

This letter indicates that pictures are provided; however, none are noted here. Please add pictures to the end of this letter if you wish to use them as justification.

Dear Sir,

Per provision of El Paso County zoning we are requesting a variance for an existing structure side setback requirement from 25' to 10.6' at 16230 Reata Road, Peyton, CO 80831.

The structure was originally built and used as an Ag. Exempt structure, but a change in use with Regional Building permit is now in process.

Brief History

The building in question was started in 2014. At the time several people we know had stated that a pole barn structure was exempt from needing a permit. My father who is a commercial general contractor and has held a Class A license since 1993, did not believe that could be accurate. In May of 2014 he drew up by hand a set of plans for the proposed building and took them to Pikes Peak Regional Building Department permit counter to see if they were sufficient for permit or what else might be required. At that time, the person at the counter could not find any records or plans for our address in the system. At that point they took the plans to someone to review and ask questions. After 10-15 minutes they returned and said that no permit was required, and it was Ag. exempt. The site plan showed 15' off the fence line. My father specifically asked if there was anything else that needed to be done and was told there was not. At this point we proceeded with the plans to build the structure, fully believing that we had done everything that was required. (We have attached a copy of the plans.) The shop currently sits at 15'1" off of the fence line and 14.4' off of the property line. After having a survey done by High Prairie Survey, it was found that the fence sits approximately 6" over the property line. The fence was established before Robert and Samantha moved in. We believe the fence was installed at the same time as the home, which would be 1999.

Over the course of the next several years a concrete floor was added. Again, we checked to see if any permit was needed and was told not for flatwork. Then electrical was added to the building and a permit was pulled and all work was inspected and passed a final inspection. We actually tried to make sure we were setting the building correctly by placing the closest column at 16' off the fence line.

Square Footage of Accessory Structure and Use Limited

Based on Section 5.1.7K of the El Paso County Land Development Code, for 2.5 acres or greater the accessory structure building footprint may not exceed two times the size of the building footprint of the primary use (residence). According to county tax records, the primary structure (residence) footprint is 2839 sqft. In this case the doubled square footage would be 5,678 sqft for the allowable accessory structure. The survey that was done in accordance with the county, shows the accessory structure being 4,891 sqft.

Location of Structure

The location of the structure was picked for several reasons that are still applicable and with several constraints.

1. To the East and North of the existing residence we were aware of a drainage and an equestrian easement and any structure would block that drainage from the adjacent properties to the North. We have attached pictures from the road looking North.
2. Further back off the road would cause many of the few trees on the property to be removed.

3. On the West side of the home is the septic tank and leach fields. We allowed for clearance of this area as a drive access on the side of the structure we built.
4. Property is sloped from the north being at a higher elevation to the lower south property line, which is below Reata Rd. Most months the property is wet and marshy.
5. To keep views open to Homestead park on the north side of property for both our home and neighboring homes. Placed accessory structure between home and neighboring property steep, treed hill. Anywhere else on the property would obstruct views to park.

Other Considerations

Since we built this structure, we have become aware of several disputed property lines and incorrectly placed fencing in our immediate area. The three lots to the West of us found out that the western fence of their properties was actually in the wrong place and should have been 40 feet further West. After review we understand that the fences are in the wrong place, but because of Colorado law they are not allowed to move the fence.

This relates to our issue because the property adjacent to ours on our West boundary is where the setback issue is. There has been a new house built in the last couple of years and the lot was surveyed. They built a new fence that is 7' to the West of where the survey we have had done shows that property line. (See attached survey) The structure in question is then 21.4' from their fence line.

Meeting of Criteria for Relief

1. The property has extraordinary conditions with the drainage issue and slope of the property that limit the location of the structure.
2. We believe the intent of the Code is preserved.
 - a. The variance, if granted would not cause any infringement into the property boundaries, drainageways or easements. Additionally, since it is a side set back variance request and we are more than the required front setback the variance, if granted would not in anyways affect any adjacent road right of ways as the road is to the front of the structure and would not be an issue in any future road facilities improvements or expansion.
3. Granting of the variance will not result in any adverse impact on surrounding properties. In fact, we believe the structure is the best place in regards to the surrounding properties as it does not block views up to Homestead Park from the properties below ours.
4. Granting the variance will not in any way increase the number of dwelling units on the property.
5. Additionally, this allowed for the saving of numerous trees and existing vegetation.

We appreciate your consideration of this matter. If you need any additional information, please contact us at 719-352-6625 or 719-332-2335.

As a reminder, we do not have view preservation ordinances in El Paso County. It is fine that you have included as part of your justification (shows willingness to be harmonious with the neighborhood) but it is a suggestion not to rely on that argument.