



RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

Wood moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA242  
3120 MOUNT HERMAN RD SETBACK RELIEF

WHEREAS, Irvin and Joan Pollard have requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 3120 Mount Herman Road in the RR-5 (Residential Rural) zone district, which property is identified by El Paso County Tax Schedule No. 7122001010 and is legally described as follows:

Tract 3 Panoramic Acres

WHEREAS, the subject property is within the unincorporated area of El Paso County, Colorado; and

WHEREAS, Irvin and Joan Pollard have requested a side setback of 5 feet where County regulations require 25 feet; and

WHEREAS, the Board of Adjustment is vested with the power to grant or deny such variances by virtue of Section 5.5.2 of the El Paso County Land Development Code and Sections §30-28- 117 and §30-28-118, C.R.S.; and

WHEREAS, based on the evidence presented, the Board of Adjustment makes the following finding:

1. Proper notice procedures, including the notification of all adjoining property owners, have been completed by the El Paso County Planning and Community Development Department.
2. The variance will permit only those uses specifically enumerated as permitted uses for the zoning district in which the property is located.
3. The burdens of strict compliance with the zoning requirement(s) significantly exceed the

benefits of such compliance for the subject property.

4. A unique or equitable consideration compels strict compliance not be required; namely exceptional financial burden to move the existing structure.
5. The variance will not significantly impair the intent and purpose of the zoning regulations.
6. The variance will not cause a substantial detriment to the public good.
7. The variance will conform with all applicable federal, state, or other local laws or regulations.

NOW, THEREFORE, BE IT RESOLVED that the request for a variance from the El Paso County zoning regulations as more fully described above is hereby approved with the following conditions and notations:

#### CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed Accessory Living Quarters may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Approval of a Residential Site Plan by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building BOA Report Packet Page 6 of 13 2880 INTERNATIONAL CIRCLE OFFICE: (719) 520 – 6300 COLORADO SPRINGS, CO 80910 PLNWEB@ELPASOCO.COM WWW.ELPASOCO.COM Department are required prior to the conditioning of the existing building and construction of the addition to the Accessory Living Quarters.
3. Approval of a Special Use permit for permanent occupancy in the proposed Accessory Living Quarters is required prior to the occupancy of said Accessory Living Quarters.

#### NOTATION

1. Physical variances approved for a proposed structure (except for lot area variances) are valid only if construction of the structure is initiated within twelve (12) months of the date of the Board of Adjustment approval.

WARNING: Any violation of the terms of this resolution may result in rehearing and possible revocation.

McSparren seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Curry	<input checked="" type="radio"/> aye / nay / abstain / absent
McSparren	<input checked="" type="radio"/> aye / nay / abstain / absent
Morton	aye / nay / abstain / <input checked="" type="radio"/> absent
Tank	<input checked="" type="radio"/> aye / nay / abstain / absent
Wood	<input checked="" type="radio"/> aye / nay / abstain / absent

The Resolution was adopted by a vote of 4 to 0 by the Board of Adjustment of the County of El Paso, State of Colorado.

DATED: July 29<sup>th</sup>, 2024

Kevin Curry  
By: 2024.07.30 11:15:17 -06'00'  
Printed Name: Kevin Curry  
Title: Chair