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Steve Schleiker
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El Paso County, CO



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RESOLUTION NO. 26-291

BOARD OF ADJUSTMENT
COUNTY OF EL PASO, STATE OF COLORADO

**RESOLUTION TO APPROVE A DIMENSIONAL VARIANCE FOR
16990 CHERRY CROSSING DRIVE**

WHEREAS, James Lucas has requested a Variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 16990 Cherry Crossing Drive in the PUD (Planned Unit Development) zone district, which property is identified by El Paso County Tax Schedule No. 6122008022 and is legally described as follows:

LOT 22 CHERRY CREEK CROSSING FIL NO 1

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

WHEREAS, James Lucas has requested the approval of a Dimensional Variance to allow a 10-foot side setback where 35 feet is required in the Cherry Creek Crossing Planned Unit Development guidelines.; 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 findings:

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 that strict compliance not be required; namely the size of the existing principal use prohibitively limits the applicant's desired use of an accessory 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 notation:

CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed accessory structure may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Issuance of a building permit from the Pikes Peak Regional Building Department is required prior to the construction of the proposed accessory structure.

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.
2. The PCD Director may require a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot lines affected to demonstrate compliance with the approval of the Dimensional Variance.

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

DONE THIS 10th day of September 2026, at Colorado Springs, Colorado.

ATTEST



Steve Schleicher
County Clerk

BOARD OF ADJUSTMENT
OF EL PASO COUNTY, COLORADO

By:

Carrie Geitner, Chair