

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 7:54 PM
To: tkcr555@gmail.com
Subject: Re: Record number - NVAR-25-0014

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Hi Mrs. Rupprecht,

Thank you for your response regarding my non-conforming garage. I am currently retired. As you are aware, I plan to reside at 5226 Brady Rd. I am not running a business out of my home, nor have I ever. I am not sure where you received your information about this large garage being used for a business. The detached garage I am building is 2560 sq ft and is only 18.4" high, which to include 736 sq ft garage on the home. I will house my personal belongings inside. Stop by anytime to see what I am doing to make this a better place to live.

Thank you, Scott Schwartz

On Oct 15, 2025, at 3:29 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:

Matthew Ambuul
Planner II
City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

Links:

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-----Original Message-----

From: Karen Rupprecht <tkcr555@gmail.com>
Sent: Monday, October 13, 2025 6:42 PM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Subject: Record number - NVAR-25-0014

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As a neighbor to the house requesting this variance I would like to voice concerns. This variance is for a very large garage, to be used for a business. This is a residential neighborhood not one zoned for businesses. The county is where this house/business needs to be not in the city limits residential neighborhood requiring a variance.

Thank you for reaching out to the neighborhood for concerns.

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 7:57 PM
To: ronbevsmith@gmail.com
Subject: Re: Variance at 5226 Brady Road

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Ron and Bev Smith,

I have lived in Rustic Hills on and off for approximately 25 years. I am requesting approval for a specific project. As you know, Veronica and Doug Eberhart make up the architectural control committee in RHIA, and Doug previously served for years as the RHIA president, allowing many garages on Rocking R and Constitution Ave to be built from 2000 - 3100sq ft +.

Additionally, given that vehicles such as boats, trailers, 4x4s, UTVs, campers, and trucks are all built bigger today, more room is required for storage. My property is located one block from Constitution Ave on the south side of Rocking R. All properties in Sub #2 are approximately one acre in size. The lot coverage will be 13% where 30% is allowed. I hope that I have answered your questions.

Thank you Scott Schwartz

On Oct 15, 2025, at 3:26 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul

Planner II

City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

Links:

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Please consider the environment before printing this e-mail.

From: Ron and Bev <ronbevsmith@gmail.com>
Sent: Monday, October 13, 2025 7:38 AM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Subject: Variance at 5226 Brady Road

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We live at 5118 Brady Road and received a notice about a garage addition to the above property.

We are against you approving this variance.

This property is close to the entrance

Of our neighborhood and visible from all directions. It will make our neighborhood look like a warehouse area. Most of The few structures that are larger than code are on lots that are larger than one acre.

Ron and Bev Smith

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 7:58 PM
To: jimujer@gmail.com
Subject: Re: NVAR-25-0014
Attachments: Brady Rd City Variance Oct25.docx

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Ms. Barefield,

Thank you for responding to the planning department about 5226 Brady Rd. I have lived in Rustic Hills on and off for approximately 25 years. I enjoy the Rustic Hills neighborhood as well.

The main reason I am writing is to request approval to build a structure on my property at 5226 Brady Rd. to protect my personal belongings from weather conditions such as sun, snow, rain, and hail. I understand that the RHIA architectural control committee, run by Veronica Eberhart, to include Rick Hoover, has previously approved large buildings in Rustic Hills sub #1, #2, and #2.2. From your house, it is unlikely the structure would be visible due to the 50-60-foot trees lining the street in front of my home. Thank you for your consideration.

Scott Schwartz

On Oct 15, 2025, at 3:24 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul
Planner II
City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

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Please consider the environment before printing this e-mail.

From: S. Barefield <jjimujer@gmail.com>
Sent: Wednesday, October 8, 2025 9:01 PM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Subject: NVAR-25-0014

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October 7, 2025

Mr. Matthew Ambuul
Colorado Springs Planning Department

I received in the U.S. mail the Standard Notice for Variance Request – No. NVAR-25-0014 for “3,296 square feet of total garage space” at 5226 Brady Rd Colorado Springs, CO 80915.

This letter is to let the Colorado Springs Planning Department know that I oppose NVAR-25-0014 Non-Use Variance for 5226 Brady Rd Colorado Springs, CO 80915. This request exceeds the max allowed per City Code Section 7.3.304.C.1.a. If the city was to approve this it would be a substantial deviation from our established zoning regulations. Our neighborhood is known for our natural attractiveness and we need to preserve that characteristic.

If the Colorado Springs Planning Department would approve this request, it could set an objectionable precedent for future variance requests. It would weaken the reason for zoning codes. Such a large structure would negatively impact neighbors through obstruction and potential noise.

Because of these reasons, I respectfully request Colorado Springs Planning Department deny this variance request and uphold the existing zoning requirements (1,650 square feet on a 1-acre site) that are established for our neighborhood.

Thank you for your assistance in this matter.

S.L. Barefield
5227 Brady Rd
Colorado Springs, CO 80915

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 8:01 PM
To: bkenline@yahoo.com
Subject: Re: 5226 Brady Road variance

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Mr. Kenline,

The property was posted in accordance to where and when the City Planning Department wanted them posted. The garage is 2560 sq ft., and will house my personal belongings inside. There will be no business run out of the house or garage. I plan on moving into 5226 Brady Rd when done, and currently retired and do not have any businesses.

Thank you for your concern.

Scott Schwartz

On Oct 15, 2025, at 3:21 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul
Planner II
City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

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Please consider the environment before printing this e-mail.

From: Bill Kenline <bkenline@yahoo.com>
Sent: Monday, September 29, 2025 4:03 PM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Subject: 5226 Brady Road variance

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Hi Matthew,

I am owner of the neighboring property to the immediate southwest of 5226 Brady Road, owning property at address 5218 Brady Road.

I received notice that the new property owner next door is requesting a variance to build a garage that is double the size allowed for our neighborhood by city code and exceeds the size allowed by our neighborhood covenants.

I am against such an allowance. I have concerns over the potential and likely business use of such a large facility. If not with this owner, then with future owners.

The current city allowance of 1,650 square feet is more than sufficient for residential purposes.

I do not like the way this property owner has posted the notice back in the hedges of his property. He seems to be attempting to avoid neighbor input making me wonder what future plans he would also attempt to curtail.

The house on this property is in poor condition and has significant settling issues. Would the garage occupy the site of the home? Would this still remain as a primarily residential property?

If granted, I will request the same variance so I can build a giant garage to run my business from or, after building it, sell my property to another business owner and move to a location where private residences are treated with the consideration they deserve.

I would be more in favor if he were requesting to build the facility underground.

Sincerely,
Bill Kenline
719-229-2531

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 8:03 PM
To: jdolve@msn.com
Subject: Re: Garage addition 5226 Brady Road Colorado Springs, CO 80915 Record Number NVAR-25-0014

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Mr. Dove,

I have submitted the plans for review on September 11, 2025, to the RHIA secretary and did not hear from them until the board meeting on October 9, 2025. When a neighbor asked me to go with him, I arrived at the meeting and was put on the spot to tell the board about my non-conforming variance. The board was confused as the board secretary was handing out copies to them of my request. After my presentation, Veronica Eberhart personally attacked me verbally in front of the board. The non-conforming use garage of 3296 sq ft is a combination of all garage space existing and proposed, or 2560 sq ft non-conforming garage.

Please stop by when you pass by, and I can show you how nice this will be for the neighborhood.

Thank you for your concern, Scott Schwartz

On Oct 15, 2025, at 3:28 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul
Planner II
City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

Links:

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Please consider the environment before printing this e-mail.

From: JOHN DOROTHY DOLVE <jdolve@msn.com>
Sent: Monday, October 13, 2025 1:37 PM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Subject: Garage addition 5226 Brady Road Colorado Springs, CO 80915 Record Number NVAR-25-0014

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Mr. Ambuul,

I am a resident in the Rustic Hills development where this proposed project will be located. I received an email from our RHIA HOA Architectural Committee stating that Mr. Schwartz had not presented an application to the committee ,as is required per our HOA covenants- this was on September 28,2025- he may have done so by now?

As a current resident and past President of the Association , based on the information I have, I would support any recommendation that the current RHIA Board of Directors would suggest to the City Planning Department in deciding if this this application for this Non-Use Variance is approved or denied.

I do feel that allowing a 3296 square foot garage space where a 1650 square foot garage space is what is allowed on a 1 acre site is excessive. I think that if the proper application had been presented to the Architectural Committee with drawings, plans etc. had been made available for review I would have a better idea of what Mr. Schwartz is planning to build and how this would impact our community, I will need to drive past this property every time I leave my home or return home.

Thank You,
John Dolve

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 8:12 PM
To: dalkw05@gmail.com
Cc: RHIASecretary@gmail.com
Subject: Re: NON-USE VARIANCE REQUEST FOR 5226 BRADY RD, CSC 80915
Attachments: 2025, 10-13 MEMO TO CITY OF CS .pdf

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RHIA President and Board,

As you are aware, I was not invited by email or phone to the board meeting on October 9, 2025. However, I showed up at the board meeting at the request from a friend. At the board meeting, I was put on the spot for the non-conforming use variance for 5226 Brady Rd. I did talk about the 2560 sq ft garage to be built. After my presentation, I was then attacked personally by Veronica Eberhart, the architectural control committee, who said a lot of false things about me personally, not really talking about this on a board level or representing the RHIA association. Plans were submitted on September 11, 2025, to the RHIA secretary. No response was received, nor did they vote at the time of the meeting. Then, on October 15, 2025, I received notice from the planning department that the RHIA board opposed the non-conforming variance, which was more than 30 days beyond what the covenants allow. Section C-2A of the covenants says: approval will not be required, and the related covenants should be redeemed to have been fully complied with, I feel that the RHIA has dropped the ball from the beginning. I feel that they should have reached out from the beginning regarding my request. In addition, many large garages that were built over the years and approved by the architectural control committee set a precedents for others to be built. (History for RHIA). I have attached addresses of some of the garages, big buildings, and barns that have been approved by the RHIA board. (Exhibit 1). These address are approximately in the same area as to which this garage will be built.

Please reach out with any questions or concerns.

Thank you Scott Schwartz

On Oct 15, 2025, at 3:27 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul

Planner II

City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

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Please consider the environment before printing this e-mail.

From: Tamie Farris <dalkw05@gmail.com>
Sent: Monday, October 13, 2025 10:50 AM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Subject: NON-USE VARIANCE REQUEST FOR 5226 BRADY RD, CSC 80915

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Dear Mr Ambull,
Attached is a memo from the board of Rustic Hills Improvement Association(RHIA) regarding the non-use variance request on 5226 Brady Rd, Colorado Springs, CO, 80915.
Please review and let us know if you have any questions.

Respectfully,

Tamie Farris
RHIA Secretary
719-339-9079

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 8:16 PM
To: jivercs@gmail.com
Subject: Re: NVAR-25-0014

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Ms. Vercammen,

Thank you for your response to the planning review of the resident at 5226 Brady Rd., regarding the non-conforming use of my garage, which is 2560 sq ft., whereas 1650 sq ft is allowed.

Thank you for bringing up the many big buildings in our neighborhood and how they will fit among the other garages. As you know, all the big trees around the house will make the garage less noticeable. This garage will be used to store all my personal belongings.

Thank you again for all your support.

Scott Schwartz.

On Oct 15, 2025, at 3:23 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul

Planner II

City Planning Department, Land Use Review Division

City of Colorado Springs

Office: (719) 385-5368

Email: matthew.ambuul@coloradosprings.gov

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[Pre-Application Meeting Request](#)

Please consider the environment before printing this e-mail.

From: Jenn Vercammen <jivercs@gmail.com>

Sent: Wednesday, October 8, 2025 7:44 PM

To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>

Subject: NVAR-25-0014

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Hi Matthew,

I am a resident in the community where this variance request is located. I just wanted to chime in that I am in favor of the variance being approved. Our neighborhood is filled with many homeowners with animals, large barns, oversized garages, sheds etc. so this is not out of the norm for us. Would love to see the addition and added value to the neighborhood!

Thank you,

Jenn Vercammen

Colorado Springs

(209) 373-5787

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 8:24 PM
To: cwwb82@gmail.com
Subject: Re: Potential Variance NVAR-25-0014
Attachments: Houses with Detached Garages - RHIA 1.pdf

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Mr. Brown and Mrs. Wright,

Thank you for your kind words and written support for the non conforming garage of 2560 sq ft., whereas 1650 sq ft is allowed. This garage will be used to house all my personal belongings and not commercial vehicles. This will be a very nice level house and garage for my family during my retirement years. As you are aware or have notice that there are 50-70 foot trees that line the property so that you will not see much of the garage. As you also are aware of the many large garages already approved by the RHIA architectural control committee over the years. Here are some of the garages on my block that you are aware of, that are much higher (21foot) than the proposed garage of (18.4"). Here is the list of garages that you are aware of, attached Exhibit 1.

Thank you again for your support in this matter.

Scott Schwartz

On Oct 15, 2025, at 3:29 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul
Planner II
City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

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Please consider the environment before printing this e-mail.

From: Clare Wright & Bill Brown <cwwb82@gmail.com>

Sent: Tuesday, October 14, 2025 10:16 AM

To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>

Subject: Potential Variance NVAR-25-0014

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October 14, 2025

I am William Brown, live at 5215 Brady Rd., just down the street from proposed site at 5226 Brady Rd. I am in favor of granting the variance requested by Scott Swartz for his proposed project.

I am a member of the Board of Directors of the Rustic Hills Acres home owner's association, and have lived in the area for almost 20-years. The Board met last week, and Mr. Swartz had the opportunity to present his case to the Board. He listed by address and size several properties within a few blocks of his property that have permitted and built even larger barns on their properties within the past few years. After Mr. Swartz presented his case and was gone, the Board discussed it, and a vote was held. The vote was far from unanimous, but the majority rules. The official result is to not allow the Variance.

Over many years, Mr. Swartz has built several homes in this community, including the one he currently lives in on Constitution Blvd. All of the homes are high quality, very attractive, and I believe all have had variances for their larger than 1,650-foot garages. His family plans to move into the Brady Rd. home if allowed to be built as proposed. My suspicion is that if the Variance is not granted, and he has to build a much smaller project, it will still be a quality build, but not a home his family would want to live in. That would be a loss for the neighborhood.

The development was formed in the early 1960's, and at that time an association was formed, By Laws and Covenants written. Many of the 60-year-old rules have been ignored, or variances applied for, or are just far out of date. There have been threats of legal action by the various Boards over the years, and counter suits by the home owners. To date neither side has followed thru with legal action. A few disgusted families have sold their homes, others just ignored the antiquated rules.

Bottom line, the Covenants are too old and out of date. There have been many exceptions allowed or taken thru the years. It makes NO sense for the Board to again try to enforce obsolete rules.

Please seriously consider granting Mr. Swartz the Variance to build his project. It would be a vast improvement over existing 60-year-old small house.

Thank you,
William Brown
5215 Brady Rd.
719-930-3450

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 8:32 PM
To: shanebruckner@gmail.com
Subject: Re: Record Number - NVAR-25-0014 (Deadline Oct. 14, 2025)
Attachments: 5226 Brady Rd - Non-Use Variance Protest Letter.docx

Importance: High

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Mr. Bruckner,

In response to your email regarding the non-conforming use garage at 5226 Brady Rd: the proposed garage of **2,560 sq. ft.**, whereas **1,650 sq. ft.** is the allowable size. Including the **736 sq. ft.** that is attached to the residence, the total garage area will be **3,296 sq. ft.** The new structure is located in the southwest corner of the property and will not be visible from Mr. Bruckner's residence, as his home faces north-northwest and both his barn and detached garage sit between the two properties.

As you are aware, the surrounding neighborhood includes numerous non-conforming garages along Rocking R, Brady Rd, and Constitution Ave. Many of these structures exceed the allowed square footage and height, with some being one-and-a-half to two stories tall. You referenced Section 7.3.3 as being inapplicable; however, that section includes, 7.3.301, 7.3.302, 7.3.303, 7.3.305, as 7.3.304 specific standards of use states C.1.a specifies sq footage. Additionally, the property is lined with mature trees—ranging from 50 to 70 feet in height—that further screen visibility.

The garage will be used strictly for **personal, non-commercial purposes**.

You as a real estate professional are familiar with the difference between HOA and RHIA regulations. This neighborhood falls under **RHIA**, not an HOA. RHIA covenants have historically permitted garages exceeding 1,650 sq. ft.

Properties along Rocking R, Brady Rd, and Constitution Ave commonly include large accessory structures ranging from **2,000 to 3,141 sq. ft.** plus.

My contractor's license was placed on **voluntary suspension in October 2025** at my own request. All properties I have built were for my personal residence, and all permits pulled under homeowner status have been properly completed.

After purchasing the property in **August 2025**, all property corner pins were located and clearly visible. In **September 2025**, Mr. Bruckner approached me regarding lawn ornaments, trees, and fencing—including a bear statue—that were encroaching approximately 15 feet onto my property at 5226 Brady Rd. When informed, he became upset and threw the northwest corner pin into the ditch. A temporary fence has since been installed along the property line to clearly delineate the boundary. I believe this incident is the underlying cause of the current objections to the garage project, which, as noted, will likely not be visible from his residence.

Thank you for your concerns.

Scott Schwartz

On Oct 15, 2025, at 3:27 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul

Planner II

City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

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Please consider the environment before printing this e-mail.

From: shanebruckner@gmail.com <shanebruckner@gmail.com>
Sent: Monday, October 13, 2025 11:28 AM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Cc: LUR Planning Info - SMB <LURPlanningInfo@coloradosprings.gov>
Subject: Record Number - NVAR-25-0014 (Deadline Oct. 14, 2025)
Importance: High

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Matthew Ambuul,

Attached and below is my comments regarding the non-use variance request for 5226 Brady Rd (NVAR-25-0014). Please let me know if there is any other avenues I should be sending this comment to.

October 13, 2025

To the case planner Matthew Ambuul,

Subject: Formal Protest and Opposition to Non-Use Variance Request, City Code Section 7.3.304.C.1.a, for 5226 Brady Road (Applicant: Mr. Schwartz)

I am writing to formally protest the non-use variance request submitted by **Mr. Schwartz** for the property located at **5226 Brady Road** (Zoned R-E/AO, 1-acre site).

The applicant is requesting a variance to **City Code Section 7.3.304.C.1.a** to allow for **3,296 square feet** of total garage space, which is significantly over the allowed maximum of **1,650 square feet** for this site. This request is fundamentally inconsistent with the character and intended use of our residential neighborhood and should be denied.

Grounds for Protest and Rebuttal of Applicant's Claims

The applicant's request fails to meet the legal standards for a variance, and several of his supporting claims are factually inaccurate or misleading.

1. Inconsistency with Zoning and Neighborhood Character

- **Misapplication of Code:** Mr. Schwartz's reference to **Section 7.3.3** (Use of specific standard) is inappropriate. Our neighborhood is a **residential zone (R-E/AO)**. Section 7.3.3 primarily describes **commercial and industrial uses**, which is irrelevant to our established residential, equestrian-focused community.
- **Established Neighborhood Use:** This neighborhood, developed in the 1960s, was designed around **equestrian use**, defined by **large, natural lots** and a **quiet, horse-friendly atmosphere**. The proposed structure's massive size, style, and prominent location on a main road (not behind the main house or at the back of the property) are inconsistent with the area's decades-long history and purpose.
- **Intended Use of Structure:** The applicant states the garage will be used to store "**heavy equipment, trailers, and trucks.**" This is a use typically associated with **commercial or industrial activity**, not a quiet, equestrian-focused residential area. Allowing this variance would open the door to non-conforming business operations and further degrade the neighborhood aesthetic.

2. Rebuttal of "Extraordinary Physical Condition" Claim

The applicant claims, "The extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief." **This is a false statement.**

- The property absolutely allows for reasonable use as intended by its zoning and the neighborhood's development history. The only exceptional circumstance is the applicant's desire to construct an oversized, commercially-oriented structure for an **equitable return**, placing his financial interest above the city code, HOA rules, and neighborhood standards. The current zoning already permits a reasonable-sized garage (1,650 sq ft) and residential use.

3. Rebuttal of "Adjacent Property Size" Claim

The applicant states, "All properties around us are also larger than an acre or larger." **This is factually incorrect.**

- The properties in Filing #2, where 5226 Brady Road is located, are predominantly **1-acre parcels**. Adjacent properties such as 5226 Rocking R Dr, 5218 Rocking R Dr, 5217 Rocking R Dr, 5218 Brady Rd, 5218 Half Moon Dr, 5231 Brady Rd, and 5227 Brady Rd are all **1-acre parcels**, with 1.15 acres being the largest adjacent lot. The properties east of Murry (Filing #1) are not set up for equestrian use and are not representative of the immediate subject property area.

4. Existing Non-Compliance and Precedent for Degradation

The granting of this variance will exacerbate an existing problem of non-compliant commercial use in our neighborhood. The storage of heavy equipment and trucks will add to the **unsightly lots** already associated with unauthorized businesses in the area (e.g., 5211 Constitution Ave, 5111 Constitution Ave, and 4405 Constitution Ave). This heavy equipment and debris are visible from main roads and the bridle path, and this proposed garage will only contribute to the decline in neighborhood quality of life.

5. Applicant's History of Noncompliance

The applicant, Mr. Schwartz, has a documented pattern of disregard for city codes and the permit process, which speaks directly to the bad-faith nature of this variance request.

- **Contractor License Suspension:** As of October 2025, **Scott A. Schwartz has a suspended contractor's license** with the Pikes Peak Regional Building Department.
- **Pattern of Owner-Builder Fraud:** Mr. Schwartz has a history of pulling permits as the **"homeowner"** while actually acting as a developer or builder and **never residing** in the properties, a clear attempt to circumvent proper permitting and licensing requirements:
 - **2314 Lazy R Ln:** Permit pulled Jan. 2013 as homeowner, built a spec home, sold in 2025 without ever residing there.
 - **1300 & 1304 Main St:** Permits pulled in 2020 and 2021 as homeowner, sold in 2021 without ever residing there.
 - **1863 Brookwood Dr:** Permit pulled in 2018 as homeowner, sold in 2019 without ever residing there.
 - **4797 Chaparral Rd & 2938 Pinnacle Dr:** Similar patterns of pulling homeowner permits and selling soon after completion.
 - **Prior Conforming Use:** Notably, on his prior project at **2314 Lazy R Ln** (a nearby 1-acre parcel), Mr. Schwartz did **not** construct a garage of this excessive size.

This established pattern of noncompliance and disregard for the law demonstrates a character of business that prioritizes personal gain over adherence to codes and community standards.

Granting a variance to an individual with a suspended license and a history of permit fraud sets a negative precedent and undermines the integrity of the code enforcement process.

Conclusion

The variance request for 5226 Brady Road is not necessitated by any extraordinary physical condition of the property, but by the applicant's pursuit of an out-of-character, quasi-commercial

use that violates the spirit and letter of the R-E/AO zoning district. Granting this variance would be detrimental to the public good and the established residential character of the neighborhood. I respectfully request that the Board/Commission **deny** the variance request.

Sincerely,
Shane Bruckner
5217 Rocking R Dr
719-325-6998
shanebruckner@gmail.com

Shane Bruckner
719.325.6998 cell/text
shanebruckner@gmail.com

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 8:38 PM
To: deberhscot@aol.com
Subject: Re: Protest of VARIANCE FOR 5226 BRADY RD
Attachments: 2025, 10-13 MEMO TO CITY OF CS .pdf

CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!

Mrs Eberhart,
Thank you for reaching out about my home at 5226 Brady Rd. The proposed garage totals **2,560 sq. ft.**, whereas **1,650 sq. ft.** is the allowable size. Including the **736 sq. ft.** that is attached to the residence, the total garage area will be **3,296 sq. ft.** In your e-mails to Mr. Ambuul, it appears that he has answered your questions from you e-mail that was sent to the City Planning Department. Please feel free to reach out with any other questions you may have.
Thank you Scott Schwartz

On Oct 15, 2025, at 3:31 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:



Matthew Ambuul
Planner II
City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

Links:
[Planning & Community Development Home](#)
[Look at Applications Online \(LDRS\)](#)
[Pre-Application Meeting Request](#)

Please consider the environment before printing this e-mail.

From: DOUGLAS EBERHART <deberhscot@aol.com>
Sent: Monday, October 13, 2025 11:41 AM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Subject: Protest of VARIANCE FOR 5226 BRADY RD

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Matthew , here it is. Please let me know when it go to planning commission and if residents will be allowed to speak from the floor at that meeting .

Have a great Columbus Day !

Veronica Eberhart
7196485523

Sent from my iPhone

Begin forwarded message:

From: DOUGLAS EBERHART <deberhscot@aol.com>
Date: October 13, 2025 at 11:33:32 AM MDT
To: Eberhart Doug Veronica <rusticboard@aol.com>
Subject: Fwd: NON-USE VARIANCE REQUEST FOR 5226 BRADY RD, CSC 80915

Sent from my iPhone

Begin forwarded message:

From: Tamie Farris <dalkw05@gmail.com>
Date: October 13, 2025 at 10:50:33 AM MDT
To: Matthew.ambuul@coloradosprings.gov
Subject: NON-USE VARIANCE REQUEST FOR 5226 BRADY RD, CSC 80915

Dear Mr Ambull,
Attached is a memo from the board of Rustic Hills Improvement Association(RHIA) regarding the non-use variance request on 5226 Brady Rd, Colorado Springs, CO, 80915.
Please review and let us know if you have any questions.

Respectfully,

Tamie Farris

RHIA Secretary
719-339-9079

Matthew J Ambuul

From: S SCHWARTZ <schwartz03@msn.com>
Sent: Thursday, November 20, 2025 8:46 PM
To: deberhscot@aol.com
Subject: Re: variance request number NVAR-25-0014

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Mr. Eberhart,

In response to your email regarding 5226 Brady Rd, please note that the Board has not enforced any covenants related to maintaining properties in a clean or orderly condition. Additionally, the Board has not exercised authority to condemn properties considered unsuitable for habitation by individuals or animals.

The Board has also not taken action on matters within the covenants concerning construction within City rights-of-way or the operation of businesses from residential properties. These practices have remained consistent for many years.

Please see below where your concerns and questions are answered:

Appropriations of use- Proposed 2650 sq ft garage will be used to store personal belongings.

Appropriateness of size - The 2650 sq ft garage will be single level and no taller than the house.

Considerations of neighborhood covenants- I have lived here on and off for over 25 years and I have never had any covenants violations. The covenants were written in the 1960's and the board has not enforced any of the covenants to date.

The equipment that I have is for personal use only. There will be no heavy equipment.

Covenant C-1 has not been enforced by the RHIA board. If you were to look around the neighborhood you will see.

The modest garage of 2560 sq ft is not larger than the house of 4200 sq ft.

As Mr. Eberhart references in his letter, there are about a dozen large buildings in the neighborhood within 1 block of 5226 Brady Road. These are similar in size to the proposed building. He approved 5211 Constitution Ave., which was for a garage space of 2940 sq ft. and Mrs. Eberhart approved 5202 Rocky R, which was for a total garage space for 3141 sq ft., which neither of these were approved by the RHIA Board members.

The variance application stated many adjacent properties have similarly size garages. However, it also means nearby properties within 1 block of 5226 Brady Rd.

5226 Brady Rd. With the 2560 sq ft modest garage will have approximately 13% lot coverage, where 30% is allowed.

Again as Mr. Eberhart has noted there is about a dozen outbuildings in the neighborhood between 2000-2400 sq ft., however he does not note that some of these buildings are 1 1/2 and 2 story tall that are not noted in his e-mail that are actually larger in square footage than they say.

RHIA is stating they first learned about this variance on September 23, 2025 from an e-mail the Senior Planning Technician. However, I sent an e-mail to the RHIA secretary on September 11, 2025, along with attachments of my request. When I attend the RHIA board meeting on October 9th, the secretary handed out copies of my plans and attachments for the variance to the board of directors. In the current covenants it states that RHIA board has 30 days in which to approve or deny the request or plans are deemed approved. I did not get notice that they denied the building request until October 15, 2025 from City Planning.

The RHIA on October 13, 2025 notified the Planning department of them opposing the variance, which is more than 30 days per the covenants.

Mr. Eberhart in his e-mail states that 5211 Constitution Ave. having a oversized outbuilding of 2940 sq ft. that Mr. Eberhart and the board approved to be built.

Thank you for you continuous approval of the modest buildings in our neighborhood.

Scott Schwartz

On Oct 15, 2025, at 3:36 PM, Matthew J Ambuul <matthew.ambuul@coloradosprings.gov> wrote:

The initial HOA inquiries.



Matthew Ambuul

Planner II

City Planning Department, Land Use Review Division

City of Colorado Springs

Office: (719) 385-5368

Email: matthew.ambuul@coloradosprings.gov

Links:

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Please consider the environment before printing this e-mail.

From: DOUGLAS EBERHART <deberhscot@aol.com>

Sent: Friday, September 26, 2025 3:37 PM

To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>

Subject: Re: variance request number NVAR-25-0014

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Thank-you so much and have a great weekend!

Veronica Eberhart

Sent from my iPhone

On Sep 26, 2025, at 3:12 PM, Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov> wrote:

Hello,

1. That is correct, the total allowed square footage for lots is 1,650 square feet. The are proposing more than 15% than an administrative adjustment can give, so a non-use variance is needed.
2. Yes, but the garage is attached, so it is considered part of the primary structure for gross floor area.
3. Yes, that is correct. If there is no vehicle passage into the structure, it would need to follow that requirement and not be bigger than the primary structure.
4. If the structure does not exceed 200 square feet than a permit is not required unless it is habitable space. We do look at other structures on the property with lot coverage and making sure they are not exceeding the primary structure with smaller ones. The small structures cannot be within an easement. If shipping containers were used (200 square feet or less) they should not be placed within a setback or easement, and would be counted towards lot coverage, etc.

If there are specific questions on a property we do always recommend to have a pre-application meeting.

<image001.png>

Matthew Ambuul

Planner II

City Planning Department, Land Use Review Division

City of Colorado Springs

Office: (719) 385-5368

Email: matthew.ambuul@coloradosprings.gov

Links:

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[Look at Applications Online \(LDRS\)](#)

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Please consider the environment before printing this e-mail.

From: DOUGLAS EBERHART <deberhscot@aol.com>
Sent: Friday, September 26, 2025 12:02 PM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>
Subject: Re: variance request number NVAR-25-0014

You don't often get email from deberhscot@aol.com. [Learn why this is important](#)

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I want to make sure we are understanding this correctly . 1) Because ownet is calling it a “ garage “ with doors large enough for cars , the issue is that the owners proposal surpasses the 1650 allowed for total GARAGE space , correct ?

2) The sq footage of the entire house , all floors , finished and unfinished (but NOT including attached garage) are counted as the official sq footage for house measurement per city code , correct ?

3) Hypothetical : If the owner proposed to call it a BARN with doors too small for a car , then it would fall within the sq footage allowed for an outbuilding (because it is officially smaller than the house) , correct?

4) Another Hypothetical: If the owner puts up 3 sheds each less than 200 square ft , none of that gets counted into Outbuilding sq footage ? If the sheds are 200 ft SHIPPING containers are those counted ?What about a 220sq foot shipping container ?

Thank- you for your help!

Veronica Eberhart

Sent from my iPhone

On Sep 26, 2025, at 11:12 AM, Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov> wrote:

Good morning,

Thank you for reaching out to me regarding the project located at 5226 Brady Road.

1. I was informed this morning that the two posters were picked up this morning, and Mr. Schwartz is aware that they need to be posted on the property, so that should be happening here soon.
2. The building is determined for it's use if the doors allow for the passage of a vehicle to enter the structure. In this case there will be garage doors, so the structure is a garage. If there was only a door to enter the structure and too small to allow for the passage of a vehicle, then it could be considered as a storage building. The Unified Development Code (UDC) regulates the maximum square footage allowed for garages, and that is 1,650 square feet, see UDC subsection 3.3.304.C.1.a, link to code section

here https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-51653 .

3. Per UDC subsection 7.3.304.A.3.b, the gross floor area of all accessory structures may not exceed the gross floor area of the primary structure. The gross floor area is defined the UDC as “The total horizontal area of the floors of a building measured from the exterior walls, or from the centerline of a wall separating two (2) buildings”, see UDC subsection 7.6.203.G, https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-56018 . In this case Mr. Schwartz is compliant as his existing basement and 1st floor area combined (2,688 square feet, this doesn’t include his attached garage or the addition he is adding on to the primary structure) are greater than the proposed detached structure (2,560 square feet). His lot coverage is still well below the requirement as well, and the structure will not be placed within any easements.

<image002.png>
<image003.png>

I hope that this answers all your questions, please let me know if you need any further information. Have a great weekend!

<image001.png>

Matthew Ambuul

Planner II

City Planning Department, Land Use Review Division
City of Colorado Springs
Office: (719) 385-5368
Email: matthew.ambuul@coloradosprings.gov

Links:

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Please consider the environment before printing this e-mail.

From: deberhscot <deberhscot@aol.com>
Sent: Friday, September 26, 2025 10:35 AM
To: Matthew J Ambuul <Matthew.Ambuul@coloradosprings.gov>;
Daniel Sexton <Daniel.Sexton@coloradosprings.gov>
Subject: variance request number NVAR-25-0014

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Hello, Mr. Ambuul we received notice from you that the owner of 5226 has requested a variance to build an outbuilding garage as well as an additional house-attached garage at 5226 Brady Rd. That is within our HOA (Rustic Hills Improvement Association) so we are presently reviewing that and will send you our input next week. Meantime we have a few questions:

- 1) Will you be putting a sign on that property notifying the neighbors of that variance request.? We drove by the property and did not see a sign whereas in the past neighbors of properties wanting a variance were notified by a sign on the property. The deadline to protest this variance is only 2 and 1/2 weeks away
- 2) How is an outbuilding determined to be a "garage" versus just a storage outbuilding? Is an outbuilding that a homeowner may choose to call a "barn" with sliding doors measured into the square footage allowed for "garages" OR the total square footage allowed for "outbuildings"?
- 3)We understand per city code , that the square footage of measurable outbuildings cannot exceed the square footage of the primary house. Does an unfinished basement or an attached garage get counted into the official square footage of a house? Or is the house square footage just based on the finished, livable space in the residence without the garage?

I am including Dan Sexton on this email as I asked him a number of related questions last year about city code and outbuildings , he may remember me . However, I am not sure if he is still working there or not. Let me know who to contact if we have more questions about this.

Thank-you!

Veronica Eberhart , Rustic Hills Improvement Association,
Architectural Committee Chair