

**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-22-008**

**520 Empress Street**

**WHEREAS**, Angela and Michael Butler have requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 520 Empress Street, Colorado Springs, CO, 80911, in the RS-5000 CAD-O zone district, which property is identified by El Paso County Tax Schedule No. 5519403015 and is legally described as follows:

**LEGAL DESCRIPTION:**

Lot 7A, Wilson's Widefield Addition No. 7, No. 2, County of El Paso, State of Colorado.

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

**WHEREAS**, the Applicant has requested variance to allow a front setback of six (6) feet four (4) inches for a proposed detached garage where County regulations require twenty-five (25) feet; 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 unusual shape of the lot and the ability to construct a detached two car garage within the setbacks while following the current Pikes Peak Regional Building Department's code.
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 El Paso County 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 garage. As part of the building permit, the Pikes Peak Regional Building Department may require additional separation between the primary structure and the proposed garage, accordingly, the Applicant is authorized to place the proposed garage up to an additional five (5) feet into the front yard setback, to a total of nineteen (19) feet and eight (8) inches, if so required by the Pikes Peak Regional Building Department.
3. In the event the sidewalk in the location of the two driveways is damaged due to use as a driveway, the property owner shall remove and replace the entire 24-foot-wide section of sidewalk at the driveway and replace it with 6-inch-thick sidewalk.
4. The Applicant is required to obtain access permits from El Paso County for the two proposed driveways.

#### **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 Langlais 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 Langlais	aye
Board Member Weber	aye
Board Member Rexroad	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: August 24, 2022



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Jay Carlson, Chair