



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-21-008
13120 BRENTWOOD DRIVE**

WHEREAS, William Lane (the "Applicant") have requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 13120 Brentwood Drive in the RR-5 (Residential Rural) zone district, which property is identified by El Paso County Tax Schedule No. 52082-49-001 and is legally described as follows:

Legal description: Lot C25 Brentwood Country Club + Cabin Sites TR1

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

WHEREAS, the Applicant has requested a rear setback of ten feet for a detached garage and a front setback of four (4) feet for a detached garage, where County regulations require a rear setback of 25 feet and a front setback of 25 feet, the Applicant has also requested a rear setback of 7 feet for a single-family dwelling and a front setback of 4 feet for a single-family dwelling and a lot size of 17,900 square feet where County regulations require a 25 foot setback for all the aforementioned setback variances and where the County regulations require five (5) acres, 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 -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 topographical and previous zoning of the land
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 and notations:

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 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 accessory structure.

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.

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

Commissioner Carlson	aye
Commissioner Wood	aye

Commissioner Curry aye
Commissioner Langlais aye

The Resolution was adopted by a vote of 4 – 0 by the Board of Adjustment of the County of El Paso, State of Colorado.

DATED: December 8, 2021

A handwritten signature in black ink, appearing to read 'Jay Carlson', is written over a horizontal line. The signature is stylized and cursive.

Jay Carlson, Chair