

Mr. Curry moved that the following Resolution (#1) be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-22-003

9445 Shoshone Dr DIMENSIONAL VARIANCE

WHEREAS, Dawn DeYoung (the "Applicant") has requested a dimensional variance to allow for approval of a dimensional variance to allow:

1. A lot size of 0.203 acres where a minimum lot size if 5 acres,
2. A lot frontage of 58 feet where 200 feet is required,
3. A front yard setback of five (5) feet, where 25 feet is required,
4. A side setback of eight (8) feet where 25 feet is required,
5. A side setback of five (5) feet where 25 feet is required.

from the zoning regulations contained in the El Paso County Land Development Code for property located at 9445 Shoshone Dr in the R-T (Residential Topographic), which property is identified by El Paso County Tax Schedule No. 83164-15-008 and is legally described as follows:

Legal description: PART OF LOT 2 AS FOLS, BEG AT NE COR OF LOT, RUN TH S 2<02' W ALG E LN OF LOT 150 FT, N 85<31' W 56 FT, N 0<46' E 163.5 FT TO N LN OF LOT, TH ALG SD N LN ON CUR TO L THE CHORD OF WHICH BEARS S 72<37' E 60 FT TO POB UTE PASS SUMMER HOMES CO SUB 1

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 for approval of a dimensional variance to allow:

1. A lot size of 0.203 acres where a minimum lot size if 5 acres,
2. A lot frontage of 58 feet where 200 feet is required,
3. A front yard setback of five (5) feet, where 25 feet is required,
4. A side setback of eight (8) feet where 25 feet is required,
5. A side setback of five (5) feet where 25 feet is required.

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. Strict application of applicable provisions of the Land Development Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property due to the exceptional narrowness, shallowness or shape of the subject property.
4. The variance will not significantly impair the intent and purpose of the zoning regulations.
5. The variance will not cause a substantial detriment to the public good.
6. 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 beyond those depicted 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 a 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 proposed structures.

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

- Commissioner Carlson aye

- Commissioner Curry aye
- Commissioner Langlais aye
- Commissioner Weber aye
- Commissioner Clement 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: June 16, 2022



Jay Carlson, Chair