

Commissioner Morton moved that the following Resolution be adopted:

Steve Schleiker  
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**BEFORE THE BOARD OF ADJUSTMENT**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. APP-25-001**

El Paso County, CO



225050069

**Resolution Denying an Appeal by Jeffrey and Stacie Werschky (APP-25-001) of an administrative approval by the Planning and Community Development Department Executive Director to allow a west side setback of 82 feet where 100 feet is the minimum setback requirement for a structure within the Hilltop Pines Planned Unit Development (ADR253).**

WHEREAS, Jeffrey and Stacie Werschky (the "Appellants") have appealed an Approval of Administrative Determination (ADR253) issued by the Planning and Community Development Department (PCD) Executive Director allowing a side setback of 82 feet where 100 feet are required for property addressed as 1410 Trumpeters Court and legally described as follows:

**LOTS 29 HILLTOP PINES FIL NO 1; and**

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

WHEREAS, the Board of Adjustment is vested with the power to approve or deny such appeals 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., specifically, Section 30-28-118(2)(a), C.R.S.; and

WHEREAS, it was the determination and finding of the PCD Executive Director that the dimensional variance application meets the review criteria for Administrative Relief pursuant to Section 5.5.1 of the Land Development Code; and

WHEREAS, on March 5, 2025, the PCD Executive Director issued an Approval of Administrative Determination (ADR253) in regard to the dimensional variance allowing a west side setback of 82 feet where 100 feet is the minimum setback requirement; and

WHEREAS, based on the evidence presented at the hearing on appeal, 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 Planning and Community Development Department.
2. The appeal was timely submitted for consideration by the Board of Adjustment.
3. The appeal hearing before the Board of Adjustment was extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at the hearing.

4. The Land Development Code provides for flexibility in the strict application of development standards. LDC 5.5.1(A).
5. The PCD Executive Director exercised her authority, pursuant to section 5.5.1(B)(1) of the Land Development Code, to grant administrative relief up to a maximum of a 20% reduction in setback requirements.
6. The Appellants failed to provide sufficient relevant evidence that the PCD Executive Director erred in applying the applicable Code provisions in making the administrative decision to grant an administrative approval of an 18% dimensional variance.
7. The PCD Executive Director's administrative determination of an 18% setback variance was not made in error.

NOW, THEREFORE, BE IT RESOLVED that the appeal of a determination by the Planning and Community Development Department Executive Director to approve an 82-foot side setback as more fully described above is hereby denied.

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

Commissioner Morton	Aye
Commissioner Jaeger	Aye
Commissioner Wood	Aye
Commissioner Tank	Aye
Commissioner Curry	Aye

The Resolution Denying Appeal was adopted by a vote of 5 to 0 by the Board of Adjustment of the County of El Paso, State of Colorado.

DATED: May 29, 2025

  
Chair Curry

Kevin Curry

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