



## **BOARD OF ADJUSTMENTS**

**Tuesday, September 14, 2021 at 6:00 PM**

Palmer Lake Elementary School Library, Upper Glenway

---

### **AGENDA**

---

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

#### **Call to Order**

#### **Roll Call**

#### **Approval of Minutes**

1. August 3, 2021, Regular Meeting Minutes
2. August 17, 2021 Special Meeting Minutes

#### **Public Hearing**

3. Reconsideration of Variance Request at 33 Mystic Lane

#### **Other Business**

#### **Adjourn**

---

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

---

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.

---

#### **Notice**

---

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 03, 2021 at 6:00 PM

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

### MINUTES

#### Call to Order

Kurt called the meeting to order at 6 PM.

#### Roll Call

Members present: Charlie Ihlenfeld, Michael Richards, Eddie Kinney, Kurt Ehrhardt

Excused were Glant Havenar, Bob Miner, and Kevin Dreher

#### Approval of Minutes

MOTION (Richards, Ihlenfeld) to approve the June 1, 2021 Meeting Minutes. Motion passed.

#### Public Hearing. Application for Variance Request at 33 Mystic Lane - Side and Rear Yard Setback

The Chair reminded members that in order that a variance be approved, with a meeting of four members, a vote would need to be unanimous. Mr. Jose Galaviz was present to speak to his request. He provided a letter to the Board members for review. Mr. Tenace, former property owner, was present and explained the course of events going back to the time of subdividing the property and discussions with the prior town administration. Discussion took place about past promises. The members discussed the surrounding area including the intention to build Vale through or not. It was noted that a middle portion of Vale was previously vacated. Staff stated the applicant did not want to build something that would look out of place to the neighborhood.

MOTION (Ihlenfeld, Richards) to grant the variance at 33 Mystic Lane with a rear setback (south side) to 21 feet and side setback (west side) to 7.5 feet. Roll call vote – aye (3); nay (1 – Kinney). Motion failed.

#### Adjourn

MOTION (Richards) to adjourn at 6:45 PM. Motion passed.

Kurt Ehrhardt, Chair

Dawn A. Collins, Town Clerk



## **BOARD OF ADJUSTMENTS - SPECIAL MEETING**

**Tuesday, August 17, 2021 at 4:30 PM**

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

---

### **MINUTES**

---

#### **Call to Order**

Chair Kurt Ehrhardt called the special meeting to order at 4:30 PM.

#### **Roll Call**

Members present: Glant Havenar, Charlie Ihlenfeld, Kurt Ehrhardt, Bob Miner, and Kevin Dreher.

#### **Business**

1. Direction to Staff to Reconsider Variance Request for Mystic Lane. Kurt provided the background and request to reconsider this application. MOTION (Havenar, Ihlenfeld) to bring the application back for reconsideration by the Board. Motion passed (5-0). Discussion took place about the timing for a hearing. Collins stated publication requires a minimum of 15 days and will confirm the regular September date or message about a special meeting date.

#### **Adjourn**

MOTION (Havenar, Ihlenfeld) to adjourn at 4:35 PM.

---

Kurt Ehrhardt, Chair

---

Dawn A. Collins, Town Clerk



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

Item 3.

Office Use Only	
Case Number:	_____
Date:	6/23/2021
Fees:	\$200 (non-refundable)
Check #:	274.
Rec'd By:	DAE
Application Complete:	_____

8/3  
BOA.

*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: JOSE R. GALAVIZ

Address: 14655 SILVERTON RD., COLORADO SPRINGS, CO 80921 Phone#: 719-491-0460

Email: agruiz37@gmail.com

Name of Proposal: REQUESTING A 7' 6" SIDE YARD SET BACK WHERE A 25' SET BACK IS REQUIRED ON THE WESTERN SIDE OF THE LOT

Legal Description or Address: 33 MYSTIC LANE, LOT 1 TAHAWUS TERRACE SUBDIVISION, PALMER LAKE, COLORADO

Tax Schedule # : 71005418003

**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: R-3	RESIDENTIAL
	E: R-3	RESIDENTIAL
	S: C-1	VACANT LAND
	W C-1	VACANT LAND

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

ALLOW A 7' 6" SIDE YARD SET BACK WHERE A 25' SIDE YARD SET BACK IS REQUIRED ON THE WESTERN SIDE THE SUBJECT LOT. THIS WILL ALLOW THE CONSTRUCTION OF A HOME ON THE LOT WHICH WILL CONFORM TO NORMAL WIDTH AND APPEARANCE OF HOMES WITHIN THE NEIGHBORHOOD.

\* Per email, also request a 21' rear setback for deck (from 25') .

Variance Application  
 Rev 03/25/2021



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

Item 3.

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

25' SIDE YARD SET BACK FROM SIDE STREET RIGHT OF WAY TO PROPOSED STRUCTURES OR HOME. THIS IS CONSIDERED A CORNER LOT

---

---

---

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

A NORMAL HOME WILL BE BUILT ON THE PROPERTY WHICH WILL CONFORM TO THE STANDARDS OF THE NEIGHBOR HOOD. RATHER THAN A HOME THAT WOULD HAVE TO BE VERY NARROW(20') IN ORDER TO COMPLY WITH THE STANDARD SIDE YARD SET BACK OF 25'

---

---

---

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

PROPERTIES WILL NOT BE ADVERSLY AFFECTED BY CONSTRUCTING A HOME OF A NORMAL WIDTH. THE EASTERN SIDE YARD SET BACK WILL BE NORMAL FOR THE NEIGHBORHOOD.

---

---

---

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

IT WILL MAKE THE HOME EXTREMELY NARROW AND THEREBY GREATLY REDUCE THE HOMES VALUE AND LOOK OUT OF PLACE WITHIN THE NEIGHBORHOOD

---

---

---



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

Item 3.

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

**I DON'T OWN ANY ADJACENT LOTS**

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

**Applicant Signature:** Jose R. Galiviz **Date:** 6-22-21

If the applicant is not the owner:

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

**Owner – Print: JOSE R. GALIVIZ**

**Owner – Signature:** Jose R. Galiviz **Date:** 6-22-21

### Variance Request Letter

We are asking for an approved variance of 7.5 feet from the property line for the proposed residence to be built. The variance would allow more square footage for the construction of the home, rather than having to build upwards. It would benefit our neighbors and our community by ensuring that the home does not exceed maximum height, but rather allows the construction of a proportional home.

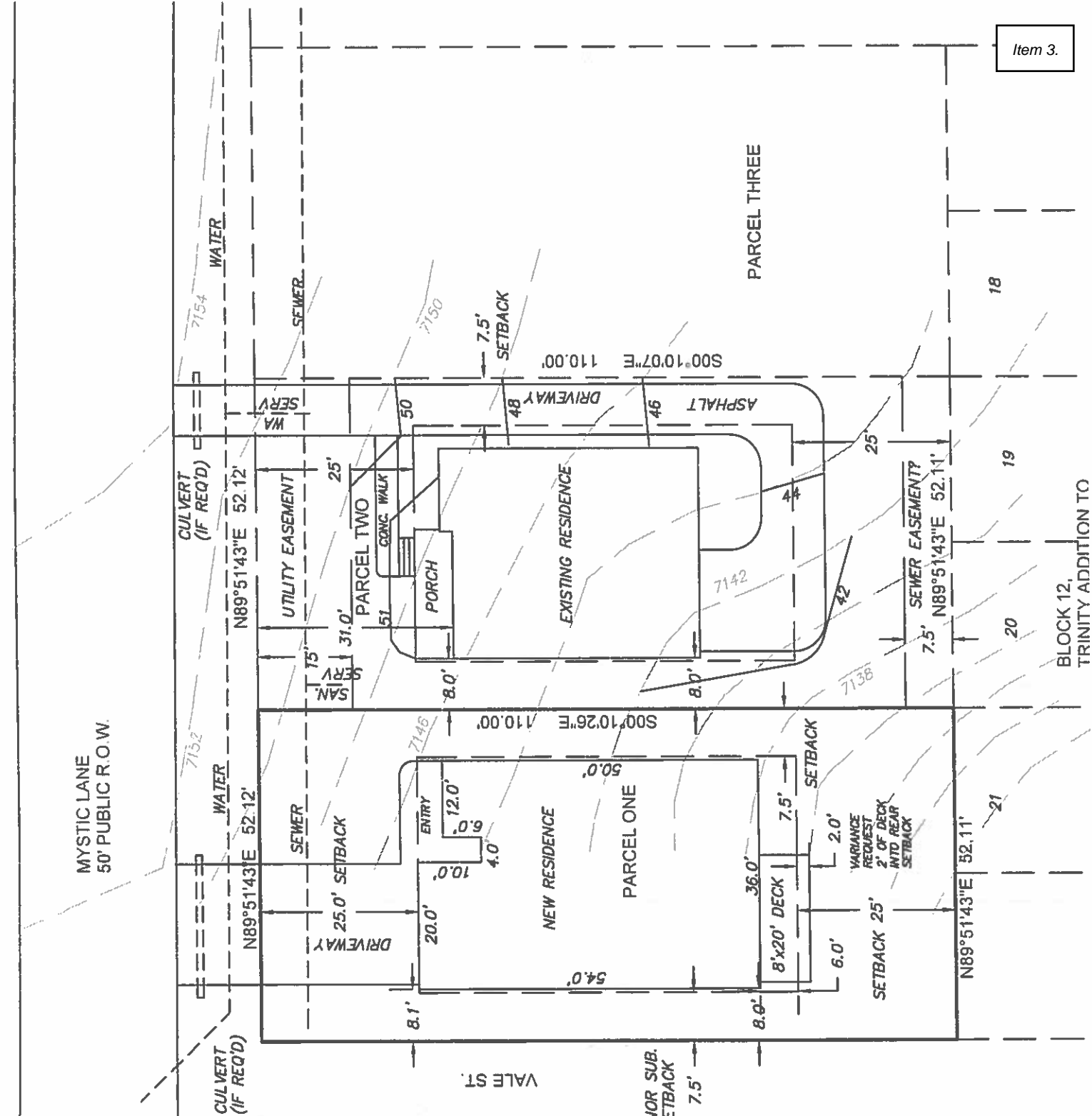
Per Town of Palmer Lake zoning ordinances, structures need to be 25 feet from the property line for the "proposed" access road. We are asking to build 7.5 feet off of the line because the access road has not been established yet, therefore giving us the flexibility to construct prior to evaluation of the access road limits. Even by narrowing the access road, there still will be adequate space for easy and safe access to exit. With the limited amount of buildable space we have (due to the setback requirement on a corner lot property), this is the only option we have.

The variance we are requesting would not be injurious to the health, safety, appearance, and general welfare of the community. The property is vacant and the position of the proposed structure is on our property. The building will be a safe and permitted structure that meets or exceeds current building code.

If the variance is approved, the structure will not be tall enough to block the view from any houses nearby. On the converse, if the variance is denied, the builder will be forced to use the additional square footage to build upwards versus out. This will then obstruct multiple views at different angles from surrounding houses. There are no other homes close to the property line and therefore no one would be adversely impacted.

We have a limited amount of buildable space due to the corner lot side yard setback requirements, and without the variance we would not be able to build a reasonably habitable and proportional home at all. We are constructing this home as a primary family residence, and essentially a forever (retirement) home. Having additional square footage allowed on the side yard will eliminate the need for additional flights of stairs, something people of coming age appreciate as they retire.

The property owners do not own any adjoining lots.



MYSTIC LANE  
50' PUBLIC R.O.W.

PARCEL THREE

BLOCK 12,  
TRINITY ADDITION TO

VALE STREET DOES NOT  
APPEAR THAT IT WILL BE  
IMPROVED IN THE FUTURE

PROPERTY DESCRIPTION:  
PARCEL 1, TAHAMUS TERRACE, IN THE  
TOWN OF PALMER LAKE, EL PASO COUNTY,  
COLORADO AS SHOWN ON THE SUBDIVISION  
PLAT THEREOF RECORDED AT RECEPTION  
NUMBER 218714150 OF THE EL PASO  
COUNTY RECORDS.

TAX SCHEDULE NUMBER:  
71054-18-003

ADDRESS: 33 MYSTIC LANE

OWNER/APPLICANT:  
JOSE RAMON GALAVZ  
14655 SILVERTON RD.  
COLORADO SPRINGS, CO 80921  
719-491-5026

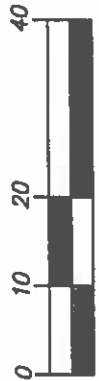
NO EXISTING STRUCTURES  
EXISTING TOPOGRAPHY BY OTHERS

LOT AREA - 5,733 s.f.  
PROPOSED HOUSE - 1,856 s.f.  
LOT COVERAGE - 32%

VARIANCE REQUEST: TO ALLOW 2' OF  
DECK INSIDE THE 25' SETBACK

PER MINOR SUB.  
SETBACK  
7.5'

GRAPHIC SCALE



( IN FEET )  
inch = 20 ft.

# Request for Additional Setback Variance:

## Galaviz Residence

The applicant is proposing a rear yard setback variance to reduce the standard rear yard setback from 25' to 23' to construct a small deck. The current plot plan is showing the building to be 6'x20' in area. The applicant is requesting to extend the dwelling area to 8'x20' to allow the construction of a small deck towards the rear of the house. The required setback, per zoning regulations, currently stands at 25'. The variance proposal is for a decrease in setback to 23'.

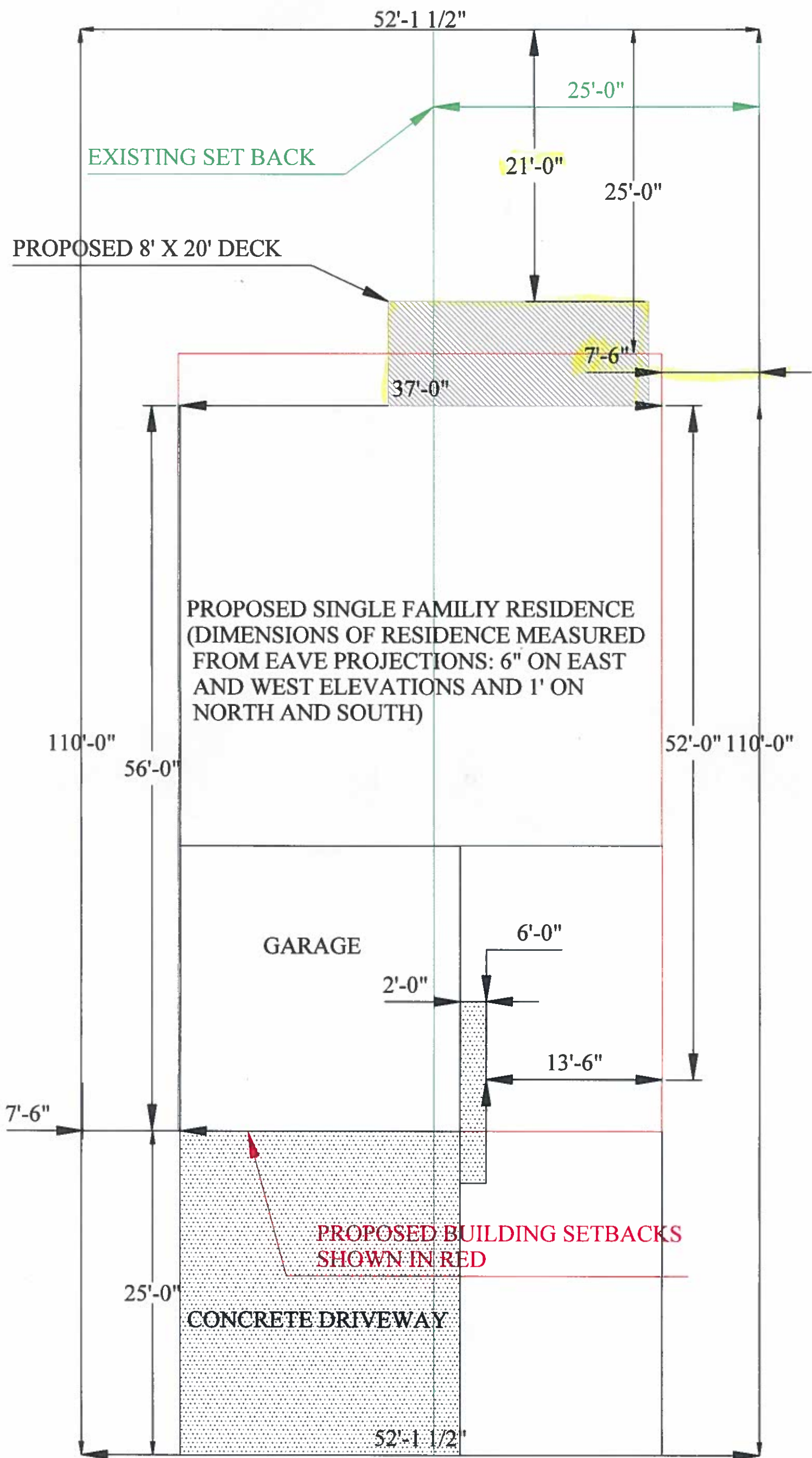
Per the plot plans, all dimensions will be mirrored or 'reflected vertically' to allow more surface area to utilize every square foot per compliance.

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, September 14, 2021, at 6:00 PM at the Palmer Lake Elementary School Library, 115 Upper Glenway, Palmer Lake, to RECONSIDER a variance request from 25' to 7'-6" for a side yard setback AND a variance from 25' to 21' for a rear yard setback for property located at 33 Mystic Lane, tax schedule #71005418003. 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



33 MYSTIC LANE, PALMER LAKE, CO

LOT 1, TAHAWUS TERRACE SUBDIVISION,  
EL PASO COUNTY, COLORADO  
SCALE 1/8" = 1'

NORTH ↓

MYSTIC LANE