



**RESOLUTION #1**

**STANDARD RESOLUTION FOR APPROVAL - INVOLVING A HARDSHIP**

Mr. Hannigan moved that the following Resolution be adopted:

**BEFORE THE BOARD OF ADJUSTMENT**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. BOA-19-001**

WHEREAS, Gregory and Linda Howland, the "Applicants" have requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 18065 Cumbres Road in the RR-5 zone district, which property is identified by El Paso County Tax Schedule No. 31190-04-004 and is legally described as follows:

Lot 15 Peyton Pines, Filing No. 1, El Paso County, Count, as amended by affidavit of correction recorded October 25, 1973 in book 2632, page 326, Assessor no. 3119004004, 5.08 acres zoned RR5

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

WHEREAS, the Applicants have requested a dimensional variance to allow a side yard setback of 5 feet where 25 feet is required in the RR-5 (Residential Rural) zoning districts; 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. 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 topographic conditions or other extraordinary or exceptional situation or condition 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.

**Conditions**

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed accessory structure 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 for an accessory structure by the Planning and Community Development Department is required to establish the siting of the accessory structure.

**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.

Ms. Davies seconded the adoption of the foregoing Resolution.

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

Kevin Curry	aye
Jillian Freeland	aye
Keith Wood	aye
Jay Carlson	aye
Lorelle Davies	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: April 10, 2019



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Craig Dossey, Executive Director  
El Paso County Planning and  
Community Development Department