

LETTER OF INTENT
Variance allowing setback of less than 25 feet
May 23, 2017

Owner/Applicant:

Robert and Karen Magistrelli
9125 Canyon Road
Woodland Park, CO 80863
719-687-9703

Consultant

Chuck Crum from MVE Engineering

Site Information:

Location: 8727, 8737, 8747 Woodrow Avenue, Crystola
Size - 3.17 acres
Zone: A-5

Request and Justification:

We request that the cabin at 8747 Woodrow Avenue be allowed to remain in its current location, with a setback of 8.8 feet where 25 feet is required in an A-5 zone.

1. The cabin was built in its current location over 60 years ago – before there were zoning laws governing setbacks. This cabin's location should be granted “acquired rights” since it is not increasing in size and will be used as a Single Family Dwelling – no change from it's original use.
2. Over the years it has become rooted in the land. **No one** has cause to now oppose its location. Moving it will damage the terrain and cost thousands of dollars, but the move will benefit **no one**.
3. We have **no aggrieved neighbor** who is crowded by the smaller setback. The adjacent property is owned by the National Forest. They have no concerns that the side of our house is less than 25 feet away. (See attachment)
4. Table 5.4 Setback requirements in an A-5 zone are 25 feet front, rear and side. However, these setback requirements are specifically for a “*Minimum lot size*” of 5-acres. There is nothing we can do to meet that minimum lot size even though we vacated roads and merged properties. It is important to note that smaller acreages allow smaller side setbacks. For example, in the RT zone, side setbacks are “*5 feet if the lot is less than 5 acres.*” We don't want to change our zoning, but we believe there is justification for allowing a 5-foot setback due to the topography of the land and the mature trees that are preserved by locating the cabin where it is.
4. Preserving the cabin's location is not just a desire, moving it would create extreme hardship.
 - (a) The cost would be prohibitive. The actual cabin move is only a small part of the expense.
 - We would have to remove trees, re-route the driveway, excavate a new site, do soils testing, get another engineered foundation design, pull permits and build a new foundation. Home Advisor: “How much does it cost to install a foundation?” National Average \$7,753
 - Then we have to find a company nearby with the proper moving equipment – and so far I can't find anyone closer than Grand Junction who would consider our project.
 - We have to hire licensed professionals to disconnect and remove from the cabin all the newly installed utility lines – water, septic, natural gas and electric (the underground electric runs from this cabin to service the other cabins). These lines are buried underground as deep as 8 feet. And our above-ground electric service wires would have to be redone at the pole and extended to reach to the new location. Then of course, new underground trenches would have

to be dug with new utility lines buried in them and licensed plumbers, excavators and electricians would need to return to re-do hook ups at the relocated cabin. I can't begin to estimate to costs of this much work.

(b) The cabin is over 60 years old and is structurally sound where it sits. Even if we spent the thousands of dollars required to disconnect it from utilities and move it to a new foundation, I believe it is unlikely that it will handle the stresses of moving without damaging it beyond our ability to reasonably bring it back up to code. Our wisest financial choice at that point is probably to destroy the cabin, and start again, since we would be faced with many expenses and many unknowns for a such a limited living space (690 square feet.)

Some house-moving moving research information:

How House Moving Works - Molly Edmonds “..house movers need at least 10 feet of room around the house for excavation,...[the house] must be structurally strong

(c) We have spent thousands of dollars and 3 ½ years of work trying to preserve and rehabilitate this historic cabin. It would be a great loss to our family and to historic preservation to be forced to destroy what has become a very picturesque cabin.

5. Moving the structure would leave long-lasting damage to the land. The structure and the two decks are supported on buried piers. We will have to cut deeply into the land to remove those piers and excavate a 10 feet working perimeter around the structure as it now sits. We will have to excavate National Forest property to cut back the steep incline which is within 10 feet of the house. (see photos) To work on the cabin, we will have to remove mature trees and cut into the root system of others. More trees would have to be cut down to move the driveway, and provide a new location for the cabin and decks – which will include another 10-foot working perimeter around the relocated cabin and decks. Altogether this means well over 4000 square feet of beautiful, treed terrain will be stripped bare.
6. Most significantly: Development Services approved the location of the cabin on July 20, 2016, when we were in the process of securing the residential alterations permit for the cabin. (See attachment) How does Development Services legally remove that approval?
7. I also refer to the El Paso County Strategic Plan, approved by the BOCC on December 27, 2016. This important document speaks of simplifying county demands with the intent of serving the interests of the citizens, promoting business success, and delivering efficient services. On page 10 Section VISION, it states (bold print is my highlight)
 - El Paso County is recognized as a national model and proven leader in **providing excellent citizen services.**
 - We **reflect our community's values** and traditions when serving our citizens and guests.
 - We strive for and embrace partnerships and innovation in **developing a sustainable and vibrant regional economy.**
 - We **deliver efficient, transparent and effective services.**

We believe it is in the best interests of Development Services and our project that this setback variance be **approved administratively.**

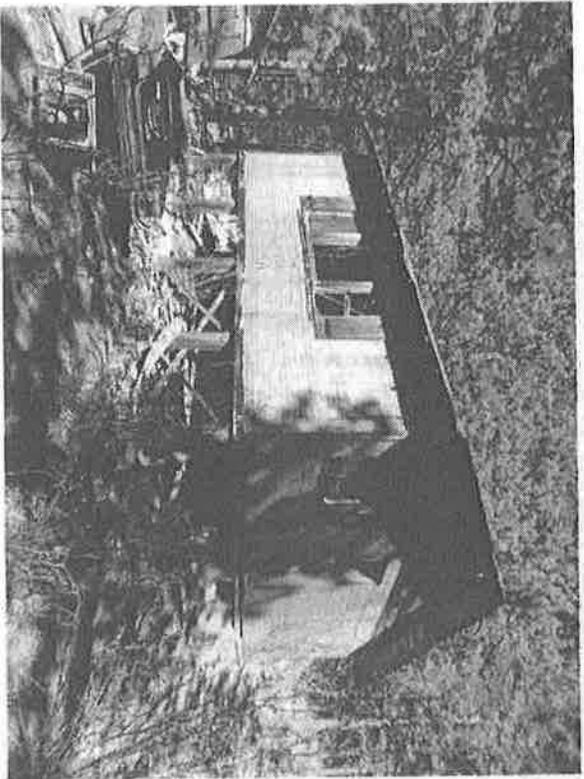
- The location could be considered “grandfathered” in. Denying those acquired rights creates damage to the land and a huge expense with no community benefit
- There is no harm to any adjacent property owner
- The cabin's location is already approved by all relevant county agencies, including Development Services
- There is no doubt that moving the cabin would create extreme hardship and denude much of the land
- There is reason for debate whether a 25 foot setback is required when our property is less than 5 acres.

- The BOCC supports keeping the process as simple as reasonably possible.

Attachments:

1. Email from National Forest Service stating they have no regulations regarding setback on adjacent properties.
2. Site plan with a stamp showing approval by Development Services of said site plan for "interior remodel of structure 1" which is the cabin in question.
3. A survey of the site
4. Mineral Rights Certification
5. Proof of neighbor notification
6. Pictures showing cabin and land adjacent to it
7. Title commitment endorsement dated May 20, 2017 and other updates for the policy

**Cabin before
rehabilitation**

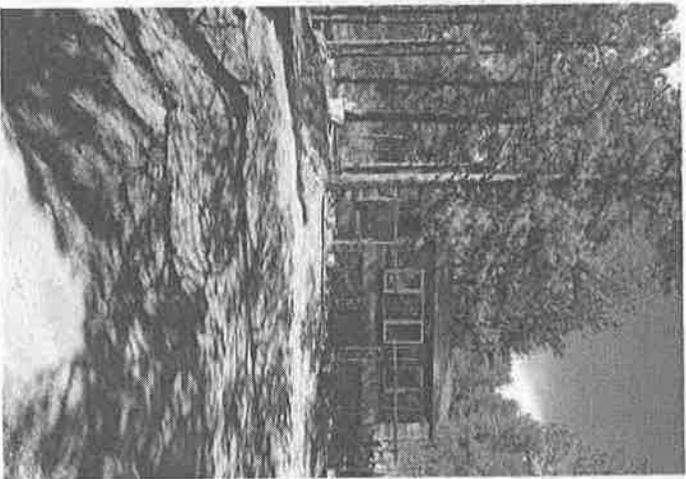


**Cabin as
of today
Notice the
shade of the
many trees
surrounding
the cabin.**



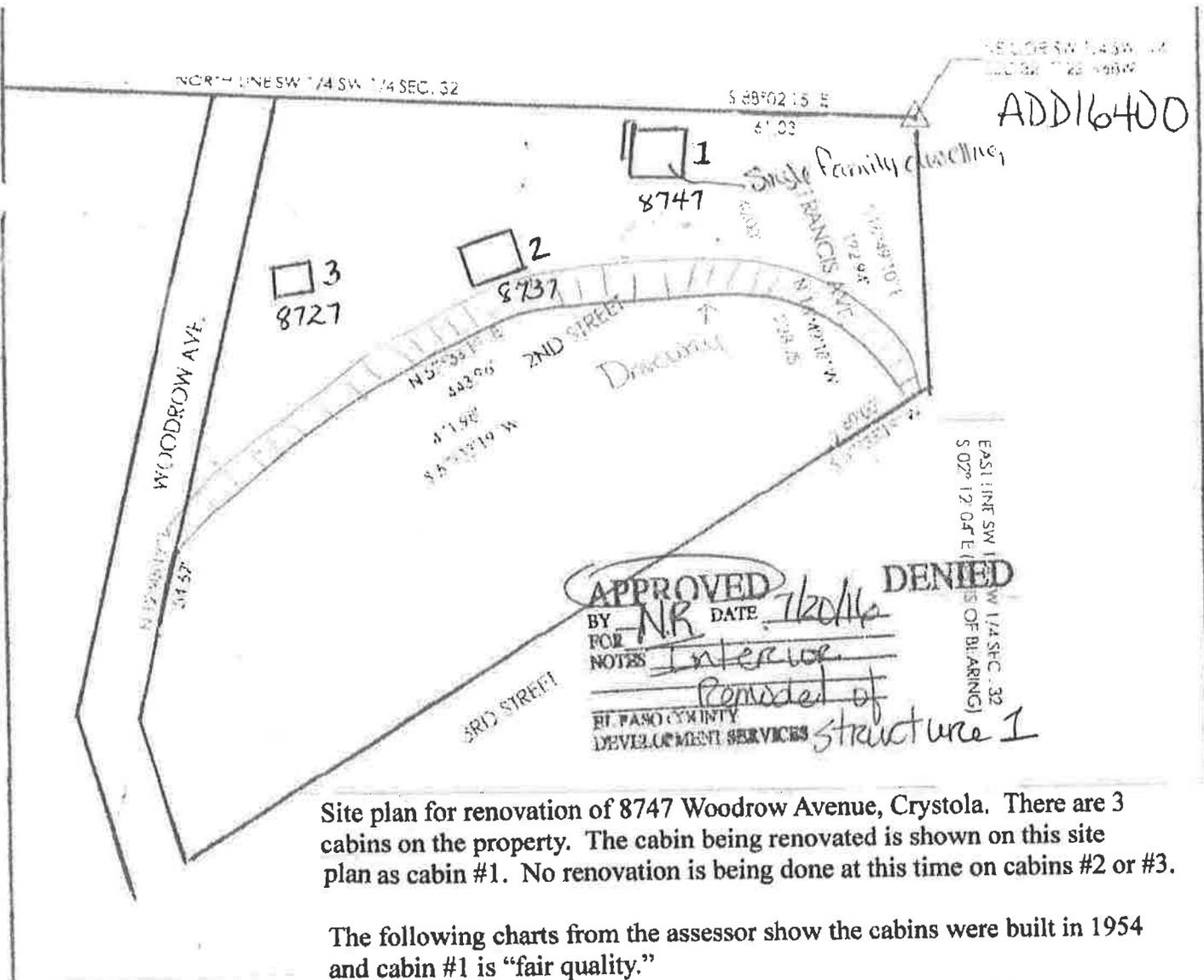
Terrain damage:

Notice mature trees next to the cabin. Many of these trees will need to be removed to prepare the 10-foot working perimeter needed for the heavy machinery used to lift and transport the cabin.



Here is the incline at border of the National Forest. It will need to be cut farther back so equipment can access this side of the cabin. This excavation would create some damage to the National Forest property.





Site plan for renovation of 8747 Woodrow Avenue, Crystola. There are 3 cabins on the property. The cabin being renovated is shown on this site plan as cabin #1. No renovation is being done at this time on cabins #2 or #3.

The following charts from the assessor show the cabins were built in 1954 and cabin #1 is "fair quality."

Bldg #	Year Built	Style	Total Living Area
<u>1</u>	<u>1954</u>	<u>One Story/Ranch</u>	<u>600</u>
<u>2</u>	<u>1954</u>	<u>One Story/Ranch</u>	<u>267</u>
<u>3</u>	<u>1954</u>	<u>One Story/Ranch</u>	<u>538</u>

Table	Use Code	
Land	SINGLE FAMILY RES.	
#1	FRAME FAIR QUALITY	8747 Woodrow Ave

APPROVED
JUL 20 2016
 AV
 RBD Enumeration

NA
 459F
JUL 20 2016
 AV
 RBD Floodplain

Roads inside property, 2nd Street and Francis Avenue are dimly indicated on the plat drawn by MVE Engineers, Inc. The roads were approved for vacation by El Paso County Commissioners on July 12, 2016.

Hovermale, Jeff -FS <jhovermale@fs.fed.us>

Reply

Tue 5/9, 12:40 PM

You

Inbox

Good day Ms. Magistrelli,

In management of National Forest System lands, the U.S. Forest Service does not have agency policy or regulation regarding setbacks associated with non-federal lands adjoining NFS lands.

Respectfully,

Jeffrey Hovermale
Lands and Minerals Staff Officer
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Caring for the land and serving people

Wednesday and Thursday are my designated field days April through October