



RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

Palone moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-21-001

Christian Residence

WHEREAS, Christian Construction, Inc., (the "Applicant") has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 16230 Reata Road, Peyton, Colorado 80831 in the RR-5 (Residential Rural) zone district, which property is identified by El Paso County Parcel No. 41260-01-008 and is legally described as follows:

Legal Description: Lot 287 Reata Fil No 1

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. Allow a side yard setback of 14.33 feet for an accessory structure where the minimum required side yard setback is 25 feet in the RR-5 (Residential Rural) 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 beyond those depicted on the associated site plan may require separate Board of Adjustment application(s) and approval(s) if the requirements of the applicable zoning district cannot be met.
2. The applicant shall not use the structure as contractor equipment storage as part of a rural home occupation without prior approval of a special use by the Planning and Community Development Department. Approval of the special use shall be obtained within 90 days of Board of Adjustment approval of the dimensional variance. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.
3. 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 the initiation of any uses within the structure. Approval of an application for site plan shall occur within 90 days of special use approval by the Planning and Community Development Department. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

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 dimensional variance.

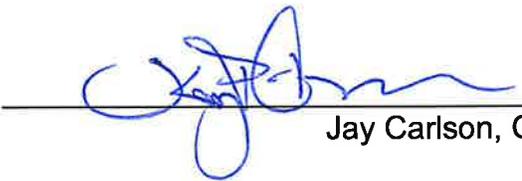
WARNING: Any violation of the terms of this resolution may result in rehearing and possible revocation.

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

Commissioner Palone	aye
Commissioner Carlson	aye
Commissioner Davies	aye
Commissioner Wood	aye
Commissioner Langlais	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: June 9, 2021



Jay Carlson, Chair