



RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

Board Member Clement moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-22-010

4355 HEIZER ST – CASCADE

WHEREAS, James C. Jacobsen has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 4355 Heizer St. Cascade, CO, in the RT zone district, which property is identified by El Paso County Tax Schedule No. 8326200082 and is legally described as follows:

LEGAL DESCRIPTION:

That portion of the Northeast Quarter of the Northwest Quarter of Section 26, Township 13 South, Range 68 West of the 6th P.M., described as follows: Commencing at the most Southerly corner of the tract described in Deed to Geraldine L. Whitford recorded in Book 1486 at page 437 of the records of El Paso County, Colorado, under Reception No. 954206: thence N35°27'E 150 feet on the Southeasterly line thereof to a point on the Westerly line of the tract described in Deed to Maxwell recorded in Book 1454 at Page 387 under reception No. 936228 that is S22°58'E on the said Westerly line from the most Westerly corner thereof; thence S22°58'E 62.6 feet on said Westerly line to an angle point thereon; thence S70°20'E 34.8 feet on the Southerly line of said Maxwell tract to the point of beginning of the tract to be described hereby; thence S29°48'W 133.04 feet to a point that is S51°09' E 100 feet from the point of commencement; thence Northeasterly to a point on the said Maxwell tract that is S70°02'E 47.84 feet from the point of beginning; thence N70°02'W 47.84 feet to the point of beginning, containing 3132 sq. ft., more or less.

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

WHEREAS, James C. Jacobsen has requested a dimensional variance to allow a 24-foot X 30-foot garage that will need the following alterations from the code:

1. Rear setback of approximately 18 feet for the primary structure where 25 feet is required.

2. 0.35-acre lot where 5 acres is required.
3. An approximate 110 feet lot width at the front yard setback where 200 feet is required.

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 Development Services 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 area around Cascade is populated with RT zoned properties that do not meet the dimensional standards due to small and irregular shaped parcels. The Board of Adjustment has historically approved similar requests for properties in this area. It would be considered equitable if this application resulted in the same approval as those projects.
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:

#### CONDITIONS

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed garage 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 the garage by the Planning and Community Development Department and

issuance of a building permit from the Pikes Peak Regional Building Department is required prior to an addition or expansion of a residential property.

## NOTATIONS

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 administrative relief.

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

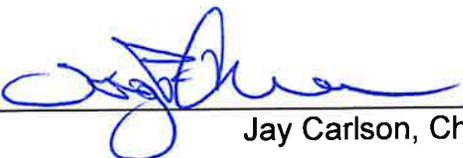
Board Member Tank seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Board Chair Carlson	aye / nay / absent
Board Member Clement	aye / nay / absent
Board Member Curry	aye / nay / absent
Board Member Langlais	aye / nay / absent
Board Member Rexroad	aye / nay / absent
Board Member Tank	aye / nay / absent
Board Member Weber	aye / nay / absent
Board Member Wood	aye / nay / absent

The Resolution was adopted by a vote of 5 - 0 by the Board of Adjustment of the County of El Paso, State of Colorado.

DATED: October 26<sup>th</sup>, 2022.

  
Jay Carlson, Chair

