

We Build Decks
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Letter of Intent

Variance / Administrative Relief Request

Property Address: 2895 Walton Creek Drive

Parcel Size: 0.18999 Acres

To the El Paso County Board of Adjustment,

This letter is submitted in support of a request for a variance from the rear yard setback requirement for the above-referenced property.

The property owner proposes to construct a residential deck measuring approximately 10 feet by 18 feet, with a finished height of approximately 40 inches above grade. The proposed deck will encroach approximately 7 feet into the required 25-foot rear yard setback, resulting in a setback of approximately 18 feet from the rear property line.

This request satisfies the applicable approval criteria as follows:

1. Exceptional Physical Conditions / Hardship

The subject property is a corner lot, which creates an irregular and constrained backyard configuration compared to typical interior lots within the subdivision. While the overall lot size (0.18999 acres) is consistent with surrounding properties, the location of the lot reduces the amount of usable rear yard area.

This unique condition limits the ability to construct a reasonably sized, functional outdoor living space in compliance with the standard setback requirements. The hardship is directly related to the physical characteristics of the property, specifically its corner lot configuration and reduced buildable area in the rear yard.

Strict application of the 25-foot rear yard setback would limit the deck projection to approximately 3 feet from the home, which is not functional for typical residential use. Therefore, the strict application of the setback requirement is unreasonable given the physical characteristics of the lot and the proposed development.

2. Not Self-Imposed



The hardship is not the result of any action taken by the property owner. The constraints are inherent to the original platting and layout of the lot. The need for relief arises solely from these pre-existing site conditions.

3. Minimum Variance Necessary

The requested encroachment of approximately 7 feet represents the minimum variance necessary to allow for a functional deck design. The deck has been intentionally limited to 10 feet in projection from the home to ensure that the stair system remains within the footprint of the deck and does not extend further into the setback.

Additionally, the stairs are oriented perpendicular to the rear wall of the home, minimizing further encroachment and maintaining a compact layout. Any further reduction in deck size would significantly limit usability and function.

4. No Detriment to Public Welfare or Adjacent Properties

The proposed deck is modest in size and scale and will not adversely affect neighboring properties. At approximately 40 inches in height, the structure remains relatively low-profile.

Even with the requested relief, an 18-foot separation from the rear property line will be maintained, which preserves reasonable privacy and spatial buffering. The improvement is residential in nature and consistent with typical accessory structures found throughout the neighborhood. Stormwater from proposed deck will not adversely impact adjacent or downstream properties.

5. Consistent with the Intent of the Code

The intent of the rear yard setback is to provide adequate spacing, light, air, and privacy between properties. The proposed deck maintains these principles while allowing for reasonable use of the property.

Granting this variance will not confer a special privilege but will instead bring this property closer to parity with neighboring lots that have more usable backyard space due to their standard interior lot configuration.

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6. The granting of the variance will not allow an increase in the number of dwelling units

The proposed project consists solely of a residential accessory structure (deck) and will not result in any increase in the number of dwelling units on the property.

6. Precedent and Consistency with Similar Properties:

Approval of the requested variance is consistent with prior decisions made for similarly situated properties within the same zoning district and surrounding area. Corner lots frequently present reduced and irregular rear yard usability due to their configuration, and variances have commonly been granted in comparable circumstances to allow reasonable residential improvements such as decks and accessory structures. The requested setback reduction is minimal in nature and aligns with the scale and function of other existing decks in the neighborhood that operate under similar spatial constraints. Approval of this variance would not grant a special privilege, but would instead allow reasonable development of the property in a manner consistent with the surrounding residential character and the practical use of similarly situated lots.

Conclusion

Due to the unique physical constraints of this corner lot, strict application of the rear yard setback would create an unnecessary hardship and prevent reasonable use of the property. The requested variance is minimal, thoughtfully designed, and will not negatively impact surrounding properties or the character of the neighborhood.

For these reasons, approval of this request is respectfully requested.

Sincerely,
Derek Wilkins
We Build Decks
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