

Letter of Intent – Application for Administrative Relief  
July 16, 2021

330 Avocet Loop

Colorado Springs, CO 80921

Description: Rear deck removal and replace with larger deck. New deck proposed to encroach in rear setback no more than 20%.

Applicant/Contractor: Wilkins Construction, Inc

Name: Derek Wilkins

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Owner: Christopher and Beth Durham

Address: 330 Avocet Loop

Colorado Springs, CO 80921

Phone: 303-596-4180

Email: [bethadurham@msn.com](mailto:bethadurham@msn.com)

Zoning District: PUD

Parcel Size: 9,436 SqFt

Plat Number: 11397

Tax Id Number: 7201110016

Legal Description: Lot 127 Falcon View

Current Lot Coverage: 17.7%

New Proposed Lot Coverage: 20.1%

Mineral rights have not been severed from the property.

Proposed is a new deck to replace existing deck. I am requesting administrative relief to allow for a rear setback of 16 feet where 20 feet are required by the code. The existing deck extends off the house 6 feet and is 8 feet wide. The corner shape of this lot really hampers the size of a deck from the rear of the house. The property size is really towards the side yard rather than the rear. The existing deck is almost too small to entertain a BBQ, let alone any guests. The rear 220-foot setback requirement would have to be relived to install a 10-foot (curved out to 10' as the deck has a curved feature designed in the proposal) deck off the rear of the house. This would require a 20% encroachment into the rear setback. The proposed new deck will be about 3 feet off the ground, on a slopping lot towards the rear. The deck would be tastefully done to allow my clients to entertain guests and have a small table with chairs. The new total square footage of the deck would be about 120 square feet. It would not affect the rear property line at all, nor would it impede any views at the deck is only 3 feet off the ground. This deck does not increase the number of dwelling units, as well as the surrounding properties in this neighborhood would welcome a fellow neighbor investing and improving upon their property.

The strict application of the regulation in question is unreasonable 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 and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief.

1. The 20-foot rear setback is very close to the rear of the home for this corner property and does not allow for a good size deck out of the back patio door. The proposed deck merely extends 10' off the house (at the full extension of the radius) but would require a 20% allowance for the encroachment.

The intent of this Zoning Code and the specific regulation in question is preserved.

2. The intent of the zoning ordinance seems to be preserved because it is a slight encroachment. The majority of the property preserves the ordinance.

The granting of the administrative relief will not result in an adverse impact on surrounding properties.

3. The granting of the admin relief will not negatively impact the surrounding properties as the deck will have the same look and feel as the rest of the neighborhood. Also, the deck is an improvement upon the property and adds value. Drainage from the proposed will not adversely impact the adjacent properties or runoff patterns.

The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel.

4. No new dwelling is added.

Administrative relief shall not be used to create or modify lots to the extent that they no longer meet the minimum lot size for the zone district in which they are located.

Respectfully Submitted,

Derek Wilkins