

VARIANCE OF USE (Approved)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. VA-22-003
11925 MILAM RD ADDITIONAL DWELLING UNIT**

WHEREAS, Chuck Runge, with Runge Architecture did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use for a second dwelling in the RR-5 (Residential Rural) district. The 60.01-acre property is zoned RR-5 (Residential Rural) and is located east of the intersection of Shady Lane and Milam Road and 0.3 miles north of Burgess Road and is within Section 13, Township 12 South, Range 66 West of the 6th P.M. (Parcel No. 6213000060) (Commissioner District No. 1)

WHEREAS, a public hearing was held by this Commission on July 7, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the Planning Commission Members during the hearing, this Commission finds as follows:

1. That the application was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. That all exhibits were received into evidence.
5. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

6. That the proposed variance of use conforms to Chapter 5, Use and Dimensional Standards, Section 5.3.4, Variance of Use, of the El Paso County Zoning Resolutions.
7. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County, and

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Planning Commission considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County;
3. The proposed use will be able to meet air, water, odor or noise standards established by County, State or Federal regulations during construction and upon completion of the project;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED that the application of Chuck Runge, with Runge Architecture for a variance of use to allow for a second dwelling in the RR-5 (Residential Rural) district, as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following condition(s) and notation(s) shall be placed upon this recommendation:

CONDITIONS

- 1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant’s letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant’s letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
- 2. A site development plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval

NOTATIONS

- 1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
- 2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.

If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Bailey seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Lucia-Treese	aye
Commissioner Brittain Jack	aye
Commissioner Carlson	aye
Commissioner Trowbridge	aye
Commissioner Moraes	aye
Commissioner Whitney	aye

The Resolution was adopted by a vote of 8 f to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: July 7, 2022

Brian Risley, Chair

EXHIBIT A

Legal Description for 11925 Milam Road, Colorado Springs, CO 80908

Legal Description: TR IN S2 SEC 13-12-66 DESC AS FOLS: COM AT W4 COR OF SD SEC 13; TH N 89<18'00" E ALG N LN OF S2 OF SD SEC 13 30.00 FT FOR POB, TH CONT N 89<18'00" E 3107.43 FT, S 01<00'54" E 992.56 FT, S 89<26'53" W 489.85 FT, N 01<00'54" W 3.97 FT, S 89<18'00" W 2586.96 FT, TH ALG ARC OF CUR TO L HAVING RAD OF 455.71 FT A C/A OF 00<12'23" AN ARC DIST OF 1.65 FT WHICH CHORD BEARS N 00<56'21" W A DIST OF 1.65 FT, N 01<02'35" W 494.24 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 764.20 FT A C/A OF 08<37'36" AN ARC DIST OF 112.35 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 112.24 FT, N 09<40'10" W 91.97 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 686.20 FT A C/A OF 08<37'36" AN ARC DIST OF 103.32 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 103.22 FT, N 01<25'35" W 185.85 FT TO POB, EX THAT PART PLATTED TO PLUMBLINE SUB FIL NO 1 (62130-04-001) & 62130-00-060