

EL PASO



COUNTY

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PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

BOARD OF ADJUSTMENT

MEETING RESULTS

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

Board of Adjustment (BOA) Meeting
Wednesday, June 9, 2021
El Paso County Planning and Community Development
200 S. Cascade Avenue
Colorado Springs, Colorado

BOA MEMBERS PRESENT AND VOTING: JAY CARLSON, LORELLE DAVIES (VIA REMOTE ACCESS), PAM PALONE, KEITH WOOD (VIA REMOTE ACCESS), AND SEAN LANGLAIS

BOA MEMBERS PRESENT AND NOT VOTING: CHARLES DICKSON

STAFF PRESENT: MARK GEBHART, NINA RUIZ, ELENA KREBS, RYAN HOWSER, MERCEDES RIVAS (VIA REMOTE ACCESS), SOPHIE KIEPE (VIA REMOTE ACCESS), LUPE PACKMAN, ELIZABETH NIJKAMP AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS ATTENDING: BOBBY CHRISTIAN, ROBERT CHRISTIAN, AND SAMANTHA CHRISTIAN

BOA MEMBERS ABSENT: CHAD THURBER AND KEVIN CURRY

1. Pledge of Allegiance
2. Annual Meeting and Election of Officers

BOA ACTION: PALONE MOVED/DAVIES SECONDED TO NOMINATE WOOD AS THE VICE CHAIR OF THE BOARD OF ADJUSTMENT. NOMINATIONS WERE DEEMED CLOSED. MOTION PASSED UNANIMOUSLY (4-0). WOOD MOVED/PALONE SECONDED TO NOMINATE CARLSON AS CHAIR. NOMINATIONS WERE DEEMED CLOSED. MOTION PASSED UNANIMOUSLY (4-0).

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Note for the record: The board agreed to not elect a second vice chair. No motion was made.

Report Items – Nina Ruiz

- a. Ms. Ruiz informed the Board that item six (6), BOA-21-002 has been withdrawn due to an error.
- b. The next BOA will be July 14, 2021 at 9 a.m.
- c. Ms. Ruiz gave the 2020 annual summary report

4. Public Input on Items Not Listed on the Agenda - None

5. Adoption of Minutes of Regular Meeting held February 10, 2021

BOA ACTION: THE MINUTES WERE APPROVED AS AMENDED BY UNANIMOUS CONSENT. (5-0)

6. BOA-21-002

KIEPE

**DIMENSIONAL VARIANCE
708 HACKBERRY DR**

A request by Thomas & Janet Silvis for approval of a dimensional variance to allow:

- 1. A front setback of zero (0) feet where twenty-five feet is the minimum required for a detached carport, and
- 2. A side setback of a one-half (1/2) foot, where five (5) feet is the minimum required for a detached carport.

The 0.178-acre property is zoned RS-6000 (Residential Suburban) and is located on the west side of Hackberry Drive, approximately one-half (1/2) mile east of the Main Street and Security Boulevard intersection, and is within Section 12, Township 15 South, Range 66 West of the 6th P.M. (Parcel No. 65123-17-007) (Commissioner District 4).

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION: NONE

BOA ACTION: NO BOARD ACTION. ITEM NO. 6, BOA-21-002 WAS WITHDRAWN DUE TO AN ERROR.

7. **BOA-21-003**

RIVAS

**DIMENSIONAL VARIANCE
SPACE VILLAGE FILING NO. 2 SUBDIVISION**

A request by Space Village Retail, LLC, for approval of a dimensional variance to allow:

1. One (1) freestanding sign with an area of 118.85 square feet where 40 square feet is allowed.
2. One freestanding sign thirty-two (32) feet in height where thirty (30) feet is the maximum height allowed.
3. A second freestanding sign thirty (30) square feet in area where only one (1) freestanding sign is allowed.

The 1.97-acre property is within the C-1 (Commercial Obsolete) zoning district and is subject to the CAD-O (Commercial Airport District Overlay). The property is located at the southeast corner of the Space Village Avenue and Peterson Boulevard intersection and is within Section 17, Township 14 South, Range 65 West of the 6th P.M. (Parcel Nos. 54170-01-001, 54170-01-007, 54170-01-008, and 54170-01-009) (Commissioner District 4)

**IN FAVOR: NONE
IN OPPOSITION: NONE
DISCUSSION: NONE**

**BOA ACTION: WOOD MOVED/ DAVIES SECONDED TO MOVE ITEM NO. 7
BOA-21-003, DIMENSIONAL VARIANCE FOR SPACE VILLAGE FILING NO. 2
SUBDIVISION DATE CERTAIN TO THE JULY 14, 2021 BOARD OF
ADJUSTMENT HEARING. MOTION PASSED UNANIMOUSLY (5-0).**

8. **BOA-21-001**

HOWSER

**DIMENSIONAL VARIANCE
CHRISTIAN RESIDENCE**

A request by Christian Construction, Inc., for approval of a dimensional variance to allow a side yard setback of 14.33 feet for an accessory structure where the minimum required side yard setback is 25 feet in the RR-5 (Residential Rural) zoning district. The 5.04-acre property is located on the north side of Reata Road approximately one (1) mile northwest of the intersection of Reata Road and Sweet

Road and is located within Section 26, Township 11 South, Range 64 West of the 6th P.M. (Parcel No. 41260-01-008) (Commissioner District 2).

Mr. Howser gave a brief overview then asked **Ms. Seago** to go over the review criteria for a dimensional variance. **Mr. Howser** then gave his full presentation.

Mr. Carlson – What would the special use permit be used for? **Mr. Howser** – The special use permit will be for a rural home occupation for contractor's equipment storage. The building will be used for the owners' contractor's equipment.

Mr. Howser then introduced the applicant, **Bobby Christian** to give their presentation

Mr. Carlson – Is the actual distance between your building and the property line 14 feet or is it 21 feet? **Mr. Christian** - According to the survey we had done, he is saying that corner is 14.4 feet, but the other fence line is 7ft over. **Mr. Carlson** – And your neighbor put that fence there based on a survey he did? **Mr. Christian** 0 Yes, approximately two years ago. **Mr. Carlson** – Do we know which survey the county recognizes? **Mr. Christian** – We submitted ours so I'm assuming its based off that.

Ms. Palone – Are there any utilities in the easement along that side?

Mr. Christian – No ma'am, there is nothing there.

Mr. Carlson -So there hasn't been any public response? Have you talked to this gentleman, does he care one way or another? (referring to the applicants' neighbor) **Mr. Christian** – Not that I am aware of.

Mr. Dickson – What is the difference between your survey and your neighbors' survey? **Mr. Christian** – I don't know exactly other than that his survey actually shows that properties to the west are 40 feet farther then where the fence was when they brought the property. **Mr. Dickson** – What is the space between the new fence your neighbor built? **Mr. Christian** – Seven feet. **Mr. Dickson** – So they have two surveys and you don't know which one is correct, is that right? **Mr. Christian** – Yes, that is my understanding.

Ms. Ruiz – So because the staff has only observed the survey that has been provided by the applicant, that is the survey that we would make any determination for setbacks. If there is any kind of surveyor discrepancy, it has not been formally been brought to our attention. So for the purpose of today's hearing it would need to be based off the survey that has been provided.

IN FAVOR: NONE
IN OPPOSITION: NONE

DISCUSSION:

Mr. Wood - It doesn't seem like it is doing much harm to the neighbor and doesn't seem overly concerned with having it the way it is so I'd move to just grant the variance.

Ms. Palone – I agree, I don't believe its detriment to the public and its been there and the neighbors don't have any complaints about the location of the building.

Mr. Carlson – I agree as well. The applicant is trying to do everything correctly. The main thing is none of the neighbors have a concern with it so I would be in favor of granting the variance.

Ms. Seago – Ms. Palone is the language in resolution three similar to what is on the screen? So, you're recommending a finding that the burden of strict compliance with the setback requirement significantly exceeds the benefit of compliance?

Ms. Palone – Yes, that would be correct.

Ms. Seago – So I do need you to select one of the three bullet points. I need you to recommend a finding that the variance either finds temporary relief, includes an alternative plan or that there is some other unique or equitable consideration that compels strict compliance not be required.

BOA ACTION: PALONE MADE A MOTION/SECONDED BY WOOD TO APPROVE ITEM NO. 8, BOA-21-001, BASED ON USING STANDARD RESOLUTION NO. 3 DUE TO THE VARIANCE WILL NOT CAUSE A SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD. APPROVED WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS. THE MOTION PASSED (5-0).

Adjourn

The minutes were approved as presented at the July 14 , 2021 hearing.