



BOARD OF ADJUSTMENTS

Tuesday, December 07, 2021 at 5:00 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. Minutes from September 14, 2021

Public Hearing

2. Variance Request for 35 Mystic Lane

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, September 14, 2021 at 6:00 PM

Palmer Lake Elementary School Library, Upper Glenway

MINUTES

Call to Order. Eddie Kinney called the meeting to order at 6:02 pm.

Roll Call. Present: Glant Havenar, Charlie Ihlenfeld, Eddie Kinney, Kevin Dreher. Michael Richards arrived late. Excused: Kurt Ehrhardt. Absent: Bob Miner.

Approval of Minutes

1. August 3, 2021, Regular Meeting Minutes. MOTION (Havenar, Ihlenfeld) to approve the 8/3 minutes. Motion passed.
2. August 17, 2021, Special Meeting Minutes. MOTION (Havenar, Ihlenfeld) to approve the 8/17 minutes. Motion passed.

Public Hearing

3. Reconsideration of Variance Request at 33 Mystic Lane. Collins provided the background of the first presentation and hearing of the variance request as well as the meeting to vote on reconsidering the application. Collins also stated that the Board may “continue” a hearing if they require more information and that if different terms come up at the hearing, an application may be amended and a motion made to reflect such agreement.

Recess at 6:12 for arrival of Michael Richards. Eddie Kinney called meeting back to order at 6:17 pm.

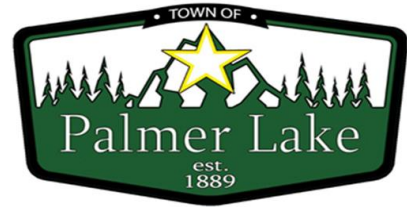
Review of the variance request for side yard setback of 7.6 ft and rear yard setback of 21 ft took place. Discussion about the ROW (undeveloped Vale roadway) and the surrounding neighbors and possible development took place. General discussion of whether the small portion of Vale is developed or not was brought up and members agreed the setback would be acceptable from the ROW. MOTION (Havenar, Richards) to approve the variance request for the rear (21’) and side (7.6’) setback as presented. Roll call vote – aye (5); nay (0). Motion passed.

Other Business

Adjourn. MOTION (Ihlenfeld, Richards) to adjourn at 6:30 pm. Motion passed.

Chair, Board of Adjustments

Town Clerk



**TOWN OF PALMER LAKE
BOARD OF ADJUSTMENT - AGENDA MEMO**

DATE: December 7, 2021	ITEM NO.	SUBJECT:
Presented by: Town Administrator/Clerk		Variance Request for 35 Mystic Ln

Background

Following an inquiry about the front setback of the house built on 35 Mystic Lane, staff followed up with the property owner for a final ILC. It was learned that the front setback is in fact less than 25 ft; therefore, it is the recommendation of staff to assist the property owner to comply to a setback with the variance process.

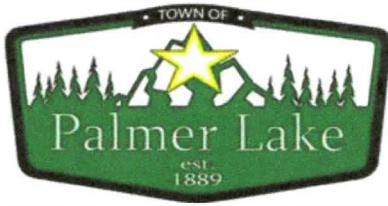
Staff had further discussion with the contractor and there was no malice intended but unclear communication of the front setback. It was understood by the contractor, and evidenced because of the building, that the setback is 25 ft from the property line to the foundation. Staff reviewed the land use permit application and agreed that this requirement to be measured from the furthest overhang could be clearer on the application documents.

It currently states the following –

- SETBACK DIMENSIONS - clearly show the distance **from the proposed structure** to the property lines. Staff intends to revise the application to state “from the furthest overhang (ie., eaves) of the proposed structure..”

Enclosed is the variance request as well as a copy of the final ILC.

Due to this request being along the lines of an administrative clean up, and that the property owner bore the cost of an additional ILC, it is requested by staff that the Board consider waiving the application fee, except for the actual cost of publication (\$38.04) to the town.



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 #:	_____
Rec'd By:	_____
Application Complete:	_____

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: CANDY RICHEY

Address: 35 MYSTIC LANE Phone#: 719-233-2309

Email: Candy30919@gmail.com

Name of Proposal: _____

Legal Description or Address: PARCEL 2, TAHAWUS TERRACE SUB
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: _____

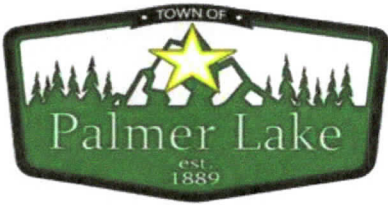
W: _____

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

BUILDING PERMIT WAS APPROVED BY PALMER LAKE AND
PIKES PEAK REGIONAL BUILDING DEPARTMENT WITH A 25'
FRONT BUILDING SETBACK TO THE FOUNDATION. THE HOME WAS
BUILT PER THOSE APPROVED PLANS,

HOMEOWNER COMPLETED AN ILL SURVEY PER THE TOWN'S
REQUEST. THE FOUNDATION IS 25' BACK FROM THE
FRONT PROPERTY LINE. THE FRONT PORCH
OVERHANG (NOT FOUNDATION) IS 23.3' BACK FROM
THE FRONT PROPERTY LINE.

Variance Application
Rev 03/25/2021



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

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

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

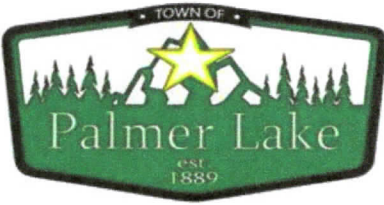
NO EFFECT.

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

THE HOME WAS BUILT PER THE APPROVED PLANS. THE HOME IS COMPLETE AND CANNOT BE MOVED.

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.

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

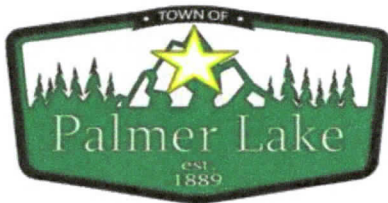
Applicant Signature: Candace Eritano Richey **Date:** 11/16/21

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.

IMPROVEMENT LOCATION CERTIFICATE

(THIS IS NOT A PROPERTY SURVEY)

Item 2.

LEGEND

-  Chainlink Fence
-  Wood Fence
-  Wire Fence
-  Fnd. Monument
-  Overhead Power Line

Note: Improvements shown by apparent lines of possession, without sufficient positive monumentation found.

Note: Dimensions from improvements to property lines have been repealed as standards for the Improvement Location Certificate effective September 1, 2015. Section 38-51-105, C.R.S.

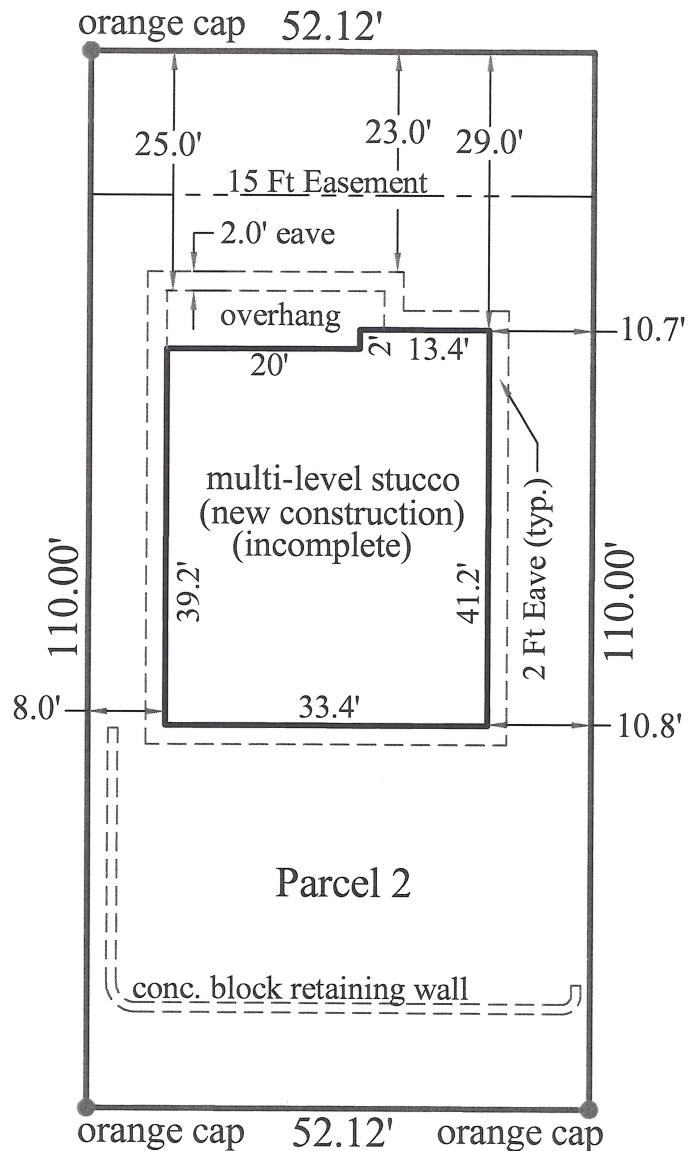
Note: No visible address could be found on site.



Scale: 1" = 20'



Mystic Lane (a.k.a. Fair Street)



Legal Description

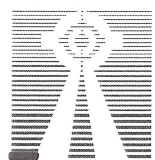
Parcel 2, Tahawus Terrace Subdivision, County of El Paso, State of Colorado.

Surveyor's Certificate

I hereby certify that this Improvement Location Certificate was prepared for the *Mortgage Lender and the *Title Company and that it is not a Land Survey or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fence, building or other future improvement lines. I further certify that the improvements on the described parcel on this date **, except utility connections, are entirely within the boundaries of the parcel, except as shown, that indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel except as noted. (c.r.s.38-51-109)

This Improvement Location Certificate does not constitute a title search by Alessi and Associates, Inc. to determine ownership of easements of record. For all information regarding easements, Right-of-Way and Title of Record, Alessi and Associates, Inc. relied on Title Commitment*.

PREPARED BY:



ALESSI & ASSOCIATES, Inc.

APPRAISERS • ENGINEERS • SURVEYORS

2989 Broadmoor Valley Road Tele. 719/540-8832
 Colorado Springs, CO 80906 Fax 719/540-2781

PURPORTED STREET ADDRESS:

35 Mystic Lane

**DATE: 9/9/2021

*LENDER/CLIENT: Integrity Bank & Trust

BORROWER: Richey

*TITLE COMPANY: Empire Title/Stewart Title Guaranty Company

JOB NUMBER: 211437b

Rev: 12-1-21