

June 29, 2017

Board of Adjustment
El Paso County
2880 International Circle, Suite 110
Colorado Springs, Colorado 80910-3127

Re: Variance – 11130 Dodge Circle

Ladies and Gentlemen:

My husband and I would like to request a variance from the strict application of Section 5.2.1 (K) of the El Paso County Land Development Code which restricts the size of the footprint of certain accessory structures to two times the building footprint of the primary use on lots larger than 2.5 acres.

The background leading up to this request is generally as follows. We purchased our five acre lot in 2005. At that time it had a house and a two car detached garage. In February of 2007, we hired a contractor to construct a pole barn with all wood framing and a dirt floor. The main purpose of the pole barn was for my husband's hobby of restoring hot rods. At that time, this same Section 5.2.1 (K) was written to state: "All accessory uses in all residential zoning districts cannot exceed the square footage of the primary use (residence) to which they are subordinate (*excluding barns*)". The Land Development Code, however, did not define "barn" in 2007 nor does it do so today. It was our understanding at the time that our pole barn met all applicable zoning requirements. Many, if not most, of our immediate neighbors were constructing pole barns on their lots.

We have since been advised that if pole barns were not to be used exclusively for agricultural purposes, a building permit was required. Although our contractor agreed to pull a building permit at the time (see attached contract) he apparently did not do so. Therefore, while our pole barn is nonconforming from a zoning standpoint, having met the size requirements for accessory structures at the time, staff has advised us that it is not "legally" nonconforming because a building permit was never issued. It is our intent to apply for a building permit now but we are advised that your variance is necessary as a first step.

My husband restores and sells one or two hot rods per year in this barn. There is no advertising or signage on the property, no outside storage of vehicles and no visual impacts other than the barn itself associated with his activities. Visitation by customers is rare. As such, the granting of the requested variance can be done without substantial detriment to the public good and without substantially impairing the intent and purpose of the County's zoning plan. We are attaching photos of the neighborhood which show that pole barns in this area are very common and customary. Based on all of the above, we believe that the strict application of the zoning regulations (having to tear down the pole barn or more than doubling the house size) would result in peculiar and exceptional difficulties and undue hardship.

We thank you for your consideration of our request.

Sincerely,

Cliff & Diane Cox

Diane and Clifford Cox

11130 Dodge Circle
Colorado Springs, Colorado

ALL SPECIALTY BUILDINGS
CONTRACT

OWNER: DIANNE COX
BILLING
ADDRESS: 11130 DODGE CIRCLE
PEYTON, CO. 80831

PHONE: 683-8403

DATE: 2-21-07
JOB
ADDRESS: 11130 DODGE CIRCLE
PEYTON, CO. 80831

PHONE:

48' x 125' x 14'

BUILDING TO BE OF POST FRAME CONSTRUCTION. BUILDING TO BE SHEETED WITH 29 ga.
PAINTED METAL AND TRIM. BUILDING TO INCLUDE THE FOLLOWING:

3 - 10' x 10' INSULATED OVERHEAD DOORS
1 - WALK DOOR
BUILDING PERMIT

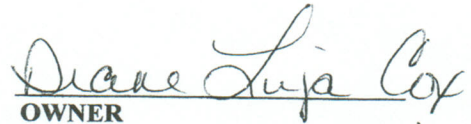
FOR THE TOTAL SUM OF \$ 45,382.00

THANK YOU,
ALL SPECIALTY BUILDINGS
9994 ELLICOTT HWY.
CALHAN, CO. 80808
(719) 683-4386

TERMS:
30% DEPOSIT PRIOR TO START
40% DUE UPON COMPLETION OF FRAMEING
REMAINDER DUE UPON COMPLETION OF BUILDING

NOTE:
BUILDING TO BE BUILT ON YOUR LEVEL SITE.
PRICE DOES NOT INCLUDE COSTS OF LEVELING
IF NEEDED.

COLORS:
ROOF -
SIDEWALLS -
TRIM -


OWNER


AUTHORIZED SIGNATURE

2-23-07
DATE OF ACCEPTANCE