



RESOLUTION #1

STANDARD RESOLUTION FOR APPROVAL - INVOLVING A HARDSHIP

Commissioner Carlson moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. BOA-18-010
2036 Mahaffie Court, Parcel No. 61210-06-024**

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

WHEREAS, the Board of Adjustment is vested with the power to grant or deny such variances by virtue of Section 34 of the El Paso County Zoning Regulations and Section 30-28-118 (2) (c), C.R.S.; and

WHEREAS, based on the evidence presented, the Board of Adjustment makes the following findings:

1. Proper notice procedures, including the notification of all adjoining property owners, has been shown by the Planning 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 property for which the variance is sought suffers an exceptional or extraordinary situation or condition uncommon to other properties in the area, resulting in a "practical difficulty" or "hardship" upon the petitioner in making a reasonable use of the property in full conformance with the zoning requirements;
4. Any hardship or difficulty supporting the variance is not self-imposed by the owner or his/her predecessors;
5. The variance, as requested, represents the minimum variance that will afford appropriate relief while modifying the existing regulations to the least degree possible;
6. The variance will not substantially or permanently injure or interfere with the use of adjacent properties or public easements or rights-of-way;

7. The variance will not substantially alter the character or development pattern of the zoning district nor significantly impair the intent and purpose of the zoning Regulations;
8. The variance will not adversely affect the public health, safety or welfare; and
9. The variance will conform with all applicable federal, state or other local laws or regulations.

NOW, THEREFORE, BE IT RESOLVED that the request by David Hammer to allow a front yard width at the front setback line of 130 feet where 200 feet are required in the RR-2.5 (Residential Rural) zoning district. (Parcel No. 61210-06-024) more particularly described below, in the unincorporated area of El Paso County, be and hereby is approved:

LEGAL DESCRIPTION:

LOT 5, JACKSON RANCH FIL. NO. 3, EL PASO COUNTY, CO

Additional conditions, notations or restrictions:

Conditions

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed residence 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 a residential plot plan by the Planning and Community Development Department and issuance of a building permit from the Pikes Peak Regional Building Department are required prior to construction of the proposed residence.

Notation

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.

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

Commissioner Wood seconded the adoption of the foregoing Resolution.

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

Commissioner Curry	aye
Commissioner Carlson	aye
Commissioner Thurber	aye
Commissioner Davies	aye
Commissioner Wood	aye

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

DATED: February 13, 2019



Craig Dossey, Executive Director
Planning and Community Development Department