



**RESOLUTION #3**

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

Creely moved that the following Resolution be adopted:

**BEFORE THE BOARD OF ADJUSTMENT**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. BOA-20-004**

**Karls Addition**

WHEREAS, John Karls (the "Applicant") has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 1630 Delta Road, Colorado Springs, CO 80920 in the RR-2.5 (Residential Rural) zone district, which property is identified by El Paso County Parcel No. 62290-07-023 and is legally described as follows:

**Legal Description:** THAT PART OF LOT U BLK B SPRING CREST FIL 2 AS FOLS, BEG AT A PT ON N LN OF SD LOT WHICH IS 296.66 FT WLY FROM NE COR THEREOF, TH ANG L 105<37'40" SELY 509.44 FT, ANG R 64<36'50" SWLY 45.00 FT TO NLY RW LN OF DELTA RD, SELY ALG SD NLY LN 20.0 FT TO SE COR OF SD LOT, NELY ALG SELY LN OF LOT 486.0 FT TO MOST ELY COR OF LOT, NWLY ALG NELY LN OF LOT 285.52 FT TO NE COR OF LOT, TH SWLY ALG NLY LN OF LOT 296.66 FT TO POB

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

WHEREAS, the Applicant has requested a dimensional variance to:

1. Reduce the minimum width at the front setback line to 100 feet where the required minimum lot width at the front setback line is 200 feet in the RR-2.5 (Rural Residential) zoning district; and
2. Allow a side yard setback of 6 feet where 15 feet is required for an attached addition within the RR-2.5 (Rural Residential) zoning district.

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 because the property was assessed as 15 acres through the Assessor's Office.
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.

Additional conditions:

#### **CONDITIONS**

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed request to allow a lot width at the front yard setback line of 100 feet where a minimum of 200 feet of lot width is required and to allow a 6-foot side yard setback for a garage addition onto the existing dwelling where 15 feet is required 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 additions to the home.

#### **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.

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

Commissioner Curry	aye
Commissioner Carlson	aye
Commissioner Davies	aye
Commissioner Wood	aye
Commissioner Creely	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: February 10, 2021

  
Kevin Curry, Chair