no injury to any other property by granting this waiver. Granting of this waiver is actually in the best interests of the public as fewer areas of disturbance (grading) and fewer tree removal will result from granting of this request as a larger staging area will be needed if this waiver is not granted.

(4) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.

Response: This waiver is requested based upon the unique site plan of this lot and the intended construction of a principal structure and an accessory structure.

(5) A particular non-economical hardship to the owner would result from a strict application of this Code.

Response: There is no compelling public interest served by strictly interpreting Section 5.2.1F. Having the accessory structure completed before construction of the primary residence will allow for staging and storage of materials in the workshop in a safe and secure manner and help minimize grading and vegetation removal on the lot associated with construction of the principal structure.

(6) The waiver will not in any manner vary the zoning provisions of this Code.

Response: Granting of this waiver will not be contrary to any applicable zoning provisions of the Code.

(7) The proposed waiver is not contrary to any provision of the Master Plan.

Response: Granting of this waiver is not contrary to any provision of the Master Plan and has been granted by the County in the past.

For the above reasons applicant respectfully requests that the Board of County Commissioners grant a waiver of Section 5.2.1F relative to the Lot and allow for permitting of the accessory structure thereon in advance of the permitting of the principal structure.

Thank you for your consideration,

Douglas Stimple

A handwritten signature in blue ink, consisting of several loops and a long tail stroke that extends downwards and to the right.
