



**RESOLUTION #3**

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

Commissioner Thurber moved that the following Resolution be adopted:

**BEFORE THE BOARD OF ADJUSTMENT**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. BOA-18-009**

WHEREAS, Robert B. Condie and Kari Lee Hebble, (the "Applicants") have requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 121 S. Marland Road, Colorado Springs, CO 80906, which property is identified by El Paso County Parcel No. 75013-00-009, and is legally described as follows:

**TRACT IN SW4NW4 + NW4SW4 SEC 01-15-67 AS FOLS, BEG AT PT ON SLY BDRY OF MARLAND RD FROM WHICH W4 COR OF SEC 1 BEARS S 71<44' W 411.20 FT FOR POB, TH S 19<40' E 233.15 FT, S 17<06'54 E 129.49 FT, S 44 <58'53" E 180.0 FT, N 60<55'29" E 52.51 FT, N 28<00'01" E 145.12 FT, N 44<11'30" E 170.0 FT, N 19<27'03" W 248.26 FT TO A PT ON SLY BDRY LN OF MARLAND RD, TH SLY ALG SD R/W LN OF MARLAND RD ON CUR TO R WITH AN ARC DIST OF 394.30 FT TO POB**

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

WHEREAS, the Applicants have requested to allow a parcel area of 3.37 acres where five (5) acres are required in the A-5 (Agricultural) zoning district; 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. A unique or equitable consideration compels that strict compliance not be required; namely the burden of cost to the owner.
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:

**CONDITION**

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed residential addition may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.

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

Commissioner Curry	aye
Commissioner Thurber	aye
Commissioner Carlson	aye
Commissioner Hannigan	nay
Commissioner Freeland	aye

The Resolution was adopted by a vote of 4 to 1 by the Board of Adjustment of the County of El Paso, State of Colorado.

DATED: January 9, 2019

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