



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-23-003

8310 LODGE GRASS WAY - PATIO REAR SETBACK

WHEREAS, Gene Roschewski has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 8310 Lodge Grass Way in the RS-5000 zone district, which property is identified by El Paso County Tax Schedule No. 5233201037 and is legally described as follows:

LOT 44 BRANDING IRON AT STERLING RANCH FIL NO 2

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

WHEREAS, Gene Roschewski has requested an attached patio cover to encroach into the setback by 13 feet where County regulations require a 25 foot rear setback; 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 that strict compliance is not required; namely, it provides value with no negative impacts to the County.
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 attached patio cover 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 an attached patio cover 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 the attached deck.

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.

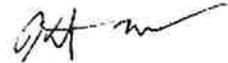
Rexroad seconded the adoption of the foregoing Resolution.

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

Clement	aye / nay / <u>non-voting</u> / absent / recused
Curry	<u>aye</u> / nay / non-voting / absent / recused
McSparren	aye / nay / non-voting / absent / <u>recused</u>
Morton	<u>aye</u> / nay / non-voting / absent / recused
Tank	<u>aye</u> / nay / non-voting / absent / recused
Weber	aye / nay / <u>non-voting</u> / absent / recused
Wood	<u>aye</u> / nay / non-voting / absent / recused
Rexroad	<u>aye</u> / nay / non-voting / absent / recused

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

DATED: June 28th, 2023

By: 
Printed Name: Keith Wood
Title: BoA Vice Chair