



RESOLUTION NO. 17-358

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE VARIANCE OF USE TO PERMIT AN AUTO REPAIR GARAGE

WHEREAS, Ralph E. Murdock did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the R-T (Residential Topographic) zoning district to permit an auto repair garage where such is not permitted for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on November 21, 2017, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use an auto repair garage; and

WHEREAS, a public hearing was held by this Board on December 12, 2017; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, 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 County Commissioners during the hearing, this Board finds as follows:

1. That the application for the variance of use was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested persons and the general public were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed land use does 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 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.

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Board of County Commissioners 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 the Board of County Commissioners of El Paso County, Colorado, hereby approves the application by Ralph E. Murdock for a variance of use to allow an auto repair garage within the R-T (Residential Topographic) zoning district where such is not a permitted use for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Approval is limited to the expansion and extension of an Automobile Repair Business, subject to compliance with the following conditions and notations and the site plan as approved.
2. Approval of the Variance of Use extension shall not expire. Variance of Use, File No. VA-99-010 and VA-02-009 shall be of no further force and effect upon the approval of this Variance of Use by the Board of County Commissioners.
3. Variance of Use approval is granted only for an automotive repair garage that holds no more than four (4) cars at any given time, as per the enclosed site plan. The business shall be conducted by one individual who resides on site, with no outside employees. No bodywork or painting shall be performed.
4. There shall be only one (1) vehicular access to the subject property from Topeka Avenue.
5. No vehicles waiting for repair, under repair or waiting for pickup after repair shall be allowed to park on Topeka Avenue.
6. Vehicle repair shall not be done outside the garage and no more than two (2) vehicles waiting for repair, under repair or waiting for pickup after repair shall be stored outside overnight in the area designated by the Planning Department. All repairing or dismantling of automobiles or other vehicles and storing of parts and accessories shall be conducted within an entirely enclosed building.
7. Storage of rubbish, as defined in Ordinance 92-1, inoperable or unlicensed vehicles is prohibited.
8. The drainage of and the subsequent disposal of vehicle fluids shall be accomplished pursuant to all applicable local, State and Federal regulations.
9. Any on-site advertising associated with the business shall comply with the provision of Section 35.4.F.1.A. of the El Paso County Land Development Code.
10. The hours of operation shall be limited from 8:00 A.M. to 5:00 P.M.

11. The garage shall comply with all applicable Regional Building Department and Cascade Fire Department criteria for an automotive repair garage, including storage of any possible flammable materials.
12. The facility shall be operated in accordance with the Waste Management Plan as approved by the El Paso County Department of Health and Environment.
13. An access permit must be obtained within 30 days of decision by the Board of County Commissioners.

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.
3. 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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 12th day of December, 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:



By:

A handwritten signature in black ink, which appears to read "Paul H. Glenn". The signature is written over a horizontal line.

President

EXHIBIT A

LOT 10 BLK 22 CASCADE ADD 1 TOG WITH N2 & S2 ADJ VAC ALLEY DESC
BY BK 2253 PG 430, TOG W/NLY 38.00 FT OF LOTS 25-29 INC BLK 22
CASCADE ADD 1