



## BOARD OF ADJUSTMENT

**Tuesday, August 06, 2024 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.](#) Meeting Minutes from May 7, 2024

**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 of Front Yard Setback, Parcel 7105311022 (Glen Ave)

#### 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 ADJUSTMENTS

Tuesday, May 07, 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 5:05 pm.

**Roll Call.** Present: Kurt Ehrhardt, Charlie Ihlenfeld, Michael Richards, Bob Radosevich.

#### Approval of Minutes

1. Minutes from March 5, 2024. MOTION (Richards, Radosevich) to approve the minutes as presented. Motion passed 4-0.

#### Public Hearing

2. Application for Variance of Rear Yard Setback, Parcel 7105424041 (Lake Ave). Mr. Harris introduced himself, his daughter, Mr. Jim Stiltner, and reviewed the variance application for a rear yard setback to be 7.5 feet due to the odd shape of the parcel located at Lake Ave. The parcel will be developed for their daughter and grandchildren. Mr. Harris stated that he received a letter from the abutting neighbor behind his lot in favor of the development. Mr. Jim Stiltner, architect for Mr. Harris, presented a preliminary concept drawing for the board and discussed the stepped foundation and retaining wall for the rear of the development. Mr. Kipp Murray spoke to the history of the parcel and the replat that resulted in the odd shape of the parcel. He expressed concern about the development becoming a short-term rental. Mr. Murray explained the background of the former HOA and mentioned CCR filed with the property deed. Mr. Mike Beeson spoke about the slope of the development and how the height of the home may affect his property. He intends to build a deck and expressed concern about the height blocking their lake view. Mr. Stiltner addressed the height concern, stating the roof line will not block rear neighbors. There was ongoing discussion with neighbors concerning the development. Mr. Harris confirmed the CCR and stated that he has gone to great lengths to hire the appropriate team to work with the limiting parcel and did not plan to block the neighbor's view. Mr. Kipp Murray asked for assurance. Mr. Dan Martindale inquired about the process. Board member Charlie Ihlenfeld responded about land use applications, reviewed by Town administration. It was noted that an ILC is required. Charlie also mentioned site visits are performed by volunteers as follow-up on approved land use applications. Chair Ihlenfeld suggested that the motion include a spot check prior to pouring the foundation so the height can be confirmed. MOTION (Ihlenfeld, Radosevich) to grant the variance for a 7.5 ft rear setback with the condition that an ILC is completed prior to pouring the foundation with zero point at the garage floor. Motion passed 4-0.

3. Application for Variance of Street Frontage, Parcel 7109000032 (Forest View Rd). Collins noted for the record that a letter was provided from Michael Miller authorizing his father to speak on his behalf. Mr. Allen D. Miller introduced his son's request for a variance of zero feet of street frontage for a single-family home to be constructed on a five acre lot with access from Forest View Road. His son, Michael Miller is the property owner and has a 30 foot wide access easement from Forest View Rd. Discussion took place amongst the Board about the access easement, adequate fire access and turnaround area. Collins noted that Fire will review the land use application for compliance with the fire code for a proper turn around, if needed. MOTION (Radosevich, Richards) to grant the variance for zero feet of street frontage with the stipulation that the design allows for adequate fire apparatus turnaround if needed. Motion passed 4-0.

**Other Business.** None.

**Adjourn.** MOTION (Radosevich, Richards) to adjourn at 6:16 pm. Motion passed.

*Minutes by: Grace A. McNeil, Deputy Town Clerk*



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

Office Use Only	
Case Number:	_____
Date:	<u>7/9/24</u>
Fees:	<u>\$200</u> (non-refundable)
Check #:	_____
Rec'd By:	<u>[Signature]</u>
Application Complete:	<u>8/6 BOA</u>

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

*publish  
7/17*

### Variance Application Form

Name of Applicant/Property Owner: Christy and Robert McKie

Address: 389 Glen Ave Phone#: 952-221-9238

Email: robertmckiel@gmail.com

Name of Proposal: McKie Garage

Legal Description or Address: 389 Glen Ave Lots 27-28  
*\* Tax Schedule # 7105 3/1022*

**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>PUD</u>	<u>Estemere Mansion</u>
	E: <u>R3</u>	<u>Single Family home</u>
	S: <u>RA</u>	<u>Forrest and trail</u>
	W: <u>R3</u>	<u>Single family home</u>

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

We are requesting a vairance in the front easement of our lots 27-28 from the required 25' to a reduced 15'.



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

Regulation states that a permanenet structure must have a 25' easement from the front and back property line to the structure.

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

If granted the garage will be built to match the house on th property, allowing for vehicle and item storage within the unit creating a cleaner, more tidy property. Safety would also be increased as items stored on property today would be moved into the garage space,

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

The only adjacent property that would be affected is to the east of us at 365 Glenside road as the garage would b next door. That property is currently being used as an Airbnb so there would be no impact.

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

Our current property was built originally in 1895. It is grandfathered into zoning currently with 13 adjoining lots. Lots 1-9 are extremely challenging to build on due to the slope of the terrain and the disistance of the garage to the home. Lots 27-28 where the proposed garage is to be located also slopes dramatically down the mountain,

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

Yes, we own lots 1-9 on the west side of the home, with approximately 22,501 square feet on those lots.



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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:** Christy McKie **Date:** 7-8-2024

Robert McKie

If the applicant is not the owner:

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

**Owner – Print:** \_\_\_\_\_

**Owner – Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



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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.

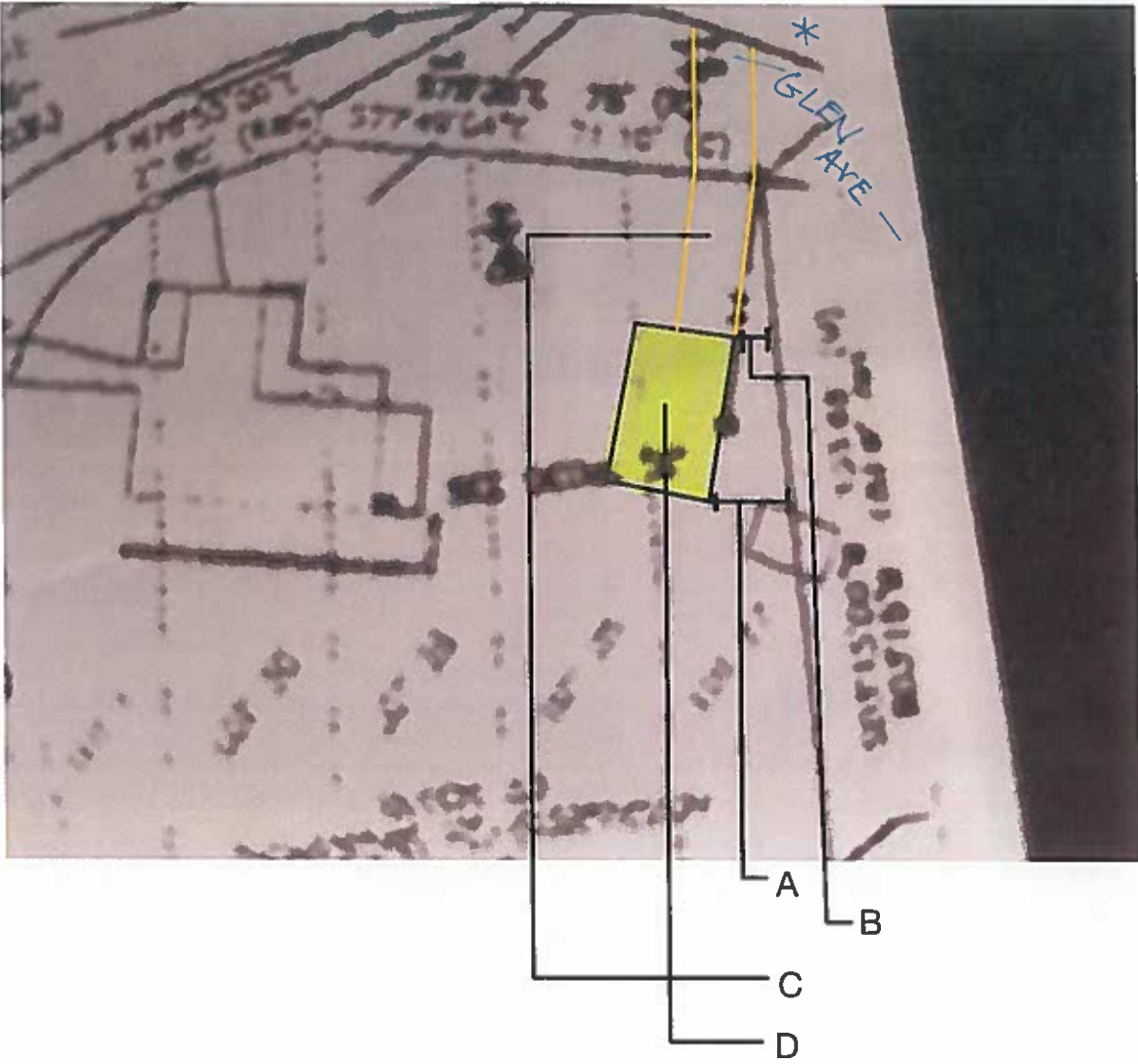
*All submittals must be in compliance with the corresponding Palmer Lake Municipal Code.*

### 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.





- A) The distance from the property line to the corner eave of our garage is approximately 13.5'
- B) Front corner of garage located 7.5' or more from property line *(side yard setback)*
- C) Proposed driveway in yellow, driveway approximately 10' wide entering from Glenside road with length approximately 31' being comprised of 16' right of way passage and 15' from the property line to the garage *(with variance approval) (front yard from Glen Ave)*
- D) Garage structure 18' width x 24' depth angled to match house and adhere to property lines. Design will be to closely match cabin for aesthetic appeal.

Garage will sit on lots 27-28

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

Item 2.

**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, August 6, 2024, at 5:00 pm at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance to a front yard setback to 15 ft for a garage to be constructed, located at 389 Glen Ave, Palmer Lake, parcel 7105311022. 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 July 17, 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 07/17/2024**

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 07/17/2024, 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  
20224024441-718919