



RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

Board Member Curry moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-22-009

11214 SCENIC BRUSH DRIVE

WHEREAS, Donald Engelhart has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 11214 Scenic Brush Dr. Peyton, CO 80831 in the RS-5000 zone district, which property is identified by El Paso County Tax Schedule No. 5225307010 and is legally described as follows:

LEGAL DESCRIPTION:

Lot 61 Scenic View at Paint Brush Hills

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

WHEREAS, the Applicant has requested variance to allow a rear setback for a proposed deck of seventeen feet (17') where County regulations require twenty-five feet (25'); 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 § 30-28-118, 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. A unique or equitable consideration compels that strict compliance not be required; namely the shallowness of the property and the topographical drop-off on the backside that

makes the alternatives untenable.

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:

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.

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

Board Chair Carlson	aye
Board Member Curry	aye
Board Member Tank	aye
Board Member Weber	aye
Board Member Rexroad	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: September 28, 2022



Jay Carlson, Chair

