



February 27, 2023

El Paso County Planning Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Letter of Intent for Board of Adjustment Variance Request for Setbacks at 13830 Overlook Place

Gentlemen:

This letter serves as our Letter of Intent for the above referenced Board of Adjustment Variance request. Detailed information on this request is as follows:

Applicant:

Joni Zimmerman, LGA Studios, 201 E. Las Animas St., Suite 113, Colorado Springs, CO 80903.
719-635-0880, joniz@lgastudios.com

Owner(s):

Charles K. Sutton and Abigail Urish, (970) 985-5423, email is cksutton1981@gmail.com

Site Location: 13830 Overlook Place, Colorado Springs, Colorado 80921

Property Tax Schedule Number: 6205006003

Property Size: 5.48 acres, Zoned RR-5

Proposed Request:

Our client for the above referenced address is looking to rebuild a 1067 square foot garage in the same location as they had prior to a catastrophic fire on their property. The previous garage was burned except for a viable foundation and all concrete footings. The existing foundation has been checked and verified by a Colorado licensed structural engineer. The location and previous garage were reviewed by Pikes Peak Regional Building Department in 1992 and no mention was made at that time regarding the setbacks for the property. A building permit was applied for, there was an inspection at that time, with no mention of the structure being in the setback area. Now that our client is trying to rebuild the garage in the same location, we have been informed that the encroachment into the setbacks is an issue that requires a variance. The setback for this property is 25 foot and the existing foundation sits 1.4' from the property line (see attached site plan). Our client does have an easement from the neighbors to the north acknowledging the garage foundation and providing use to access space around it but is unable to sell that portion of the property to our clients due to a covenant restriction in Overlook Estates.

The garage to be rebuilt is 1,067 square feet, as shown on the uploaded site plan. Because the foundation is existing and viable, there is no new land disturbance, no additional grading around the garage foundation and no impact to the existing drainage patterns. Again, we are simply rebuilding the garage on top of the existing foundation.

We believe that requiring our client to move the location of the garage at this point will cause a hardship for a number of reasons:



- As per Land Development Code (LDC) 5.5.2B (2)a, “Grant of Variance of Specific Development Standards, Variances to Physical Requirements” and specifically the last bullet point of this code standard, i.e., “Some other unique or equitable consideration compels that strict compliance not be required”, the existing layout of the landscape would make moving the garage anywhere else near the house difficult due to exceptional topographical conditions. Moving the garage outside the setback area on the west side of the property would place it in a way that would interfere with the septic and leach field. It would also block access for the barn and utilities easement road, and would require additional grading, excavation and possibly a retaining wall and removal of vegetation. Building on the eastern side of the house outside the setback area would require removal of dozens of trees, grading, leveling and a retaining wall as well. The eastern side of the house slopes upward and this is necessary to keep the primary land access on Overlook Place. Moving the garage elsewhere on the property would also make it physically difficult for property owner Abigail Urish, who suffers from lifelong physical disabilities, as well as her mother, Anne Urish who is also an occupant of the home, who has multiple sclerosis and requires a walker and occasional wheelchair. It is important for these reasons that the garage be within 100 feet of the main door. The family has worked very hard to update the property with ADA accessible modifications.
- We believe that this situation falls under the PPRBD ordinance that allows for exceptions to rebuild existing structures when there has been fire damage up to 50% of the cost of the structure, even if the structure previously did not meet building code requirements. Please reference LDC 5.6.3 “A nonconforming structure damaged or partially destroyed by fire, explosion or natural occurrence may be restored to the condition in which it was immediately prior to the occurrence of the damage or destruction, provided...”
- The cost will increase significantly to demo the existing foundation and start over with the buildout of a new garage in a different location.

We are not aware of any overlay zoning.

As the garage was previously in this location, as approved by Pikes Peak Regional Building Department in 1992, and there have been no complaints by neighbors or community regarding the location, we do not feel that allowing the new build to remain in the same location would impact the neighborhood in any negative manner.

Both client and applicant are available to address any additional questions or requirements that are necessary to review this request.

Respectfully,

A handwritten signature in black ink that reads "Joni A. Zimmerman".

Joni A. Zimmerman, CSI CDT LEED Green Associate
Operations Manager