



RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

LANGLAIS moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-22-015  
6145 VESSEY RD., GARAGE SHOP ADDITION

WHEREAS, Vincent Pirrone has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 6145 Vessey Road, Black Forest, CO, in the RR-5 zone district, which property is identified by El Paso County Tax Schedule No. 5206000051 and is legally described as follows:

TRACT IN NW4 SEC 6-12-65 AS FOLS, BEG AT SW COR OF SEC, TH N 0<07'30" E ON W LN 3979.5 FT, S 88<52'30" E 1789 FT ALG C/L OF VESSEY RD FOR POB, CONT ON LAST COURSE 165 FT, S 0<07'30" W 160 FT, TH N 88<52'30" W 165 FT, TH N 0<07'30" E 160 FT TO POB EX RD, L/16MR 48

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

WHEREAS, Vincent Pirrone has requested a lot size of 0.49 acres, lot width of 165 feet, a front setback of 5 feet for a garage, and a side and rear setback of 5 feet for a shop where County regulations require a lot size of 5 acres, lot width of 200 feet, and front, side, and rear setbacks of 25 feet; 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 not be required; namely the size of the parcel in RR-5 zoning and the consideration of the leach field and existing well.
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 on the associated site plan 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 attached garage and detached shop 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.
3. The secondary access shall be allowed to remain subject to the stipulations outlined in the Transportation Section of this staff report.

#### NOTATIONS

1. Physical variances approved for a proposed structure or use (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 or if the use of the property in the approved location does not cease for a continuous period of greater than twelve (12) months.
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 dimensional variance.

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


TANK seconded the adoption of the foregoing Resolution.

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

|           |  |
|-----------|--|
| Clement   | aye / nay / non-voting / <del>absent</del> / recused |
| Curry     | <del>aye</del> / nay / non-voting / absent / recused |
| Langlais  | <del>aye</del> / nay / non-voting / absent / recused |
| McSparren | <del>aye</del> / nay / non-voting / absent / recused |
| Morton    | aye / nay / non-voting / <del>absent</del> / recused |
| Rexroad   | aye / nay / <del>non-voting</del> / absent / recused |
| Tank      | <del>aye</del> / nay / non-voting / absent / recused |
| Weber     | aye / nay / non-voting / <del>absent</del> / recused |
| Wood      | <del>aye</del> / 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: April 26, 2023

By:   
Printed Name: Kevin Curry  
Title: BOA Second Vice-Chair

