

LETTER OF INTENT

Request for Dimensional Variance – Existing Accessory Structures

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El Paso County Planning and Community Development

2880 International Circle, Suite 110

Colorado Springs, CO 80910

PCD File No.: BOA261

Subject: Request for Dimensional Variance for Existing Accessory Structures

Property Address: 422 Niagara St., (

Legal Description:

LOT 13 BLK 7 WILSONS WIDEFIELD ADD 3

Parcel Number: 5519217024

Current Zoning: RS-5000 CAD-O

Legal Description: LOT 13 BLK 7 WILLIAM WELD SHEFFIELD ADD 3

Dear Members of the Board of Adjustment:

I respectfully request approval of a dimensional variance for three existing accessory structures located on my property at 422 Niagara Street. This request is made under **Category 2 – Equitable Consideration** of the El Paso County Land Development Code because the burdens of strict compliance with the zoning setback requirements significantly exceed the benefits that would be gained by requiring compliance for this specific property.

The dimensional standards of the RS-5000 zoning district require accessory structures to be located at least **5 feet from all rear and side property lines**. The requested variance would allow the three existing structures to remain in their current locations while addressing the unique physical and practical circumstances of the property.

Existing Structures and Requested Variances

1. Shed #1

Shed #1 is a **144-square-foot structure approximately 20 feet in height**. It was installed in the summer of 2024 and is used for household tools and seasonal storage. I am requesting a **3-foot rear setback and a 2-foot 4-inch side setback** for this structure.

Shed #1 is located adjacent to existing underground utility infrastructure, including **pool utility lines, gas lines, and telephone lines**. Relocating the structure to meet the required 5-foot setbacks would place it directly in the area occupied by these utilities and could create a greater risk of disturbing or damaging existing infrastructure.

2. Chicken Coop

The chicken coop is a **420-square-foot structure approximately 8 feet in height**. It was originally constructed as a dog run in 2012 and was later converted for use as a chicken coop.

Please verify that this is the dimensional area for just the structure (building).

This description does not align with the pictures you provided.

The coop is an **open-sided structure and does not have a rear or side** directly against the existing property fence. I am requesting a variance for the structure to remain in its existing location, including a **0-foot setback** **where the structure is directly adjacent to the property line**.



The chicken coop is maintained regularly and is used for residential purposes. It is cleaned routinely to minimize odors and pests and remains in good condition.

3. Shed #2

Shed #2 is a **144-square-foot structure approximately 20 feet in height**. It was installed in 2019 and is used for lawn and garden equipment storage. I am requesting a **3-foot side setback**, with no conflict with the required rear setback.

All three structures are structurally sound, well maintained, and used solely for residential purposes. They are compatible with the established residential character of the neighborhood. This request concerns only the existing placement of these structures and does not involve an expansion, increase in density, or change in land use.

Category 2 – Equitable Consideration

The burdens of requiring strict compliance with the setback requirements substantially outweigh any practical benefit that would be achieved by relocating or removing these existing structures.

The structures have remained in place and continue to serve ordinary residential purposes. Their current locations do not interfere with public safety, traffic circulation, drainage, emergency access, or the residential character of the neighborhood. Requiring relocation would provide little measurable benefit to surrounding properties while creating substantial burdens for this property.

One of the primary considerations involves **Shed #1**, which is located adjacent to existing underground pool utility lines, gas lines, and telephone lines. Relocating the shed farther from the property line to meet the current setback requirements would require moving it

into the area occupied by these underground utilities. Rather than reducing potential conflicts, relocation could increase the possibility of disturbing or damaging existing infrastructure.

I fully understand that approval of this variance does not interfere with the rights of utility providers. If utility companies require access to these utility lines in the future, I acknowledge that I will be responsible for removing or relocating any affected structure, at my own expense, to provide that access. I fully accept that responsibility and understand that utility access rights take precedence over the placement of these structures.

Maintaining the structures in their existing locations avoids unnecessary disturbance to underground utilities while preserving the intended residential use of the property. Under these circumstances, the burden of strict compliance significantly exceeds any practical benefit that relocation would provide.

Additional Equitable Considerations

In addition to the property's physical conditions, relocating these structures would impose a substantial financial and practical burden.

I am a disabled veteran currently serving in the United States Army Reserve while attending school using GI Bill benefits. Due to ongoing medical issues, I was forced to leave my position in the operating room at Parkview Hospital, resulting in a significant reduction in income and limiting my ability to perform the physical labor necessary to relocate or reconstruct these structures.

I am also responsible for supporting three children currently living at home. The cost of removing, relocating, and reconstructing the structures would create a significant financial burden that is disproportionate to any public benefit achieved through strict enforcement of the setback requirements.

Compatibility with the Neighborhood

The property is located within an established residential neighborhood where accessory structures are common. The sheds and chicken coop are consistent with the scale and character of the surrounding properties and remain compatible with the existing neighborhood.

The chicken coop is cleaned regularly and maintained to minimize odors and pests. The structures remain in good repair and do not create public safety concerns or interfere with drainage, utilities, or access.

Minimum Relief Requested

The requested variance represents the **minimum relief necessary** to allow the continued use of the existing structures in their current locations. No additions or expansions are proposed.

Granting this variance will not interfere with existing utility easements or utility company access rights. I acknowledge that utility providers retain the right to access their facilities, and I accept full responsibility for removing or relocating any affected structure, at my own expense, should utility access become necessary in the future.

Enclosed for your review are the required site plan and photographs showing the location of the structures on the property.

For these reasons, I respectfully request that the Board approve this dimensional variance under the **Category 2 – Equitable Consideration** provisions of the El Paso County Land Development Code. The burdens of strict compliance clearly exceed the benefits that would be achieved for this specific property, and approval will allow the continued safe and responsible use of these existing structures while preserving the residential character of the neighborhood.

Thank you for your time, consideration, and service to our community.

Respectfully,

Natalia Erickson

The Pikes Peak Regional Building Department stated that there is a recorded non-compliance for structures- over 200 sq ft built without proper permits. A condition of approval with this dimensional variance request will be to obtain the appropriate permits with PPRBD. Please contact the building department for clarification, if needed.