



RESOLUTION #1

STANDARD RESOLUTION FOR APPROVAL - INVOLVING A HARDSHIP

Tank moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-241

6875 Juanita Street - BOA Setback and Lot Size Relief

WHEREAS, LaDawna Smith has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 6875 Juanita Street in the RR-5 zone district, which property is identified by El Paso County Tax Schedule No. 5208224010 and is legally described as follows:

Lot 1 Blk 22 Brentwood Country Club & Cabin Sites Tr No 1 Tog W/ E2 Of Vac Orville St Adj Tog W/  
Lot 4 Blk 21 Brentwood Country Club & Cabin Sites Tr No 1 Tog W/ W2 Of Vac Orville St  
Adj\*\*\*\*\*Parcel Outed In 2024 To 5208224011\*\*\*\*\*

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

WHEREAS, LaDawna Smith has requested Dimensional Variance to allow a front setback variance of 10 feet where 25 feet is required and a lot size variance of 0.74 acres (32,263 square feet in the RR-5 (Residential Rural) zoning district where County regulations require a 25-foot front setback and 5-acre lot size minimum; 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. Strict application of applicable provisions of the Land Development Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property due to the exceptional narrowness, shallowness, or shape of the subject property.
4. The variance will not significantly impair the intent and purpose of the zoning regulations.
5. The variance will not cause a substantial detriment to the public good.
6. 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 current primary residence 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 any structure by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department is required prior to construction of any structure on the subject property. A building permit must be obtained for the current residence under construction.
3. The property is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471). El Paso County Road Impact fees to be paid 30 days after the approval of the Board of Adjustment hearing with a due date of August 29, 2024.

#### 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 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 11:24:10 -06'00'  
Printed Name: Kevin Curry  
Title: Chair