



## BOARD OF ADJUSTMENT

**Tuesday, January 07, 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 November 5, 2024 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 from November - requested to continue to a future meeting date*

#### Other Business

#### 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, November 05, 2024 at 5:00 PM**

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

### MINUTES

**Call to Order.** Chair Ehrhardt called the meeting to order at 5:04 pm.

**Roll Call.** Present: Bob Miner, Kevin Dreher, Charlie Ihlenfeld, Eddie Kinney, Kurt Ehrhardt.

#### Approval of Minutes

1. Minutes from August 7, 2024 Meeting. MOTION (Dreher, Miner) to approve the minutes. Motion passed 5-0.

#### Public Hearing

2. Application for Variance Request of Street Frontage, Aurelia. Chair Ehrhardt stated that the Board will wait for the applicant to arrive. Collins left a phone message for the applicant with no response. It was explained that the Board can continue the hearing if desired. After a brief time, the Board chose to hear from the public members present to speak to request.

Mr. Greg Dobbs, neighbor to the property, stated the access from the Aurelia roadway is only 25 feet. He expressed concern about where snow will be placed if this variance is approved. He remarked that the initial plat of 1955 was not intended to build on, which was in the floodplain, but to be a buffer to the original subdivision. He offered background about the current ownership being about 15 years.

Mr. Howard Ingersoll, neighbor to the property, stated that it is about 40 steps from his kitchen to the lot line and expressed concern about safety, congestion at the access point if approved for 25 ft, and where snow will be moved to at the end. He asked the Board not to approve the variance request.

Mr. Steve Fogler offered background of water events in/around 1950s. He stated that the parcel was previously a rabbit pen. He objected to parcels being subdivided and sold for development and asked the Board not to approve the request, suggesting that the original intent was a wildlife area.

Discussion ensued about whether the lot was for sale. Mr. Dobbs and Mr. Ingersoll stated that the parcel was noticed for sale. Discussion further ensued about the property in the fringe of floodplain.

Chair Ehrhardt closed the hearing. Discussion between Board members took place about whether to continue the hearing or to make a decision on the request. MOTION (Miner) to notify requester to continue the hearing to the new year and consider obtaining an additional 25 ft. Comments from neighbor, Mr. Dobbs, were offered that would not happen. Mr. Ingersoll stated there is no additional feet to gain at the end of Aurelia. MOTION (Miner, Dreher) to amend his original motion to continue the hearing to January. Roll call vote – aye 3; nay 2 (Ihlenfeld, Ehrhardt). Motion failed. MOTION

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(Ihlenfeld, Ehrhardt) to deny the variance request. Roll call vote – aye 3; nay 2 (Miner, Dreher). Motion failed. It was explained that a vote of four is needed to pass. Discussion continued about the 25 ft access. Members further discussed whether to hear from the applicant. MOTION (Dreher, Miner) to continue the hearing until January. Roll call vote – aye 5; nay 0. Motion passed.

**Other Business.** None.

**Adjourn.** MOTION (Dreher, Ihlenfeld) to adjourn at 6:01 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

204969

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

**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 7195100010. 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

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**

Document Authentication Number  
20224024441-757437



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

received  
9-17-2024

PAID  
check # 158

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: 9/18 (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. Phone#: 719-322-1300  
Palmer Lake, CO 80133 P.O. Box 522  
 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.



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

Item 2.

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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Palmer Lake, CO 80133  
719-481-2953 - Office

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.*

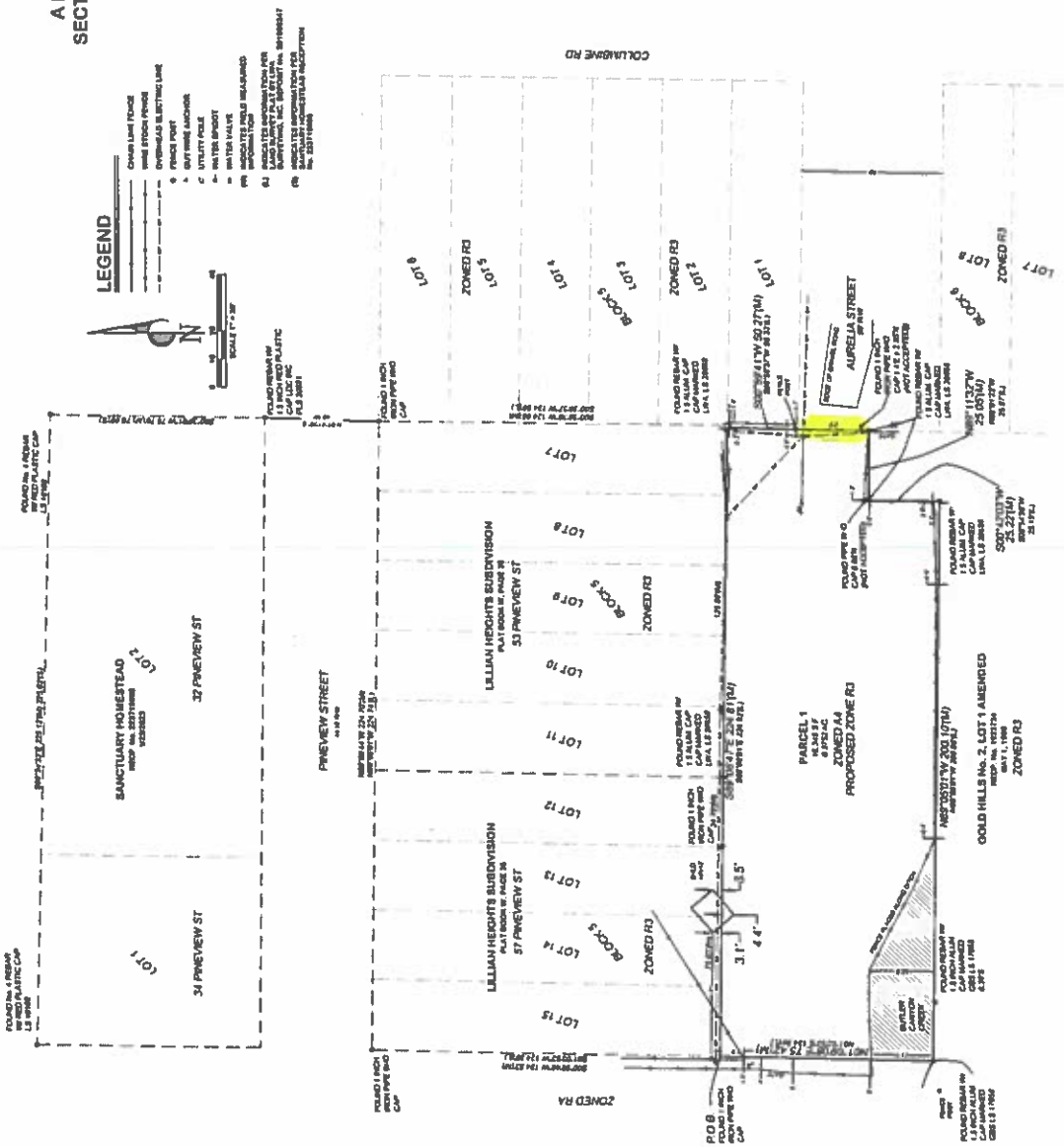
### Submittal Requirements

- ✓ 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.

# LAND SURVEY PLAT PALMER LAKE

A PARCEL SITUATE IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.



**ADDRESS:**  
704 AURELIA STREET, PALMER LAKE, CO 80113

**LEGAL DESCRIPTION:**  
PARCEL 1: DESCRIPTION: PAR. 213161 (79 DATE: 08/19/2013) ...

**CERTIFICATION:**  
I, HAROLD J. PONSERELLA, SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED LAND IS THE PROPERTY OF ...

**NOTES:**  
1. THE ABOVE PROPERTY LIES WITHIN ZONING 45.4.3 AS SHOWN ON THE EL PASO COUNTY ZONING MAP ...

**HAROLD J. PONSERELLA**  
13,30531-0007

**LAND SURVEY PLAT**  
PALMER LAKE  
RANGE 67 WEST OF 6TH P.M.  
TOWNSHIP 11 SOUTH  
COUNTY OF EL PASO,  
STATE OF COLORADO.

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)

# LAND SURVEY PLAT PALMER LAKE

A PARCEL SITUATE IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

## LEGEND

- CHAIN LINK FENCE
- WIRE STOCK FENCE
- OVERHEAD ELECTRIC LINE
- FENCE POST
- GUY WIRE ANCHOR
- UTILITY POLE
- WATER SPIGOT
- WATER VALVE
- (M) INDICATES FIELD MEASURED INFORMATION
- (L) INDICATES INFORMATION PER LAND SURVEY PLAT BY LWA SURVEYING, INC. DEPOSIT NO. 201900247
- (S) INDICATES INFORMATION PER SANCTUARY HOMESTEAD RECEPTION No. 223715085

SCALE 1" = 20'  
0 10 20 40



**ADDRESS:**  
TBD, AURELIA STREET, PALMER LAKE, CO 80133  
A.P.N. No. 7105100010

**LEGAL DESCRIPTION:**  
PARCEL 1, RECEPTION No. 213105179 DATE: 08/19/2013  
PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:  
STARTING FROM THE SOUTHWEST CORNER OF LOT 15, BLOCK 5, LILLIAN HEIGHTS SUBDIVISION OF PALMER LAKE COLORADO, AS THE POINT OF BEGINNING,  
THENCE SOUTHERLY ON THE EAST SIDE OF UPPER GLENWAY 75.00 FEET,  
THENCE ANGLE LEFT 90 DEGREES 00 MINUTES EASTERLY 200.00 FEET,  
THENCE ANGLE LEFT 90 DEGREES 00 MINUTES NORTHERLY 25.00 FEET,  
THENCE ANGLE LEFT 90 DEGREES 00 MINUTES EASTERLY 25.00 FEET,  
THENCE ANGLE LEFT 90 DEGREES 00 MINUTES NORTHERLY 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 15, BLOCK 5, LILLIAN HEIGHTS SUBDIVISION OF PALMER LAKE COLORADO,  
THENCE ANGLE LEFT 90 DEGREES 00 MINUTES WESTERLY 225.00 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO

**CERTIFICATION:**  
I, HAROLD J. PONSERELLA, REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE TRACT SHOWN ON THE ACCOMPANYING PLAT WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT SAID PLAT ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND AND THE SUBDIVISION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
DATE: 2/22/2024  
HAROLD J. PONSERELLA, L.S. 23798

Digitally signed by  
**HAROLD J. PONSERELLA**  
Date: 2024.08.07 16:11:56 -06'00'

- NOTES:**
- THIS IMPROVEMENT LOCATION CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY CSAA, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD.
  - NOTICE - ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
  - ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITTS A CLASS TWO(2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, OF THE COLORADO REVISED STATUTE.
  - UTILITIES: A UTILITY LOCATE WAS NOT PART OF THIS SURVEY. CSA ADVISES CALL 811 FOR THE UTILITY LINES TO BE LOCATED PRIOR TO ANY EXCAVATION.
  - THE SUBJECT PROPERTY LIES WITHIN ZONE(S) AS S.X AS SHOWN ON THE FEMA FLOOD HAZARD MAP No. 08041C0002E, EFFECTIVE DATE: 12/07/2018, LOMR 15-08-0008B EFFECTIVE DATE: 12/11/2018.
  - DISTANCES SHOWN HEREON ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.
  - ACCORDING TO THE COLORADO OIL/GAS COMMISSION MAP NO ACTIVE OR ABANDONED WELLS LIE WITHIN THE SUBJECT PROPERTY.
  - BEARINGS ARE BASED UPON NORTH LINE OF GOLD HILLS No. 2, LOT 1 AMENDED WHICH BEARS N89°05'01"W AND IS MONUMENTED AS SHOWN HEREON.

**COTTONWOOD SURVEYING AND ASSOCIATES, INC.**  
P.O. BOX 694  
STRASBURG, COLORADO  
(303) 549-7992

**LAND SURVEY PLAT**  
PALMER LAKE  
NE 1/4 OF SECTION 5, TOWNSHIP 11 SOUTH,  
RANGE 67 WEST OF 6TH P.M.,  
COUNTY OF EL PASO,  
STATE OF COLORADO.

Date: 2/25/2024  
Job No.: 2024-10  
Sheet: 1 of 1

Revisions  
1. REV R/W SURVEY ST 8/7/2024

