

5225307010
File number: BOA229

VARRIANCE LETTER OF INTENT
06/29/2022

Property Owner: Donald Engelhart 701-226-7707 delchart@bis.midco.net

Applicant/Contractor: R & B Enterprises, Inc 719-650-3121 rick@rbwindows.com

Property Address: 11214 Scenic Brush Drive, Peyton, CO 80831

Tax Schedule: UNNOWN (tax area code SCO)

Zoning: RS-5000

Please be a little more clear with your request. are your asking for an 8' set back or a 17' setback where 25' is required? And for the lot coverage variance, are you requesting an increase? The lot coverage max is 40% for multi-story buildings and 45% for ranch style. It is not clear if it exceeds either one.

We are asking for a variance for a replacement deck on the property that will encroach upon the 25' rear lot set back requirement(8') and the lot coverage requirement(39.5%). The existing home sets exactly at the 25' rear set back and the existing house lot coverage is 32.3%. Existing deck had already received a variance, but it was not large enough to be of any use.

Being that the house already is at the 25' rear set back and has a lot coverage of 32.3%, without a variance there is no way to have a deck on the property. The rear of the house has a sliding glass door which exits the home on the upper level therefore making it necessary to have a deck on the rear to exit the house. The placement of the home on the property causes severely restricted use of the back lot for any enjoyment. The original deck which received a variance was so narrow that it could be used for nothing but a landing and walkway to the stairs going down to the back yard. Due to this, the owner could not use the deck for any quality of life. All other properties have rear decks and most encroach upon the 25' rear lot set back requirement. These lots were just made so small, and some of the houses were set so far back, they have a very shallow rear lot.

- 11238 Scenic Brush Drive has a deck that encroaches 2'
- 11250 Scenic Brush Drive has a deck that encroaches 6'
- 11274 Scenic Brush Drive has a deck that encroaches 6'
- 10926 Scenic Brush Drive has a deck that encroaches 12'

Most other properties in the neighbor? Did these decks receive variances before construction?

If strict compliance with the zoning requirements are enforced, the rear lot of this property becomes unusable for any quality of life.

what was the original variance and what was the project #?

Several of the other properties in this neighborhood have larger decks and this property should not be excluded.

Thank you for your consideration,

Rick Amburgey, Owner
R & B Enterprises, Inc.

Please make it clear that the proposed deck is on the 2nd floor and indicate the dimensions.

Please address the Criteria directly.

The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property. Practical difficulties and hardship, in this context, may exist where the legal use of the property is severely restricted due to:

- 1)The exceptional narrowness, shallowness, or shape of the specific piece of property.
- 2)The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.

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 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
- Some other unique or equitable consideration compels that strict compliance not be required.