



## BOARD OF ADJUSTMENT

**Tuesday, February 04, 2025 at 5:00 PM**

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

**\*LIVE STREAM available on 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 January 7, 2025 Meeting

**Public Hearing** - *Chair will introduce the item and hear the applicant request. Chair will ask if any public member wishes to speak for or against the request. Public should address the Board members directly while members listen. Applicant may provide closing remarks and members may ask questions of the applicant. Chair will close the hearing and members will discuss the item, move a decision, and/or continue the hearing to a particular date.*

- [2.](#) Application for Variance Request for Street Frontage, Aurelia (continued hearing from January)

#### Other Business

- [3.](#) Nominate and Vote on Board Chair
4. Nominate and Vote on Vice Chair

#### 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 ADJUSTMENT

**Tuesday, January 07, 2025 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 5:02 pm.

**Roll Call.** Present: Kevin Dreher, Bob Radosevich, Mike Richards, Charlie Ihlenfeld, Kurt Ehrhardt.

#### **Approval of Minutes**

1. Minutes from November 5, 2024 Meeting. MOTION (Richards, Dreher) to approve the minutes as presented. Motion passed 5-0.

#### **Public Hearing**

2. Application for Variance Request for Street Frontage, Aurelia - *continued from November - requested to continue to a future meeting date.*

Chair Ehrhardt commented that the applicant needs to properly stake the area. A request was made by members for a larger exhibit to be provided for the hearing. Collins presented the request to continue the hearing by the applicant until February 4, 2025. MOTION (Ihlenfeld, Richards) to continue the hearing as requested to the February meeting. Motion passed 5-0.

**Other Business.** None.

**Adjourn.** MOTION (Radosevich, Ehrhardt) to adjourn at 5:06 pm. Motion passed.

*Minutes by: Dawn A. Collins, Town Clerk*

**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, November 5, 2024, at 5:00 pm at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance for street frontage of 25 feet, located at 0 Aurelia St, Palmer Lake, parcel 7105100010. 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



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

received  
9-17-2024

PAID  
check # 1587

Item 2.

**Office Use Only**

Case Number: \_\_\_\_\_  
 Date: 9-17-2024  
 Fees: ~~\$200~~ (non-refundable) Res. 300.00  
 Check #: \_\_\_\_\_  
 Rec'd By: [Signature]  
 Application Complete: 9118 (BOA 11/5)

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: Nanette S. Drobniak

Address: physical: 57 Pineview St. Palmer Lake, CO 80133 P.O. Box 522 Phone#: 719-322-1300

Email: nanusue@yahoo.com

Name of Proposal: \_\_\_\_\_

Legal Description or Address: 0 Aurelia St. Monument, CO 80132  
Tax Schedule # Parcel # 7105100010

*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: <u>R3</u>	<u>RESIDENTIAL</u>
	E: <u>R3</u>	<u>RESIDENTIAL</u>
	S: <u>R3</u>	<u>RESIDENTIAL</u>
	W: <u>RA</u>	<u>VACANT</u>

State your variance request exactly as you would like it approved, including the benefit to yourself, neighborhood and the community.  
WE WOULD LIKE THE 50' ALONG A CITY STREET TO BE REDUCED TO THE 25' THAT WAS DEEDED  
WHEN THE PROPERTY WAS PURCHASED.



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

17.36.030 MINIMUM LOT WIDTH 50 FEET STREET FRONTAGE

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

IT WOULD MAKE NO IMPACT AS THIS PROPERTY HAS ONLY HAD 25 FEET AT THE DEAD END OF AURELIA STREET SINCE BEING PURCHASED.

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

THE ADJACENT PROPERTIES WOULD NOT BE AFFECTED BY THE STATUS QUO

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

A BUILDING PERMIT WOULD NOT BE OBTAINABLE.  
IT WOULD BE A FINANCIAL BURDEN ON THE OWNER IF THEY HAD TO PURCHASE AN ADDITIONAL 25 FEET FROM THE ADJACENT OWNER TO THE SOUTH.

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

YES, FOUR LOTS LOCATED AT 57 PINEVIEW STREET 12,500 S.F.



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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: Nanette Drobnick Date: 9-17-24

If the applicant is not the owner:

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

Owner - Print: Nanette Drobnick

Owner - Signature: Nanette Drobnick Date: 9-17-24



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

## 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.



17.36.030. - Lot sizes and dimensions.

The sizes and dimensions for a lot in an R3 zone are as follows:

- (1) Minimum lot size: 5,000 square feet.
- (2) Minimum lot width: 50 feet street frontage.
- (3) front yard setback from property line: 25 feet.
- (4) Minimum side yard setback from property line: 7.5 feet.
- (5) Rear yard setback from property line: 25 feet.

(Code 1973, § 17.28.030; Ord. No. 15-1973, § III:8:c, 1973)

17.36.040. - Structure height and area.

The structure height and area requirements for an R3 zone shall not exceed 30 feet.

(Code 1973, § 17.28.040; Ord. No. 15-1973, § III:8:d, 1973)

17.36.050. - Required off-street parking.

For required off-street parking, see chapter 17.84.

(Code 1973, § 17.28.050; Ord. No. 15-1973, § III:8:e, 1973)

17.36.060. - Signs.

Signs in the R3 zone are permitted provided they comply with chapter 17.76.

(Code 1973, § 17.28.060; Ord. No. 15-1973, § III:8:f, 1973; Ord. No. 18-2000, § 9, 2000)

17.36.070. - Sewerage.

Septic tanks may be permitted if all of the following conditions are met:

- (1) Inability to tap existing sewer lines.
- (2) Ability to meet current county sewage disposal regulations.
- (3) Compliance with the provisions of chapter 16.48.

(Code 1973, § 17.28.070; Ord. No. 14-1987, § 5, 1987; Ord. No. 3-1981, § 1, 1981)

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

I, Kate Dickens, 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 10/16/2024**

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.



Kate Dickens  
Sales Center Agent

Subscribed and sworn to me this 10/16/2024, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires June 23, 2026.



Karen Hogan  
Notary Public  
The Gazette

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

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**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, November 5, 2024, at 5:00 pm at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance for street frontage of 25 feet, located at 0 Aurelia St, Palmer Lake, parcel 7105100010. 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 October 16, 2024

Item 2.

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## **CHAPTER 2.16. BOARD OF ADJUSTMENT**

### **2.16.010. Creation and appointment.**

- (a) The town board of trustees shall appoint a board of adjustment consisting of five voting members, as follows: one member from the board of trustees; one member from the planning commission and three regular members. Each member shall serve for two years; provided, however, that of the first appointed board, three members shall serve two-year terms, and two members shall serve a one-year term. Board members must be residents and qualified electors of the town.
- (b) Two associate members to the board of adjustment may also be appointed by the town board of trustees. Each associate member must be a resident and a qualified elector of the town. Associate members shall perform all of the duties of a regular member in the absence or disqualification of a regular member from a meeting.
- (c) Two months prior to the term expiration date, the town clerk shall post a notice of expiration of the term in the town area. Any member currently serving and wishing to be reappointed for an additional term shall do so by submitting a letter of intent to the town administrator. The town board of trustees shall appoint the new member from among those responding to the notification. Members may be reappointed to serve successive terms without limitation.
- (d) The board of adjustment shall elect from its members a chairperson and vice-chairperson whose term shall be for one year. The chairperson and vice-chairperson positions shall be offered to the citizen members, if no citizen member wishes to serve in either capacity, then either position may be filled by the board of trustee member or the planning commission member.
- (e) Any member of the board of adjustment may be removed for chronic absenteeism or for other good cause as determined by the town board of trustees upon written notice. For purposes of this section, the term "chronic absenteeism" means three or more consecutive unexcused absences from board of adjustment meetings or absences from more than 50 percent of the board's meetings in any 12-month period.
- (f) Members shall serve without compensation, except that the town board of trustees may authorize the reimbursement of reasonable out-of-pocket expenses incurred by members in the performance of their duties.

(Code 1973, § 17.72.010; Ord. No. 13-1973, § IX:1, 1973; Ord. No. 15-1973, § IX:1, 1973; Ord. No. 6-1992, § 1, 1992; Ord. No. 4-2004, § 1, 2004)

### **2.16.020. Meetings and procedure.**

- (a) All meetings of the board shall be subject to the requirements of the Colorado Open Meeting Laws. Not less than four members or associate members must be present at a regular or special meeting to transact business, and all questions coming before the board shall be decided by simple majority vote of all those present. All votes shall be recorded ayes and nays, except that a roll call vote shall be conducted upon the request of any member. A tie vote shall be deemed a denial of the matter voted upon.
- (b) Minutes of all regular and special meetings and resolutions passed by the board of adjustment shall be authenticated by the presiding officer and timely recorded in an official book kept for that purpose.

- (c) The board shall meet on an as-needed basis, with a regular meeting date and time being established by the board. The board may, by majority vote, set and conduct special meetings in addition to conducting regular meetings.

(Code 1973, § 17.72.020; Ord. No. 4-2004, § 1, 2004)

### **2.16.030. Powers and duties.**

The board of adjustment shall have the following powers and duties, all of which shall be exercised, subject to the laws of the state and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this title, the policies of the town board of trustees, and in accordance with the public interest and the most appropriate development of the neighborhood:

- (1) The board shall hear and decide appeals from, and review any order, requirement, decision or determination by, an administrative official charged with the enforcement of the regulations established by ordinance.
- (2) Where, by reason or exceptional shape or topography of a lot or other exceptional situation or condition of building or land, practical difficulty or unnecessary hardship would result to the owners of the property from a strict enforcement of this title, the board may authorize, upon appeal in specific cases, exceptions to the:
  - a. Minimum area of lot;
  - b. Minimum width of lot (reduced street frontage);
  - c. Minimum front yard;
  - d. Minimum side yard;
  - e. Minimum rear yard.
- (3) To hear and determine whether to grant a variance from the requirements of chapter 14.20 governing lighting.
- (4) No relief shall be granted by the board of adjustment when, in the opinion of the board, the applicant has not provided reasonable and adequate evidence justifying the request presented, or when the request is determined to be a self-imposed hardship.

(Code 1973, § 17.72.030; Ord. No. 15-1973, § IX:2, 1973; Ord. No. 4-1982, § 1, 1982; Ord. No. 4-2004, § 1, 2004; Ord. No. 20-2018, § 4, 11-8-2018)

### **2.16.040. Procedure.**

- (a) A formal application shall be submitted to the town clerk and shall consist of the following:
- (1) A completed application form;
  - (2) Proof of ownership of the land which is the subject of the request or a notarized letter from the owner authorizing the representative to represent the owner;
  - (3) Application fee;
  - (4) If applicable and without placing undo financial burden on the applicant, a to-scale site plan identifying and locating the subject of the request;
  - (5) If applicable, letters of support and/or opposition from adjacent property owners.

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- (b) The town clerk shall review the application for completeness, schedule the meeting date and notify the board members of the request, either by telephone, e-mail or mail, as soon as possible.
- (c) The town clerk shall cause the request to be published in a newspaper of general circulation and by the posting of the property at least 15 days before the scheduled hearing date and shall include the following information:
- (1) Meeting date, time and location;
  - (2) The affected property tax schedule number, physical address and/or the distance and direction from nearest intersection;
  - (3) The nature of the request;
  - (4) Applicant's name;
  - (5) Name of newspaper and date of publication.
- (d) Upon approval, the town clerk shall prepare and record a copy of the motion of approval.
- (Code 1973, § 17.72.040; Ord. No. 15-1973, § IX:3, 1973; Ord. No. 4-2004, § 1, 2004)

### **2.16.050. Stay of proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

(Code 1973, § 17.72.050; Ord. No. 15-1973, § IV:5, 1973)