



## **BOARD OF ADJUSTMENTS**

**Tuesday, December 06, 2022 at 5:00 PM**

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

**\*Live Stream available at Town website\***

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### **AGENDA**

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*This agenda is subject to revision 24 hours prior to commencement of the meeting.*

#### **Call to Order**

#### **Roll Call**

#### **Approval of Minutes**

1. Minutes from 8/2/2022 Meeting

#### **Public Hearing**

2. Consider Variance Application - 101 Highland Road, Front Deck (Lynch)

#### **Other Business**

3. Review Application for Appointment
4. Definition of Hardship as it Relates to a Variance Application

#### **Adjourn**

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#### **Americans with Disabilities Act**

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Reasonable accommodations for persons with a disability will be made upon request. Please notify the Town of Palmer Lake (at 719-481-2953) at least 48 hours in advance. The Town of Palmer Lake will make every effort to accommodate the needs of the public.

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#### **Notice**

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Notice is hereby given that more than two members of the Board of Trustees may be present; however, there will be no action taken by the Board of Trustees at this meeting.



## BOARD OF ADJUSTMENTS

Tuesday, August 02, 2022 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

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### MINUTES

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**Call to Order.** Chair Ehrhardt called the meeting to order at 5:08 PM

**Roll Call.** Mike Richards, Kevin Dreher, Kurt Ehrhardt, Bob Miner. Eddie Kinney arrived at 5:09 PM.  
Excused: Glant Havenar and Charlie Ihlenfeld

#### Approval of Minutes

1. Minutes from July 5, 2022. MOTION (Miner, Richards) to approve the minutes. 4-0 motion passed.  
Board member Kinney arrived.

#### Public Hearing

2. Request for Variance for Rear Setback - 147 Star View Cr. Home owner Lisa Snarski provided the background to the proposed expansion of the deck. MOTION (Miner) to approve if the property owner amends the variance from 21 to 19 feet. Discussion took place about the use, covering the deck, and safety of rebuilding a secure deck vs. the current condition. Miner withdrew his motion. Discussion ensued about a hardship to improve and expand the decking. Discussion took place about rebuilding in the same footprint. MOTION (Ehrhardt, Kinney) to approve the request for the variance to a 21 ft setback for safe utilization of the replacement covered deck. 4-1 (no – Dreher) motion passed.

**Other Business.** Chair Ehrhardt spoke to the Board members about “use” of the property when determining a variance and suggested that when the use changes, an approved variance is no longer valid. Collins stated she will bring back a legal opinion from Attorney Krob.

**Adjourn.** MOTION (Ehrhardt, Richards) to adjourn at 5:31 PM. 5-0 motion passed.

Minutes by: Dawn A. Collins, Town Clerk



42 Valley Crescent  
 PO Box 208  
 Palmer Lake, CO 80133  
 719-481-2953 - Office

Item 2.

**Office Use Only**

Case Number: \_\_\_\_\_

Date: \_\_\_\_\_

Fees: **\$200** (non-refundable)

Check #: 516

Rec'd By: MAC

Application Complete: 11/7

*Note: Allow up to 10 days for review and requires a minimum of 15 days for publication and property posting.*

## Variance Application Form

Name of Applicant/Property Owner: Jack and Victoria Lynch

Address: 101 Highland Road Phone#: 609-819-2229

Email: jack.l.lynch@gmail.com

Name of Proposal: Front deck

Legal Description or Address: 7105306031  
Tax Schedule #

**This is a Variance** – A deviation from Subdivision or Zoning Regulations. This consists of a written request which, if it affects the design of a subdivision, must be so noted on the appropriate Plat.

Please fill out the appropriate submission checklist to complete the application.

Current Zoning and Uses of Surrounding Property: N: \_\_\_\_\_  
 E: \_\_\_\_\_  
 S: \_\_\_\_\_  
 W: \_\_\_\_\_

State your variance request exactly as you would like it approved, including the benefit to yourself, neighborhood and the community.

Replace the front deck. The current size is 8' wide by 4' deep. The deck is cantilevered. To replace this deck at the current size would require new support posts that will land in the middle of a walkway between the house and a retaining wall. This request is to increase the depth of the deck to 8'. This will allow the placement of the support posts to be out of the narrow walkway. There is no impact to the community. The deck will not be visible from the street or adjoining properties. The deck is inset into the eaves by 2'. An 8' deep deck will be 6' from the outer edge of the eaves.

Variance Application  
 Rev 03/25/2021



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Please state the regulation/code that directly relates to the variance request.

The front setback is 25'. The house is already 3' into the setback. An 8' deck would be 6' into the setback. Note - The deck sits 2' into the eaves.

Explain how the variance would benefit to the health, safety, appearance, and general welfare of the community, if granted.

There is no effect to the community. The deck is not visible from the street or adjoining property. View of Palmer Lake star is enhanced.

Explain how adjacent properties will be affected if the variance is granted.

There is no effect to adjacent properties.

State how strict application of the zoning would place an unusual and unnecessary hardship on you and/or other parties involved.

The replacement at the original size places new support posts in the middle of a narrow walkway between the house and retaining wall.

Do you own any adjoining lots? If so, how many and what are the square footage of these adjoining lots?

No.



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Item 2.

Please state the regulation/code that directly relates to the variance request.

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Explain how the variance would benefit to the health, safety, appearance, and general welfare of the community, if granted.

There is no effect to the community. The deck is not visible from the street or adjoining property. View of Palmer Lake star is enhanced.

Explain how adjacent properties will be affected if the variance is granted.

There is no effect to adjacent properties.

State how strict application of the zoning would place an unusual and unnecessary hardship on you and/or other parties involved.

The replacement at the original size places new support posts in the middle of a narrow walkway between the house and retaining wall.

Do you own any adjoining lots? If so, how many and what are the square footage of these adjoining lots?

No.

2020-2021  
2021-2022  
2022-2023



Section 101. The Board of Directors shall have the authority to...

Section 102. The Board of Directors shall have the authority to...

Section 103. The Board of Directors shall have the authority to...

Section 104. The Board of Directors shall have the authority to...

Section 105. The Board of Directors shall have the authority to...

Section 106. The Board of Directors shall have the authority to...

Section 107. The Board of Directors shall have the authority to...

Section 108. The Board of Directors shall have the authority to...



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As owner/applicant, I affirm the information contained in this application is accurate, and I agree to the above conditions.

Applicant Signature: Jack Lynch Date: Nov/7<sup>th</sup>/22

If the applicant is not the owner:

As owner of the above property, I agree to this application.

Owner - Print: Jack Lynch  
Owner - Signature: Jack Lynch Date: Nov/7<sup>th</sup>/22



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## PROCEDURAL CHECKLIST

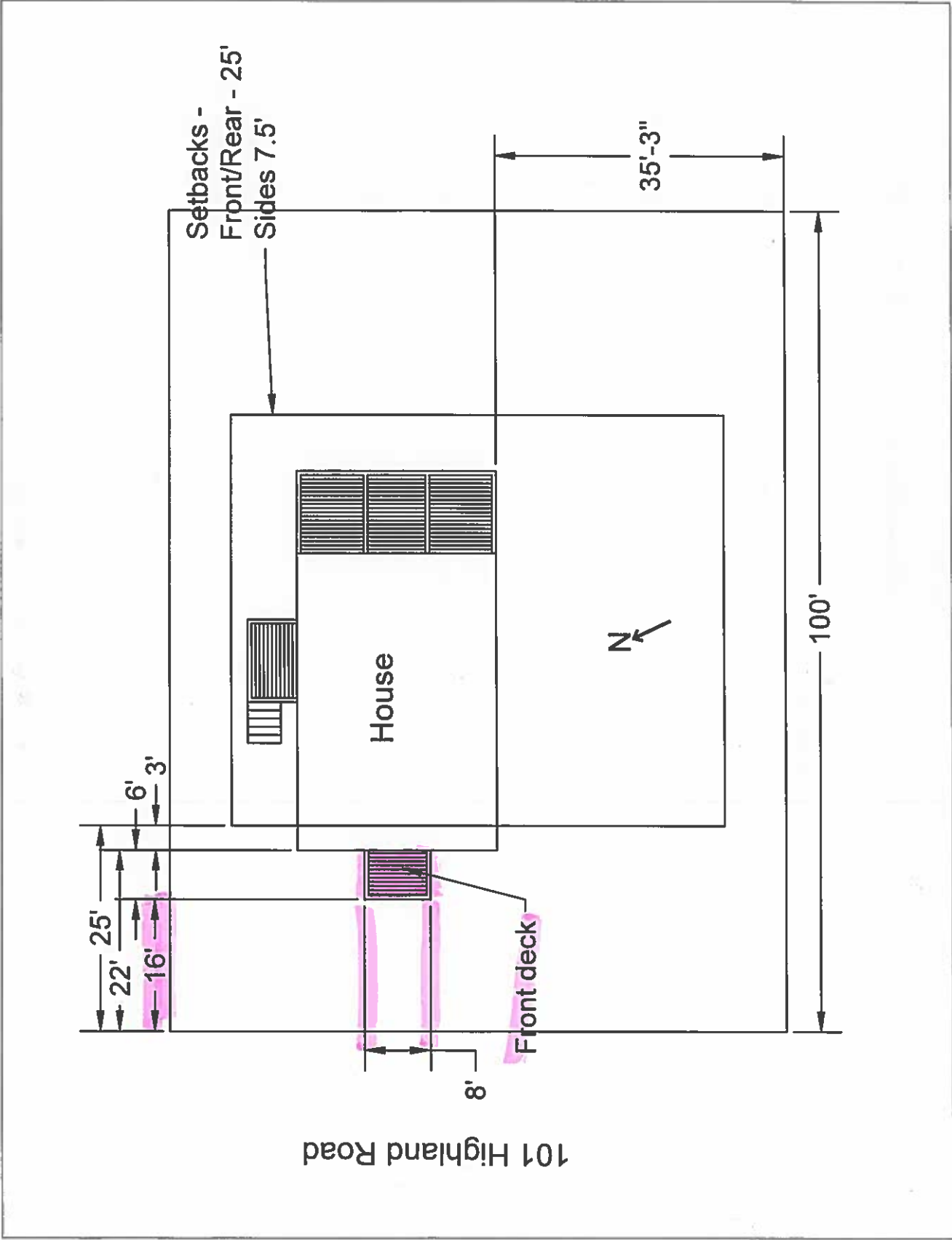
All applications must be submitted to the Town office 30 days before the Board of Adjustment meeting. Board of Adjustment meetings are held the 1st Tuesday of each month as need, or as otherwise posted date.

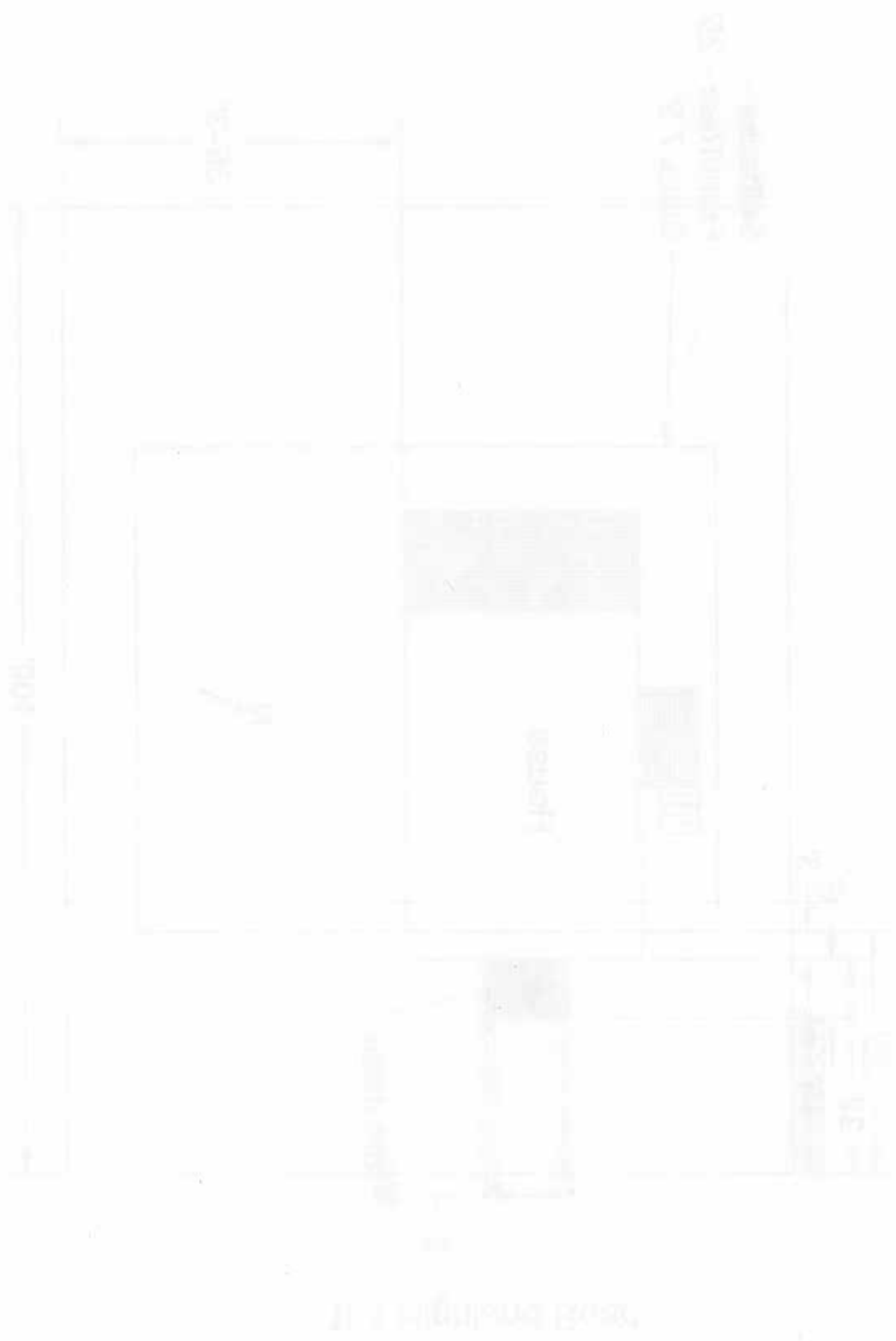
*All submittals must be in compliance with the corresponding Palmer Lake Municipal Code.*

### Submittal Requirements

- ✓ Application
- ✓ Plot Plan or Site Plan. A dimensioned plan that provides a graphic representation of the subject property and the adjacent streets and properties, showing all of the following:
  - The boundaries of the parcel proposed for a variance, based on the legal description, and using a scale of one-inch equals 100 feet or larger.
  - Existing buildings and structures on the parcel, including all property line setback measurements.
  - Related physical conditions that may influence the variance request.
  - Adjacent properties and parcels, including information on their existing zoning, existing land use(s), and existing project/property names, if known.
  - Adjacent streets, including street names, right-of-way widths.
- ✓ An ILC (Improvement Location Certificate) will be required BEFORE and AFTER construction and be filed with El Paso County Clerk/Recorder by applicant when completed.
- ✓ All requested set back variances must be shown depicting distance from the property boundary to the outer edge of the roof eaves (provide a “bird’s eye” view).
- ✓ Applicant is responsible for locating and marking property (boundary) corners and staking the area of the proposed variance. Stakes must be painted orange or have red flags attached. Utility locates must be called for and marked properly.
- ✓ Upon receipt and review of the Application, the Town will prepare and place a sign on the property posting the meeting date/time. The sign must be left in place until after the Board of Adjustment meeting/hearing.

Note: If the applicant is different than the property owner, applicant must provide a notarized letter giving permission to be the representative in this action.





# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 11/16/2022**

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Lorre Cosgrove  
Sales Center Agent

Subscribed and sworn to me this 11/17/2022, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires June 23, 2026.



Karen Hogan  
Notary Public

**KAREN HOGAN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20224024441  
MY COMMISSION EXPIRES 06/23/2026**

Document Authentication Number  
20224024441-195732

**PUBLIC NOTICE**  
**NOTICE OF PUBLIC HEARING**  
**TOWN OF PALMER LAKE**  
Notice is hereby given that Palmer Lake Board of Adjustments will hold a public hearing on Tuesday, December 6, 2022, at 5:00 PM at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance for the front yard setback for a deck located at 101 Highland Rd. A copy of the complete application is on file at the Town office, 42 Valley Crescent, Palmer Lake, at 719-481-2953.  
/s/ Dawn A. Collins, Town Clerk  
Published in the Tri-Lakes Tribune November 16, 2022.

Item 2.