**Best Construction Brands, Inc.**

2820 Moonstone View

Colorado Springs, CO 80906

To Whom It May Concern,

My name is Devin Rogers and my wife’s name is Anita. We are recently medically retired combat Veteran and spouse who moved into the property at 9305 Sand Myrtle Dr. Colorado Springs CO 80925 in January 2019. I served nearly 21 years in the United States Army before the medical board forced me to leave the Service. I am 100% service-connected disabled from the VA. My service-connected injuries resulted in surgical fusion of three cervical vertebrae (C5,6,7) from two separate incidents as well as the addition of a prosthetic disc inserted between C3 and C4. I tore my rotator cuff in both shoulders, my right twice, as well as having my biceps tendon relocated in both shoulders due to chronic pain. I have chronic pain in my spine near my brain stem as well as chronic arthritis in both knees. I also have lost most of the lumbar disc between L4 and L5. My wife similarly has chronic arthritic pain in her knees and lower lumbar spine.

Unfortunately, we were notified during the permit process that our home, built by Challenger Homes seven years ago, was built in the wrong place. We have learned from the building department that our home is too close to the rear setback of the property for which we have no remedy. We purchased the home in January; it would create a tremendous hardship on us financially as well as mentally and emotionally to have to recuperate from the loss of our home.

I am also writing this letter of intent to try and demonstrate the alleviation of our physical hardship by the addition of a slightly larger deck on the rear of our home. The larger deck would allow for us to enjoy our backyard without needing to traverse stairs to get to the ground level. We both have severe limitations that restrict our movement making a tall staircase difficult to maneuver. Additionally, my 75-year-old mother comes to stay with us frequently but is not able to enjoy the backyard due to her age and own complications with walking on uneven rocky surfaces. With the addition we would be able to move freely from the home to the outdoors. We could enjoy our view of Pikes Peak easily instead of possibly falling while trying to carry items from the house downstairs to the concrete pad at the base of where our deck used to be located. We also are caregivers for our grandson and our daughter’s two dogs. The addition of an extended deck would allow for us to enjoy time with our grandson without attempting to carry him down to the ground level. It would allow us to avoid walking the dogs around the side of the house to get them out to go to the bathroom.

I sincerely hope El Paso County will allow us, first to remain in our home and secondly to create a means to enjoy our backyard via an extended deck that only encroaches into the rear setback by approximately three feet or less. Please allow us this small measure for the home we intend to retire in. Thank you for your consideration and cooperation.

Sincerely, Devin & Anita Rogers

It is the intention of Best Construction Brands, Inc. to construct a deck of approximately 250 sq ft. for Devin and Anita Rogers at 9305 Sand Mrytle Drive in Colorado Springs. In order to do so, we are requesting a rear yard setback of 22 feet where 25 feet s required.

As authorized representation for Best Construction Brands, Inc., I wish to seek administrative relief, to request permission to of a rear yard setback of 22 feet where 25 feet is required.

As always, all codes will be strictly adhered to in the construction of this deck. The intent of the Regional Building Code and the specific regulation in question will be preserved. The granting of the administrative relief will not result in an adverse impact on surrounding properties nor will it allow for an increase in the number of dwelling unites on a parcel.

Regretfully, it is with the utmost urgency that we ask for a timely response to the consideration of this request, as deadlines with the homeowner are quickly approaching. Thank you.

Respectully,

Terry McCune (Authorized representative for Best Construction Brands, Inc.)

Criteria for Approval:

* The strict application of the standard in question is unreasonable or unnecessary given the development proposal or the measures proposed by the applicant; or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district;
  + The homeowners’ physical disabilities, as listed above, make it very difficult for them to walk down a set of stairs in order to get to their back yard. They would like an extended deck so that they can enjoy their home without having to go down to their back yard.
* The intent of this Code and the specific regulation in question is preserved;
  + The necessary 25 feet to the rear setback is maintained on a vast majority of the property, as less than 5% of the deck square footage is needing an exception to the rule in order to accommodate the homeowners’ needs.
* The granting of the administrative relief will not result in an adverse impact on surrounding properties;
  + This request is for a deck that will not in any way encroach onto or block the view of any neighbors. It will not encroach upon any utility easements/setbacks, roads, drainage systems, or electrical lines. Please see comments by Colorado Springs Utilities confirming these statements.
* The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel;
  + This deck is not being enclosed in any way or adding any additional living space to the living structure. No roof is being attached.
* The granting of administrative relief would help minimize grading and reduce vegetation removal;
  + The granting of this administrative relief would allow us to avoid demolishing part of an existing concrete patio as well as avoid removing vegetation that is in the area closer to the house.