



**RESOLUTION #1**

**STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED**

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-19-007  
3945 Laura Road Setback Variance**

**WHEREAS**, Stauffer Investments, LLC, (the "Applicants") have requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 3945 Laura Road in the A-5 (Agricultural) zone district, which property is identified by El Paso County as Parcel No. 75022-04-109 and is legally described as follows:

LOTS 20, 21, 25, 37 SLY 40 FT OF LOT 26 REST HOME TOG W/ VACATED MARGARET RD ADJ

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

**WHEREAS**, the Applicant has requested a dimensional variance to allow a front setback of 8.4 feet for a residential structure where 25 feet is required in the A-5 (Agricultural) zoning district. The 17,456 square foot parcel is located west of property owned by the Cheyenne Mountain Museum and Zoo and is approximately 226 feet southeast of the intersection of Laura Road and Margaret Road; 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 118, 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, have been completed by the El Paso County Development Services 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. The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements.
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.

Additional conditions, notations or restrictions:

**Conditions**

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed residential structure and attached garage 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 site 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 garage addition.
3. No new structures, or additions, or modifications to any structure, that would require removal of any portion of the existing historic walls, chimney, storage rooms, or foundation may be constructed without further BOA approval. This condition shall not apply to the removal of any portion of the historic wall or foundation necessary to construct the current proposed home.

**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 twenty-four (24) 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.

Davies seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

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

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: October 9, 2019



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Craig Dossey, Executive Director  
Planning and Community Development