

BOCC

RESOLUTION NO. 26-207

BOARD OF ADJUSTMENT  
COUNTY OF EL PASO, STATE OF COLORADO

**RESOLUTION TO APPROVE A DIMENSIONAL VARIANCE FOR 4082 PINEHURST  
CIRCLE – REAR SETBACK IN WALDEN PRESERVE 2 PUD**

WHEREAS, Pagosa Revocable Living Trust has requested a Variance from the zoning regulations contained in the Walden Preserve 2 PUD for property located at 4082 Pinehurst Circle in the PUD zone district, which property is identified by El Paso County Tax Schedule No. 6115010017 is legally described as follows:

LOT 39 WALDEN PRESERVE 2, FIL NO 5

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

WHEREAS, Pagosa Revocable Living Trust has requested the approval of a Dimensional Variance to allow an accessory structure to be constructed 10 feet from the rear property line, where an accessory structure would normally be 25 feet from the rear property line; 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 §30-28-118, 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 Planning and Community Development 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 the size of the existing principal use prohibitively limits the applicant's desired use of an accessory structure.
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 with the following conditions and notation:

**CONDITIONS**

1. The approval applies only to the plans as submitted. Any expansion or additions to the proposed accessory structure may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.
2. Issuance of a building permit from the Pikes Peak Regional Building Department is required prior to the construction of the proposed attached structure.

**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 Dimensional Variance.

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

DONE THIS 25<sup>th</sup> day of June 2026, at Colorado Springs, Colorado.

ATTEST

Steve Schleiter  
County Clerk & Recorder



BOARD OF ADJUSTMENT  
OF EL PASO COUNTY, COLORADO

By:

*Carrie Geitner*  
Carrie Geitner, Chair