



RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

Commissioner Thurber moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-18-005

WHEREAS, Rusty Anchor Properties Co. LLC, (the "Applicant") has requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 16650 Mesquite, Peyton, Colorado 80831, which property is identified by El Paso County Parcel No. 41240-03-003, and is legally described as follows:

**LOT 324 REATA FIL NO 1
County of El Paso, State of Colorado.**

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

WHEREAS, the Applicants have requested to allow for allow a 17-foot rear-yard setback where 25-feet is required; 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 the burden of cost to the owner.

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:

CONDITION

1. The approval only applies to the plans as submitted. Any expansion or addition to the proposed residence 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.


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

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

Commissioner Curry	aye
Commissioner Thurber	aye
Commissioner Carlson	aye
Commissioner Hannigan	aye
Commissioner Davies	aye

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

DATED: September 12, 2018



Craig Dossey, Executive Director
El Paso County Planning and
Community Development Department