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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of Adjustment
Kevin Curry, Chair

FROM: Lacey Dean, Associate Planner
Hao Vo P.E., Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: BOA243
Project Name: 18675 Saint Andrews Drive – BOA setbacks
Parcel Number: 7112305003

OWNER:	REPRESENTATIVE:
TIM & JANA JORDAN 18675 ST. ANDREWS DR. MONUMENT, CO 80132 Tj0843@msn.com	TIM & JANA JORDAN 18675 ST. ANDREWS DR. MONUMENT, CO 80132 Tj0843@msn.com

Commissioner District: 1

Board of Adjustment Hearing Date:	7/24/2024
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EXECUTIVE SUMMARY

A request by Tim and Jana Jordan for approval of a Dimensional Variance to allow a front setback of 20 feet where 40 feet is required in the RS-20000 (Residential Suburban) zoning district. The 0.81-acre (35,300 sq. ft.) property is located on Saint Andrews Drive in Monument, Colorado approximately 1.3 miles northeast of the intersection of Interstate 25 and Highway 105, El Paso County, Colorado. (Parcel No.7112305003).



A. APPROVAL CRITERIA

Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Land Development Code (As Amended), states the following:

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:

- The exceptional narrowness, shallowness, or shape of the specific piece of property.
The subject property is not exceptionally narrow, or shallow, however, it could be considered oddly shaped. It is similar in shape to a triangular lot in that the rear of the lot, opposite of the front, narrows to a single point.
- The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.
The subject property does not have exceptional topographic conditions or any extraordinary or exceptional situations or conditions.

However, Section 5.5.2.B.2.a, Variance to Physical Requirements, of the Code continues by stating the following:

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 would provide permanent relief.
- 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
The variance does not include an alternative plan that substantially and satisfactorily mitigates the anticipated impacts or serves as a reasonably equivalent substitute for current zoning requirements.

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OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

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

The odd shape of the lot combined with the angular position of the existing house creates limitations on possible locations for the structure to be built. According to their letter of intent, the applicants have worked with various contractors to determine the best location for the structure and have determined that, because of the level ground in this particular part of the lot, and the physical limitations of the proposed tenant, the southwest corner of lot is the best option.

B. BACKGROUND

Zoning on the subject property was established in 1955 and the property was formally platted in May of 1965 as Lot 131 Woodmoor Country Club which is the current legal description today. The house was built in 1969 as a split-level design with four different levels. The previous owners constructed an addition in 2014 which added a second master bedroom on the main level. The current owners purchased the home in 2023.

Shortly after purchasing the home, the applicants became caretakers for an elderly family member who struggles to navigate the existing floorplan of the main home. The applicants decided to build an Accessory Living Quarters for this family member so that she may move freely in a space that would not cause her physical distress or danger, and they began making plans for the proposed ALQ. According to the applicants, misinformation was received indicating that the Woodmoor Improvement Association (WIA) was the deciding entity over the subdivision and that, according to WIA, their proposed structure could be 20 feet from the property line. Additionally, the applicants state that they were told that the authority granted to WIA by the County would overrule the dimensional standards of the County's Land Development Code. After research and verification of the documents WIA claimed to have which gave them this authority, this supposed designated authority was determined to be unfounded. Based on County design standards, the proposed structure is proposed to encroach on the 40-foot front setback by 20 feet, therefore a Board of Adjustment application is required to grant the Variance.

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C. ANALYSIS

1. Land Development Code and Zoning Compliance

In 1969, the property was zoned R (Residence District). According to Section XI of 1969 Land Development Code “no building shall be closer than forty (40) feet from any front property line or any street or high-way right-of-way line, whichever is the closer”. In 2007, the zoning was renamed to “RS-20000”. Despite the name change, the density and dimensional standards remained the same. The RS-20000 (Residential Suburban) zoning district is a 20,000 square foot district intended to accommodate larger lot, single-family residential development with available urban services. The density and dimensional standards for the RS-20000 zoning district are as follows:

- Minimum lot size: 20,000 sq ft
- Minimum width at the front setback line: 100 feet
- Minimum setback requirement: front 40 feet, rear 40 feet, side 15 feet
- Maximum lot coverage: 20%
- Maximum height: 30 feet

Apart from the encroachment of the structure in question on the front setback, the property meets all other dimensional requirements of the RS-20000 zoning district. Any future proposed structures shall meet all requirements of the RS-20000 zoning district and shall obtain approval of a Residential Site Plan prior to construction.

D. ALTERNATIVES EXPLORED

There are three (3) alternatives that would not require a dimensional variance request:

1. The applicant could cease building plans on the subject property. However, the applicants are the caretakers of an elderly family member with physical limitations which hinder her from living comfortably in the main home, makes the construction of the addition a necessity.
2. The applicant could propose to build the structure elsewhere on the property, however, as mentioned in their Letter of Intent, the advice of many contractors suggests that this is the best option to meet the needs of the proposed tenant of the Accessory Living Quarters.



3. The applicant could propose a Map Amendment (Rezoning) request to a zoning district that would support a 25-foot front setback such as RS-5000 or RS-6000 (Residential Suburban). Upon approval, the applicants can then apply for Administrative Relief for the remaining 5 feet. However, staff has discussed that this option is not appropriate at this time due to the zoning of the surrounding properties.

E. LOCATION

North:	RS-20000 (Residential Suburban)	Residential
South:	RS-20000 (Residential Suburban)	Residential
East:	RR-5 (Residential Rural)	Residential
West:	RS-20000 (Residential Suburban)	Residential

F. SERVICE

1. WATER

Water is provided by Woodmoor Water & Sanitation District

2. WASTEWATER

Wastewater is provided by Woodmoor Water & Sanitation District

3. EMERGENCY SERVICES

The parcel is located within the Tri-Lakes Monument Fire Protection District. The district was sent a referral and has no outstanding comments

G. ENGINEERING

1. FLOODPLAIN

FEMA Flood Insurance Rate Map panel number 08041C0277G, effective date December 6, 2018, indicates that the site is not located within a regulatory floodplain.

2. DRAINAGE AND EROSION

The proposed project is located within the Dirty Women Creek Drainage Basin (FOMO5200), which is covered under the El Paso County Drainage Basin Fee program. However, this project has been previously platted, so the drainage basin fee is not applicable.

A drainage report and grading and erosion control plan are not required for Board of Adjustment applications because there will be no impact on existing drainage patterns or new land disturbance.

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3. TRANSPORTATION

The project is not expected to result in a significant increase in traffic on County facilities or conflict with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP). According to Engineering Criteria Manual Section B.1.2.D, a traffic impact study is not required.

The proposed project is not expected to impact the roadway or generate additional vehicular traffic to the parcel. Road Impact Fees, as outlined in Resolution 19-471, are not applicable to this application since no additional vehicular traffic is being generated, and there is no change to the existing land use.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. RECOMMENDED CONDITIONS OF APPROVAL

Should the Board of Adjustment determine that the application is consistent with the criteria for approval of a Dimensional Variance for a front setback of 20 feet where 40 feet is required, and that the applicant has met the review and approval criteria for granting variances from the applicable standards, staff recommends the following conditions and notation of approval:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed Accessory Living Quarters may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Approval of a Residential Site Plan by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department are required prior to construction of the Accessory Living Quarters.



NOTATION

1. Physical variances approved for a proposed structure (except for lot area variances) are valid only if construction of the structure is initiated within twelve (12) months of the date of the Board of Adjustment approval.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 28 adjoining property owners on 7/3/2024, for the Board of Adjustment meeting. Responses will be provided at the hearing.

K. ATTACHMENTS

Letter of Intent
Site Plan
Public Comments

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From the Desk of Tim and Jana Jordan

18675 Saint Andrews Drive
Monument, CO 80132
760-963-5696

Monday, June 17, 2024

BOARD OF ADJUSTMENT

El Paso County Planning and Community Development Department
2882 International Circle, Ste. 110
Colorado Springs, CO 80910

Reference: **Letter of Intent – Setback Variance for Additional Living Quarters No. BOA243**
Address: 18675 St Andrews Drive, Monument CO 80132
Property Tax ID: 7112305003
Plat No.: R02471
Zoning: RS-20000
Legal Description: Lot 131 Woodmoor Country Club
Owners: Tim and Jana Jordan
760-963-5696
TJ0843@msn.com

Greetings,

We are seeking a setback variance so that we may construct an accessory living quarters for my 82 year old mother. The accessory living quarters will allow her to have access to the residence without utilizing any stairs and will also place her on the main level of the residence.

The house was built in 1969 and is a split level design with four different levels. Persons entering the residence must utilize stairs to gain access to the main level and then there is another half flight of stairs to the 4 original bedrooms. The previous owners constructed an addition in 2014 which added an additional master bedroom on the main level.

Our lot is an irregular shaped lot and the house is placed at an angle on the lot. There are also considerable elevation changes on the property. The county recognized setback appears to be 40 feet along the portion of the property that faces Saint Andrews drive. We are seeking to change a small portion of this to 20 feet. Even with this adjustment, the closest corner of the accessory living quarters would still be over 40 feet from the pavement edge of Saint Andrews Drive. Additionally, there would be a considerable uphill slope and numerous mature pine trees between the addition and the roadway.

We have had several contractors come out to discuss ideas and costs. We looked at attempting to place the accessory living quarters at another location on the property, however, it is not practical. In order to go off of the back of the house into the backyard, we would have to completely redo the addition the previous owners did approximately 10 years ago.

This would entail gutting the interior and doing a complete redesign. This would also not allow for ramp access to the accessory living quarters, which is planned to have its own front door so that my mother may enter and leave the residence without going through the main house. As stated previously the house is a split level and trying to attach an addition / accessory living quarters to another part of the house is not practical given the multiple levels.

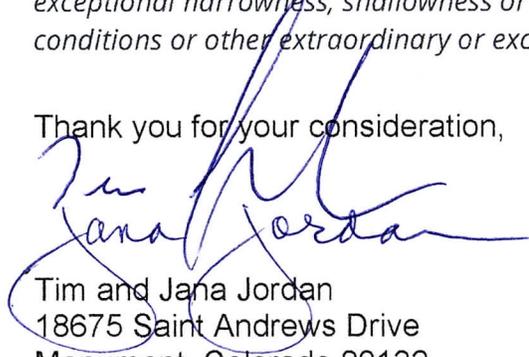
With regards to aesthetics and neighborhood impact, this project would greatly improve the aesthetics of the house. The design will be incorporated to match the existing exterior. Additionally, our lot has over 180 mature pine trees. In the immediate area of the addition there are 53 pine trees. Approximately 11 of these would be removed for the addition, Leaving a considerable number of trees between the addition and the roadway.

A total of approximately 1500 square feet will be disturbed within the project area. As the ALQ will be up slope and approximately 42 feet from the paved portion of St. Andrews Drive (at its closest point) there will be no traffic impacts. The area around the NW corner of the ALQ will be drained using perimeter drains and retaining walls, continuing to the existing street drainage system the property presently uses.

Based on the section below it appears that our property, with its irregular shape and topography, would qualify for a variance to the present setbacks for the addition of an accessory living quarters. The hardship imposed on us (and my mother) would be considerable should the variance not be granted.

*(a) **Variances to Physical Requirements.** 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, or (2) the exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.*

Thank you for your consideration,



Tim and Jana Jordan
18675 Saint Andrews Drive
Monument, Colorado 80132
760-963-5696
TJ0843@man.com

***NOTE: SEE DETAIL PAGE FOR ALL ALQ DIMENSIONS.**

**SITE MAP - OVERALL
(PROPOSED USE)
18675 Saint Andrews Drive
Monument, CO 80132
No. BOA243**

Improvement detail.
Lot sq ft. 35,300
Improvements 3033 sq ft existing
New Improvements
ALQ Addition 918 Sq ft
New deck 569 SqFt

Total 4,521 Sq ft.

Coverage 12.807%

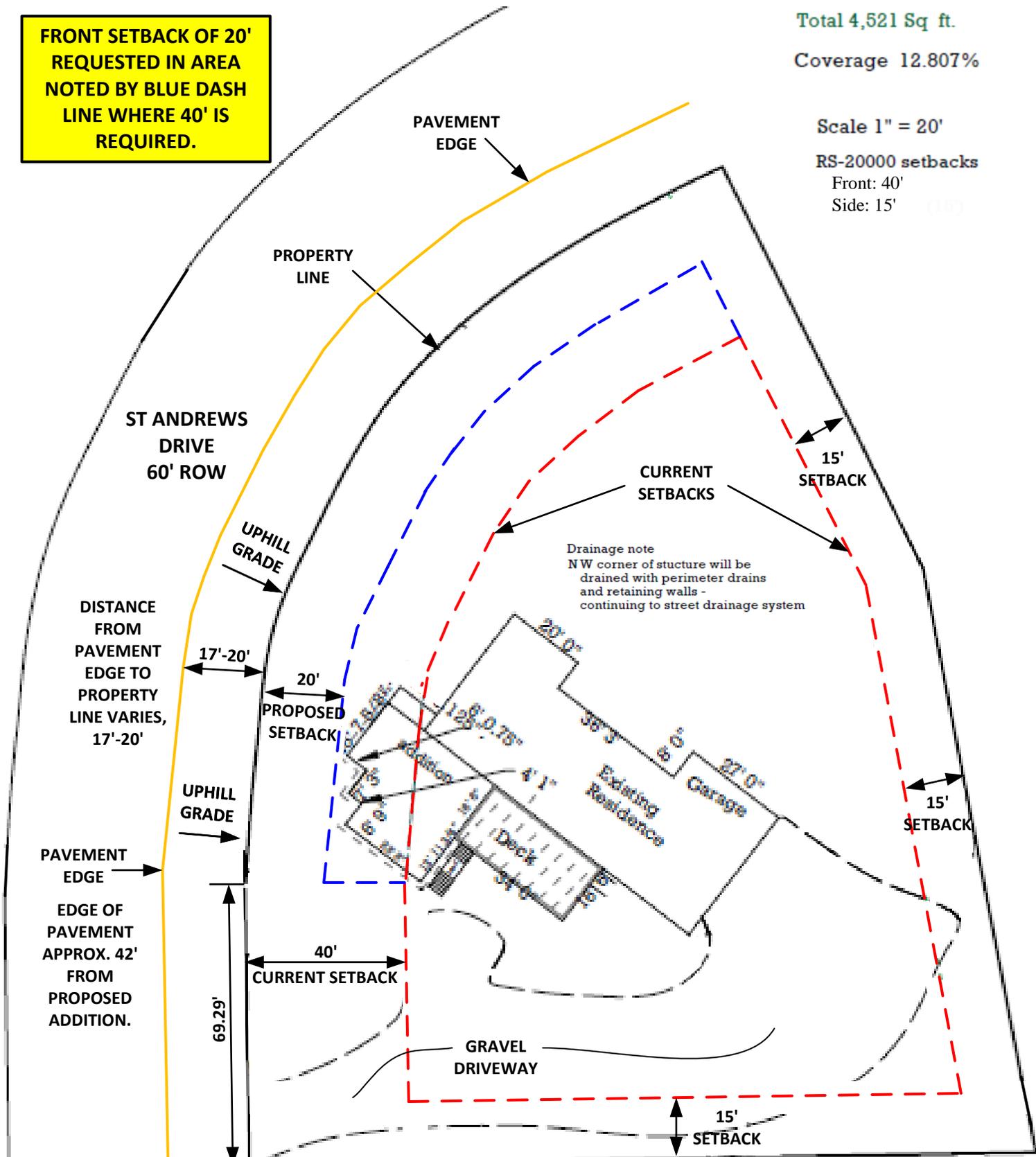
Scale 1" = 20'

RS-20000 setbacks

Front: 40'

Side: 15'

**FRONT SETBACK OF 20'
REQUESTED IN AREA
NOTED BY BLUE DASH
LINE WHERE 40' IS
REQUIRED.**



Drainage note
NW corner of structure will be
drained with perimeter drains
and retaining walls -
continuing to street drainage system

DISTANCE
FROM
PAVEMENT
EDGE TO
PROPERTY
LINE VARIES,
17'-20'

PAVEMENT
EDGE
EDGE OF
PAVEMENT
APPROX. 42'
FROM
PROPOSED
ADDITION.

Lacey Dean2

From: Michael Magruder - Hmail <theeagleview@hotmail.com>
Sent: Monday, July 8, 2024 5:21 PM
To: PCD Hearings
Cc: Lacey Dean2
Subject: BOA Public Hearing - Wednesday, July24th, 2024 (BOA243)

Importance: High

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From:
Michael J. Magruder
18660 Saint Andrews Drive
(719) 219-5854

Concerning:
Project File Number: BOA243
Project Name: Tim and Jana Jordan

I would like to extend my objection to the variance being granted. The 40 feet setback is there for a reason. This property on a blind rise/curve as it is.

Allowing an extension to the existing structure would exacerbate the problem. The property had ALREADY been extended once toward the street (St. Andrews Drive).

Allowing an additional extension would turn the property into a monstrosity.

PLEASE reject this request. Maintain the 40 feet setback.

Sincerely,
Michael Magruder

Lacey Dean2

From: Beverly Rehm <denverrehm@comcast.net>
Sent: Tuesday, July 9, 2024 9:40 AM
To: PCD Hearings
Cc: Lacey Dean2
Subject: BOA Public Hearing Wednesday July 24, 2024 (BOA243)

Importance: High

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From: H. John and Beverly A. Rehm
18690 Saint Andrews Drive
Monument, CO 80132
303 282 6443

Regarding:
Project File Number: BOA243, Parcel 7112305003
Project Owner: Tim & Jana Jordan

We STONGLY object to the variance requested for the above referenced project. The project requests a variance to the 40 foot setback as recorded in the plat for the Woodmoor County Club subdivision. The requested variance reduces the setback from 40 feet to 20 feet from the property line.

The setbacks as recorded were placed there for a reason: keeping Woodmoor looking beautiful and maintaining a uniformity and balance to our neighborhood, and to protect the value and desirability of the community. Granting this variance does quite the opposite.

While we understand the motivation, there are other ways to achieve an Assisted Living quarters to this property without compromising the uniformity of the neighborhood.

Please reject this request and maintain the 40 foot setback!

H. John and Beverly A. Rehm

Miranda Benson2

From: Bill Anonsen <bill.anonsen@gmail.com>
Sent: Wednesday, July 10, 2024 8:56 AM
To: PCD Hearings
Subject: BOA243

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Bill and Michele Anonsen

719 338-4575

BOA243

We support the variance. We walk by this property almost daily weather permitting. (We live nearby on Oak Hills Drive).

This variance is of little consequence and improves the surrounding property values (including ours).

I will be available by phone on July 24

Bill and Michele Anonsen

Lacey Dean2

From: gary brooks <garyleebrooks@yahoo.com>
Sent: Wednesday, July 10, 2024 8:28 PM
To: Lacey Dean2
Subject: building project in Woodmoor

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We give our approval of the building project being done by Tim and Jana Jordan on St. Andrews Drive in Woodmoor. We believe it would improve property values in our section of Woodmoor. If you have any questions we can be reached at 719-741-0461.. Cyndi and Gary Brooks
880 Oak Hills Dr
Monument,Co. 80132

Lacey Dean2

From: DEAN MAGNUSON <dmaggers@msn.com>
Sent: Wednesday, July 10, 2024 6:12 PM
To: Lacey Dean2
Subject: 18675 Saint Andrews Drive

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We are in favor of the proposal by the family living there to change their property. We feel like the overall look will enhance the home and improve the curb appeal.

Carolyn and Dean Magnuson
18720 Saint Andrews Drive, Monument

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Lacey Dean2

From: Laura Meurer <lauracmeurer@gmail.com>
Sent: Wednesday, July 10, 2024 6:59 PM
To: Lacey Dean2
Subject: approval of 18675 St Andrews Dr BOA243

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To Lacey Dean,

We support the approval of the dimensional variance for 18675 St Andrews Dt, Monument, CO. (BOA243)

The work planned will add value and aesthetics to our neighborhood and in no way will their addition bother the neighbors. Additionally the work is approved by the Woodmoor Improvement Association!

Thank you,
Laura and Roger Meurer
18585 Saint Andrews DR, Monument, CO

Lacey Dean2

From: Kamela Mohs <kamelamohs@yahoo.com>
Sent: Thursday, July 11, 2024 12:35 PM
To: Lacey Dean2
Subject: BOA243 Dimensional Variance 18675 St Andrews Drive - BOA

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Hello,

I live at 780 El Dorado Way, Monument and have had a chance to review this notice. I do not have an issue with the plan the homeowners have shown me. Please let me know if you need anything else.

Kamela Mohs

Lacey Dean2

From: Shadow KCLinc <timjanastevens@gmail.com>
Sent: Thursday, July 11, 2024 4:03 PM
To: Lacey Dean2
Subject: Deminsional Variance - 18675 Saint Andrews Dr = BOA

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To Whom it may concern,

I am writing to you as a citizen of El Paso County and also a family that resides on another property on Saint Andrews Dr.

I fully support this request from the homeowners at 18675 Saint Andrews Dr. **I ask for you to approve this request**

If you have any questions, please feel free to contact me at the email address this was sent from.

Thank you,

Tim Stevens

July 13, 2024

Re: BOA243 Dimensional Variance 18675 Saint Andrews Drive, Monument, CO 80132

To whom it may concern,

We live across the street from the Jordan's and have no objection to the requested variance. We feel the addition would not only benefit the Jordan's and their situation with their mom, but would also improve the overall look of the neighborhood we live in.

We are willing to testify at the hearing, either in person or remotely. Please contact us if you have any questions.

Jim Deeds
Barbara Deeds

Jim and Barbara Deeds

830 Oak Hills Drive

Monument, CO 80132

719-487-8463

Lacey Dean2

From: Ron Robins <ronrobins01@gmail.com>
Sent: Saturday, July 13, 2024 4:28 PM
To: Lacey Dean2
Subject: BOA 243 - 18675 Saint Andrews Drive Monument CO 80132

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Hi!

I am Ron Robins. I live at 18525 Saint Andrews Drive. My wife Mary (Jody) and I want to voice our opinion on Tim and Janna's request for a zone variance.

We believe it will help property values rise in the neighborhood. It will also increase the property taxes they pay, so again it is good for the local community.

Thank you,

Ron and Jody Robins
(719) 330-8905

Sent from my iPhone

Lacey Dean2

From: H LEON RORIE <llrorie@msn.com>
Sent: Friday, July 12, 2024 3:06 PM
To: Lacey Dean2
Subject: Set back Variance hearing for project 198878

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We are next door neighbors to the Jordans (Linda and Leon Rorie). We have no objections to the planned addition. The sketches of the new addition appear to improve the exterior appearance and it is still 40 feet from the pavement.

Sent from [Mail](#) for Windows

Lacey Dean2

From: Brian Cumming <bsc206@icloud.com>
Sent: Tuesday, July 16, 2024 8:23 PM
To: Lacey Dean2
Cc: tj0843@msn.co; Bruce Hoover; Kim Cumming
Subject: Attention: Variance No. BOA243

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BOARD OF ADJUSTMENT
El Paso County Planning and Community Development Department
2882 International Circle, Ste. 110
Colorado Springs, CO 80910

As a home owner in the Woodmoor neighborhood, I fully support the Setback Variance for Additional Living Quarters at 18675 St Andrews Drive. The Variance request No. is BOA243 as stated in the title of this email.

I live on St Andrews Drive and walk by this property on a daily basis as part of my morning exercise. I see exactly the portion of Lot 131 where the request for variance will apply. With the proposed design elevation in mind, regardless of the ambiguous zoning restrictions, I am confident this project will enhance the functionality of the home and improve the curb look of the residence. Any thought to the contrary would be ridiculous, and pompous in nature.

Soon after moving into our home just a block away from 18675, we accomplished a major renovation at 18520 St Andrews during the year 2020. We added two large additions to the home at this property without any opposition from nearby neighbors. Most of the homes in this neighborhood were built in the mid to late '70s and are in need of renovation and expansion to meet various occupancy requirements. Any opposition to tasteful additions to homes in our enclave is ridiculous and without merit.

I fully support the building addition at 18675 St Andrews. The new owners (Tim and Jana) are outstanding neighbors in their own regard and should be welcomed to proceed without resistance of any kind. If you have any questions or concerns, please reach me personally at the number below.

Sincerely yours,

Brian and Kimberly Cumming
18520 St Andrews Dr
Monument, CO 80132
719-491-9489