

**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-22-005**

**19725 DRACO DRIVE DIMENSIONAL VARIANCE**

**WHEREAS**, Briana Dodson (the "Applicant") has requested a dimensional variance to allow a side setback of 5.5 feet, where 25 feet is required from the zoning regulations contained in the El Paso County Land Development Code for property located at 19725 Draco Dr in the RR-5 (Residential Rural) zoning district, which property is identified by El Paso County Tax Schedule No. 71030-06-002 and is legally described as follows:

Legal description: A TRACT 33 COLORADO ESTATES SUB 1

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

**WHEREAS**, the Applicant have requested the following variance:

1. To allow a side setback of 5.5 feet where 25 feet is required for a single-family dwelling.

**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 Planning and Community Development Department.
2. The variances 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.
5. The variances will not significantly impair the intent and purpose of the zoning regulations.
6. The variances will not cause a substantial detriment to the public good.
7. The variances will conform with all applicable federal, state or other local laws or regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the request for variances 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 to the existing single-family dwelling may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.

**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.

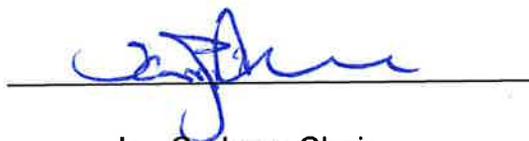
**WARNING:** Any violation of the terms of this resolution may result in rehearing and possible revocation.

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

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

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

DATED: June 16, 2022



---

Jay Carlson, Chair