

EL PASO



COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

BOARD OF ADJUSTMENT

MEETING RESULTS (UNOFFICIAL RESULTS)

(Audio and audio/video copies of the meeting are available at the Office of the Clerk/Recorder)

Board of Adjustment (BOA) Meeting
Wednesday, October 9, 2019 -- 9:00 a.m.
El Paso County Planning and Community Development
2880 International Circle
Colorado Springs, Colorado 80910

BOA MEMBERS PRESENT AND VOTING: KEVIN CURRY, JAY CARLSON, LORELLE DAVIES, CHAD THURBER, AND KEITH WOOD

BOA MEMBERS PRESENT AND NOT VOTING: JILLIAN FREELAND

STAFF PRESENT: MARK GEBHART, LINDSAY DARDEN, AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS ATTENDING: BRYCE HARMON AND LEVI REGALDO

BOA MEMBERS ABSENT: JERRY HANNIGAN

1. Pledge of Allegiance

2. Report Items – Mr. Gebhart

a. The next BOA hearing is on November 13, 2019.

3. Public Input for Items Not Listed on the Agenda - None

4. Adoption of the Minutes of the Regular Meetings held September 11, 2019

BOA ACTION: WITH NO CHANGES, THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
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5. BOA-19-007

DARDEN

**DIMENSIONAL VARIANCE
3945 LAURA ROAD**

A request by Stauffer Investments, LLC, for approval of a dimensional variance to allow for a setback of 8.4 feet for a residential structure where 25 feet is required in the A-5 (Agricultural) zoning district. This property is located west of property owned by the Cheyenne Mountain Museum and Zoo and is approximately 226 feet southeast of the intersection of Laura Road and Margaret Road. (Parcel No. 75022-04-109) (Commissioner District No. 3)

Ms. Darden gave a brief overview and asked **Ms. Seago** to go over the review criteria for a dimensional variance and then gave her presentation.

Mr. Curry – Did notifications include the zoo? **Ms. Darden** – They are not adjacent, but the owners have spoken with the zoo and also the Broadmoor for potential septic areas.

Ms. Davies – Are there any historic or preservation notes on this property that we should be aware of? **Ms. Darden** – No, there is nothing on file of that nature but they do recognize the site has historical elements.

Mr. Bryce Harmon, applicant's representative, gave his presentation on behalf of the applicants. **Mr. Levi Regaldo**, builder for applicant, also gave part of the presentation.

Mr. Carlson – Is there any reason you can't move the garage back? **Mr. Regaldo** – Architecturally it would be nice to be in that location. It would also allow us to have access to the back portion more easily. There are also drainage areas to consider in the placement.

Mr. Wood – The 36' diameter is the house and a 4' porch area. Does that go over the foundation area? **Mr. Regaldo** – Yes it will go over a portion of the existing foundation.

Mr. Curry – It looks like you are going to curve the road right into your driveway. Does that require any additional approvals? **Mr. Harmon** – No, it will not.

Mr. Curry – If the approval of the septic agreement doesn't work out, can you still build? **Mr. Harmon** – No, we need that agreement.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Carlson – Is it in our purview to require that the (historic) structure be maintained? In other words, if they get this variance and then come back and want to expand the house into the historic area, is that a condition we can add?

Mr. Curry – As far as our purview, we can add conditions.

Ms. Darden – Laura Road has a 20' rear setback and they have 28' currently.

Ms. Seago – I'm concerned in adding a condition that takes control of what they can and can't do. I think it would be appropriate to phrase it to say that the structure needs to have a further setback rather than what they can or can't build. When we approve other variances with topographical challenges we don't put in conditions that they have to flatten out the lot. I'm concerned about putting restrictions on the property. You could further condition it that you can't move closer to the setback and narrow it to say any structures that would require modification of the existing structure.

Mr. Curry – **Mr. Carlson** will speak with **Ms. Seago** over the break to get the proper wording of a proposed condition.

BOA ACTION: CARLSON MADE A MOTION/SECONDED BY DAVIES TO APPROVE ITEM #5, BOA-19-007 FOR A DIMENSIONAL VARIANCE FOR 3945 LAURA ROAD WITH THREE (3) CONDITIONS, ADDING THE CONDITION TO STATE “NO NEW STRUCTURES, OR ADDITIONS, OR MODIFICATIONS TO ANY STRUCTURE THAT WOULD REQUIRE REMOVAL OF ANY PORTION OF THE EXISTING HISTORIC WALLS, CHIMNEY, STORAGE ROOMS, OR FOUNDATION MAY BE CONSTRUCTED WITHOUT FURTHER BOA APPROVAL. THIS CONDITION SHALL NOT APPLY TO THE REMOVAL OF ANY PORTION OF THE HISTORIC WALL OR FOUNDATION NECESSARY TO CONSTRUCT THE CURRENT PROPOSED HOME.” AND ONE (1) NOTATION, AMENDING THE TIMELINE FROM 12 MONTHS TO 24 MONTHS UTILIZING RESOLUTION NO. 3 CITING STRICT APPLICATION OF APPLICABLE PROVISIONS OF THE LAND DEVELOPMENT CODE WOULD RESULT IN PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES OR EXCEPTIONAL OR UNDUE HARDSHIP UPON THE OWNER OF THE PROPERTY DUE TO THE EXCEPTIONAL NARROWNESS, SHALLOUNESS, OR TOPOGRAPHICAL CONDITIONS OF THE PROPERTY. THE OTHER CONSIDERATION IS THE HARDSHIP TO REMOVE THE EXISTING WALL. THE MOTION PASSED UNANIMOUSLY (5-0).

Adjourn

The minutes were approved as presented at the February 12, 2020 hearing.