

RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

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-21-007
1065 Rock Creek Canyon Road - DIMENSIONAL VARIANCE

WHEREAS, Javier and Dreama Ramirez (the "Applicants") have requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 1065 Rock Creek Canyon Road in the F-5 (Forest District) zoning district, which property is identified by El Paso County Tax Schedule No. 75250-00-100 and is legally described as follows:

TRACT IN SW4SW4 SEC 25-15-67 AS FOLS, COM AT SW COR OF SD SEC 25 TII N 89<48. E 297.03 FT ALG S LN OF SD SEC FOR POB, TH N PARA WITH W SEC LN 155.96 FT, N 76.00' E 89.0 FT, S 68<20' E 122.70 FT, S 49<30' E 86.70 FT, S 05<25. E 75.0 FT M/L TO A PT ON S LN OF SD SEC, TH W ON SD S LN 270.0 FT M/L TO POB, EX RD

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

WHEREAS, the Applicant has requested approval one dimensional variance to allow a front setback of 10 feet where 25 feet is required for a proposed attached garage.

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. The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts and serve as a reasonably equivalent substitute for current zoning requirements
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, notations or restrictions:

Condition

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed detached garage 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.
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.

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

Commissioner Carlson	aye
Commissioner Curry	aye
Commissioner Clement	aye
Commissioner Rexroad	aye
Commissioner Weber	aye
Commissioner Langlais	aye

The Resolution was adopted by a vote of 6 to 0 by the Board of Adjustment of the County of El Paso, State of Colorado

DATED: July 27, 2022



Jay Carlson, Chair