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El Paso County, CO



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RESOLUTION NO. 20 - 228

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**DENY VARIANCE OF USE TO PERMIT A PERMANENT CONCRETE BATCH
PLANT FOR PETE LIEN AND SONS (VA-19-002)**

WHEREAS, Pete Lien and Sons, Inc., did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the A-35 (Agricultural) zoning district to permit a permanent concrete batch plant where such is not permitted for property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 2, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use; and

WHEREAS, a public hearing was held by this Board on June 23, 2020; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the County Commissioners during the hearing, this Board finds as follows:

1. That the application for the variance of use was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested persons and the general public were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

6. That for the above-stated and other reasons, the proposed variance of use is not in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in considering this variance of use, the Board of County Commissioners finds that the following criteria have not been met by the applicant:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. Specifically, the proposed use is not compatible with the rural residential surroundings.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby denies the application by Pete Lien and Sons, Inc. for a variance of use to permit a permanent concrete batch plant within the A-35 (Agricultural) zoning district where such is not a permitted use for property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

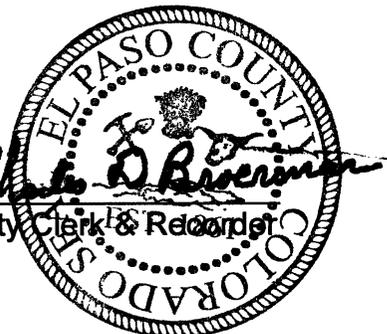
SIGNED THIS 6th day of September, 2022 nunc pro tunc June 23, 2020 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By:

County Clerk & Recorder



By:

Chair

Stanley VanderWaf

Resolution No. 20-228
EXHIBIT A

FROM THE COUNTY

S2SW4, W528.0 ft of SW4SE4 SEC 34-12-64, EX PT TO COUNTY BY REC
#215041107 & 2015041108

FROM THE WARRANTY DEED

THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE WEST 528
FEET OF THE SOUTHWEST QUARTER OF
THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH,
RANGE 64 WEST OF THE 6TH PRINCIPAL
MERIDIAN, EL PASO COUNTY, COLORADO, EXCEPTING THEREFROM
THOSE PARCELS CONVEYED TO EL PASO
COUNTY RECORDED APRIL 28, 2015 UNDER RECEPTION NOS. 215041107
AND 215041108