



January 11, 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](mailto:joniz@lgastudios.com)

Owner(s):

Charles K. Sutton and Abigail Urish, (970) 985-5423, email is [cksutton1981@gmail.com](mailto: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 detached garage in the same location as they had prior to a catastrophic fire on their property. The previous detached garage was burned except for a viable foundation and all concrete footings. The existing foundation of the detached garage has been checked and verified by a Colorado licensed structural engineer. In 2000, El Paso County PCD file LOG001417 was approved by El Paso County Planning for the location of the detached garage. At that time there was no mention of a discrepancy regarding the location of the detached garage encroaching into the setback. 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 for the detached garage specifically. The home and other structures on the property do not encroach into the setbacks. The setback for this property is 25 foot and the existing foundation of the detached garage 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.



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 and more specifically the slope of the property would make moving the detached garage anywhere else near the house difficult due to exceptional topographical conditions.
- Moving the detached 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.
- Moving the detached garage 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.
- Because the eastern side of the house slopes upward significantly and this is necessary to keep the primary land access on Overlook Place, moving the detached garage location creates a hardship on this property.
- The existing location of the detached garage is the flattest area on the property, due to previous excavation work done, and the footings and foundation already existing.
- In addition, 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.
- 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 rebuilt detached garage will comply with all other setbacks and height restrictions and will be of the same architectural character as the main house, as the burned structure did previously.
- 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. A number of photographs showing the slope of the lot, the existing foundation of the burned, detached garage, the location of the septic and well house are included in this application as well as the easements obtained for the driveway and location of the detached garage. All of listed under the Additional Documents tab of this application/submission.

As the detached garage was previously in this location, as approved by El Paso County LOG001417 in the year 2000, 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,

*Joni A Zimmerman*

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

State the proposed garage's square footage and total land disturbance. Discuss if there will be additional grading around the garage's foundation. Additionally, provide a statement confirming the proposed structure will not adversely impact existing drainage patterns.