

RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL- NO HARDSHIP INVOLVED

Curry moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. BOA-21-006
3780 OVERLOOK ROAD DIMENSIONAL VARIANCE**

WHEREAS, James and Amy Perry (the "Applicants") have requested seven (7) dimensional variances from the zoning regulations contained in the El Paso County Land Development Code for property located at 3780 Overlook Road in the A-5 (Agricultural) zoning district, which property is identified by El Paso County Tax Schedule No. 75022-04-030 and is legally described as follows:

Legal description: LOTS F, G, THAT PART OF LOTS I, J LY N OF FOL DES LN, BEG ON E LN OF SD LOT J 40.23 FT N OF SE COR OF SD LOT, TH W PARA WITH S LN OF LOTS J + I 142.3 FT, ANG L 99<21' SELY 40.53 FT TO PT ON S LN OF LOT I WHICH IS 12.74 FT E FROM SW COR OF SD LOT, TH NWLY TO PT ON WLY LN OF LOT I WHICH IS 50.48 FT NLY FROM SW COR OF SD LOT OVERLOOK

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

WHEREAS, the Applicants have requested the following seven (7) variances:

1. A front setback of 7 feet 10 inches where 25 feet is required for the existing detached carport.
2. A side setback of 8 feet 1 1/8 inches where 25 feet is required for the existing detached carport.
3. A front setback of 7 feet 10 inches where 25 feet is required for the proposed detached garage.
4. A side setback of 8 feet 1 1/8 inches where 25 feet is required for the proposed detached garage.
5. A front setback of 5 feet 5 1/ 16 inches where 25 feet is required for the existing single-family dwelling.
6. A front setback of 8 feet 4 inches where 25 feet is required for an existing accessory structure.
7. A lot size of 19,700 square feet where 5 acres 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 -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 variances 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 topographical.
5. The variances will not significantly impair the intent and purpose of the zoning regulations.
6. The variances will not cause a substantial detriment to the public good.
7. The variances will conform with all applicable federal, state or other local laws or regulations.

NOW, THEREFORE, BE IT RESOLVED that the request for seven (7) variances from the El Paso County zoning regulations as more fully described above is hereby approved:

Additional conditions and notations:

CONDITIONS

1. Approval applies only to the plans as submitted. Any expansion or additions beyond those depicted on the associated site plan may require separate Board of 7 Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Approval of a site plan by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department are required prior to construction of the proposed accessory structure.

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.

Dickson seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Carlson	aye
Commissioner Dickson	aye
Commissioner Curry	aye
Commissioner Langlais	aye
Commissioner Wood	aye

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: June 22, 2022



Jay Carlson, Chair