

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, August 14, 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 JILLIAN FREELAND**

**BOA MEMBERS PRESENT AND NOT VOTING: JERRY HANNIGAN AND KEITH WOOD**

**STAFF PRESENT: MARK GEBHART, LEN KENDALL, AND EL PASO COUNTY ATTORNEY COLE EMMONS**

**OTHERS ATTENDING: CLINT DUFRESNE**

**BOA MEMBERS ABSENT: NONE**

#### **1. Pledge of Allegiance**

#### **2. Report Items – Mr. Gebhart**

- a. The next BOA hearing is on September 11, 2019.
- b. There are Land Development Code amendments that are happening or occurring in the near future that may have some effect on the BOA, such as sign requirements or dimensional setbacks.
- c. The Master Plan for the County is well under way. Please encourage others to take the survey.
- d. Len Kendall's last day is today. He has accepted a position with the Downtown Partnership

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

2880 INTERNATIONAL CIRCLE, SUITE 110  
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**4. Adoption of the Minutes of the Regular Meetings held June 12, 2019 and July 10, 2019**

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

**5. BOA-19-005**

**KENDALL**

**DIMENSIONAL VARIANCE  
1510 TRUMPETERS COURT GARAGE ADDITION**

A request by property owners Louis and Janet Judge, represented by Level 1 Homes, for approval of a dimensional variance to allow a side-yard setback of 50 feet where 100 feet is required in the PUD (Planned Unit Development) zoning district. The 2.51-acre lot is located on the north side of Trumpeters Court approximately one-third (1/3) of a mile east of the Trumpeters Court and Roller Coaster Road intersection. (Parcel No. 61090-06-008) (Commissioner District No. 1)

**Mr. Kendall** gave a brief overview and asked **Mr. Emmons** to go over the review criteria for a dimensional variance and then gave his presentation.

**Mr. Carlson** – Is there a structure built on the property to the west? **Mr. Dufresne** – Yes there is a structure on that property. The new structure will be built 180 feet from the structure to the west.

**Mr. Hannigan** – When I go through the staff report and look at the possible solutions, one thought comes to mind and that is why is the PUD not being revised to provide for the 100 foot setback and reduced down to 50 feet? What would be involved at the County level? **Mr. Kendall** – It would be a PUD amendment which requires signatures from all the property owners within the PUD. Going through the BOA solves that issue.

**Mr. Dufresne** gave his presentation and answered questions from the BOA members.

**Mr. Carlson** – To be clear, the lot to the west, you own that lot? **Mr. Dufresne** – Yes that is correct.

**Mr. Carlson** – When you looked at different locations, why not keep the new garage parallel to the existing garage? **Mr. Dufresne** -- It would be more aesthetically pleasing to have this layout. Also, that's where our gas and electric come lines are located. It would require relocation of those services. All those garages, existing and proposed, will be used for collector cars and personal use vehicles.

**Mr. Curry** – I'm struggling a little on this because I have to consider if there are other alternatives. Collector cars can be stored off property. I have to look at whether there is a hardship. Why would the owner buy the property if it didn't meet his needs initially? **Mr. Dufresne** – We didn't know the setback at the time of purchase, we only found out when we pulled the building permit. An error was made in approving the plan initially by County staff.

**Mr. Curry** – It seems there are alternatives but cost more money. **Mr. Dufresne** – We can't really attach the additional garage. The elevation behind the house prohibits building anywhere else.

**IN FAVOR: NONE**

**IN OPPOSITION: NONE**

**DISCUSSION:**

**Mr. Carlson** – In staff's original comments, the setbacks for the PUD required at least 150 feet between structures and there's about 180 feet according to the plans and applicants testimony. It seems to abide by what they were looking for with original PUD requirements. I don't have an issue with approving this request.

**BOA ACTION: CARLSON MADE A MOTION/SECONDED BY DAVIES TO APPROVE ITEM #5, BOA-19-005 FOR A DIMENSIONAL VARIANCE FOR 1510 TRUMPETERS COURT GARAGE ADDITION WITH TWO (2) CONDITIONS AND ONE (1) NOTATION UTILIZING RESOLUTION NO. 3 CITING UNIQUE OR EQUITABLE CONSIDERATION FINDING THAT THE BURDEN OF STRICT COMPLIANCE WITH THE ZONING REQUIREMENT(S) SIGNIFICANTLY EXCEED THE BENEFITS OF SUCH COMPLIANCE FOR THE SPECIFIC PIECE OF PROPERTY AND THE VARIANCE WOULD PROVIDE PERMANENT RELIEF AND INCLUDES AN ALTERNATIVE PLAN, STANDARDS OR CONDITIONS THAT SUBSTANTIALLY AND SATISFACTORILY MITIGATE THE ANTICIPATED IMPACTS OR SERVE AS A REASONABLY EQUIVALENT SUBSTITUTE FOR CURRENT ZONING REQUIREMENTS. THE MOTION PASSED UNANIMOUSLY (5-0).**

**Adjourn**

**The minutes were approved as presented at the September 11, 2019 hearing.**