



RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

Mr. Clement moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-22-014

9040 CHIPITA PARK ROAD, CARPORT SETBACK

WHEREAS, Daniel Weller has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 9040 Chipita Park Road, Cascade, CO, 80809, in the R-T zone district, which property is identified by El Paso County Tax Schedule No. 8315300069 and is legally described as follows:

TRACT IN NW4SW4 SEC 15-13-68 AS FOLS; BEG ON NLY LN CHIPITA PARK RD 75.30 FT SELY THEREON FROM INTSEC WITH SLY LN OF UNEDA RD EXTENDED, TH S 65<32' E ON NLY LN OF SD RD 200.0 FT, ANG L 90< NELY 163.6 FT TO SWLY R/W OF MIDLAND TERMINAL RAILWAY, ANG L 85<01' NWLY 200.70 FT TO INTSEC A LN DRAWN NLY FROM POB AND AT R/A TO NLY LN SD RD, TH ANG L 94<59' SWLY 181.40 FT TO POB

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

WHEREAS, Daniel Weller has requested approval of a dimensional variance to allow a lot size of 0.75 acres (32,670 square feet) where five (5) acres is the required, and a front setback of five (5) feet where twenty five (25) feet is required within the R-T zoning district.

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 unique configuration of Chipita Park Road, the bend, and maintaining safety in the area.
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 carport 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 carport 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 carport shall be relocated to five (5) feet from the south property line and outside of the clear zone for Chipita Park Road (twenty (20) feet from edge of pavement), or as otherwise approved by the ECM Administrator. Approval of a site plan by the Planning and Community Development Department is required prior to the continued use of the carport on the property. Application for site plan, including a surveyed depiction of the property, shall occur within 30 days of Board of Adjustment approval. 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. 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.

Mr. Langlais seconded the adoption of the foregoing Resolution.

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

Clement	<input checked="" type="radio"/> aye	nay / abstain / absent
Curry	<input checked="" type="radio"/> aye	nay / abstain / absent
Langlais	<input checked="" type="radio"/> aye	nay / abstain / absent
McSparren	aye / nay / abstain	<input checked="" type="radio"/> absent
Morton	aye / nay	<input checked="" type="radio"/> abstain / absent
Rexroad	<input checked="" type="radio"/> aye	nay / abstain / absent
Tank	aye / nay / abstain	<input checked="" type="radio"/> absent
Weber	aye / nay / abstain	<input checked="" type="radio"/> absent
Wood	<input checked="" type="radio"/> aye	nay / abstain / absent

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: 3/22/2023

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