



## BOARD OF ADJUSTMENTS

Tuesday, March 07, 2023 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 December 6, 2022

#### Public Hearing

*Chair will introduce the item and hear the applicant's request. Chair will ask if there is any public member wishing to speak for or against the request. Public should address the Board directly while members listen. Applicant may provide closing remarks and Board members may ask questions of the applicant. Chair will close the hearing and BOA members then discuss the request to consider approval or denial of the variance, noting the reason for the record. (If additional information or time is required, BOA may continue the hearing to a particular date.)*

2. Hearing and Consideration of a Variance Application for a Front Setback (34 Pineview St)

#### Other Business

3. Municipal Code Chapter 2.16 Relating to Board of Adjustment
4. Memo from Krob Law Relating to BOA Role

#### 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, December 06, 2022 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 5:01 pm.

**Roll Call.** Present: Kevin Dreher, Mike Richards, Kurt Ehrhardt, Eddie Kinney, Bob Miner. Staff: Dawn Collins.

#### Approval of Minutes

1. Minutes from 8/2/2022 Meeting. MOTION (Dreher, Kinney) to approve minutes from August 2, 2022. Motion approved 5-0.

#### Public Hearing

2. Consider Variance Application - 101 Highland Road, Front Deck (Lynch). Landowners Victoria and Jack spoke to the request for the variance to properly rebuild and support the replacement deck and not block the entire entrance. Placement is requested to be a total of a 15 ft setback from the front property line. Discussion took place about the build/mount of the supports. A neighbor spoke to it being close to the front but not being an issue to them. MOTION (Miner, Kinney) to approve the variance to 16 ft front setback. Motion approved 5-0.

#### Other Business

3. Review Application for Appointment. Mr. Bob Radosevich addressed the Board members to fill the anticipated alternate vacancy. Discussion took place about Bob's involvement in the town. MOTION (Kinney, Miner) to recommend approval of the appointment of Bob Radosevich to the Board of Adjustments. Motion approved 5-0.
4. Definition of Hardship as it Relates to a Variance Application. Discussion took place about the definition provided and questions for Town Attorney Krob and future training. Bob Miner inquired about a circumstance where a resident has no side yard – two roadways joining to create front yard and how would this landowner get relief. Collins encouraged members to review the definition and forward questions to her to get to Attorney Krob.

Discussion took place about density and proposed modification to zoning and land use code to establish clear rules. Susan Miner added that implementation of the Community Master Plan should help this.

**Adjourn.** MOTION (Ehrhardt, Dreher) to adjourn at 5:39 pm. Motion approved.

Minutes by: Dawn A. Collins, Town Administrator/Clerk



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

Item 2.

Office Use Only	
Case Number:	# BOA - 317.
Date:	1/23 2023
Fees:	\$200 (non-refundable) 400-
Check #:	
Rec'd By:	
Application Complete:	V31-MOC

*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: Gregory A. and Abby L. Trowbridge

Address: 32 Pineview St., Palmer Lake, CO Phone#: 719-481-5867

Email: greg@dadsforhirellc.com

Name of Proposal: Front Entry Deck

Legal Description or Address: 34 Pineview St., Palmer Lake, CO  
*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: <u>R-3</u>	<u>Single Family</u>
	E: <u>R-3</u>	<u>Single Family</u>
	S: <u>R-3</u>	<u>Single Family</u>
	W: <u>R-3</u>	<u>Single Family</u>

State your variance request exactly as you would like it approved, including the benefit to yourself, neighborhood and the community.  
The property needs a deck added to the front of the house in order to have ingress and egress. The addition of the deck will enhance the appearance and value of the property. This will benefit the neighborhood and community by enhancing the value of the adjacent properties.



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

Deck will encroach on the front property set-back (6 ft).

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

The residents of this house will be seniors with limited mobility so the deck will need to be accessible with a ramp in lieu of stairs. Future use of this property will benefit from the accessibility for disabled or physically compromised people. The deck will also beautify the front elevation of the property. This will have aesthetic and material value for the community.

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

The adjacent properties will not be adversely affected by this variance.

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

Strict application of zoning will make ingress and egress to and from the property impossible.

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

We own the adjoining property to the east. Property occupies 12,206 sq ft.



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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:  Date: Jan. 17, 2023

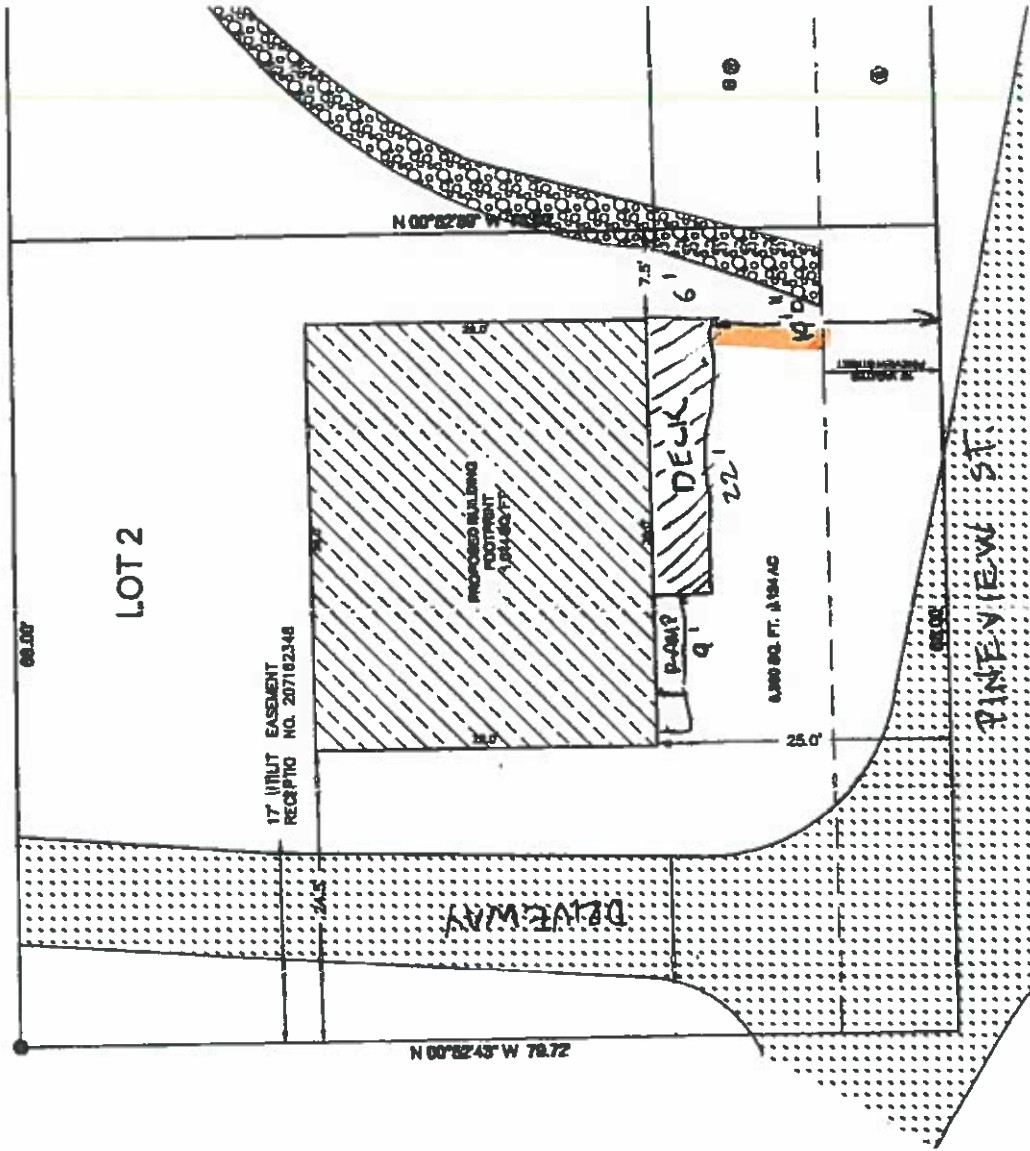
If the applicant is not the owner:

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

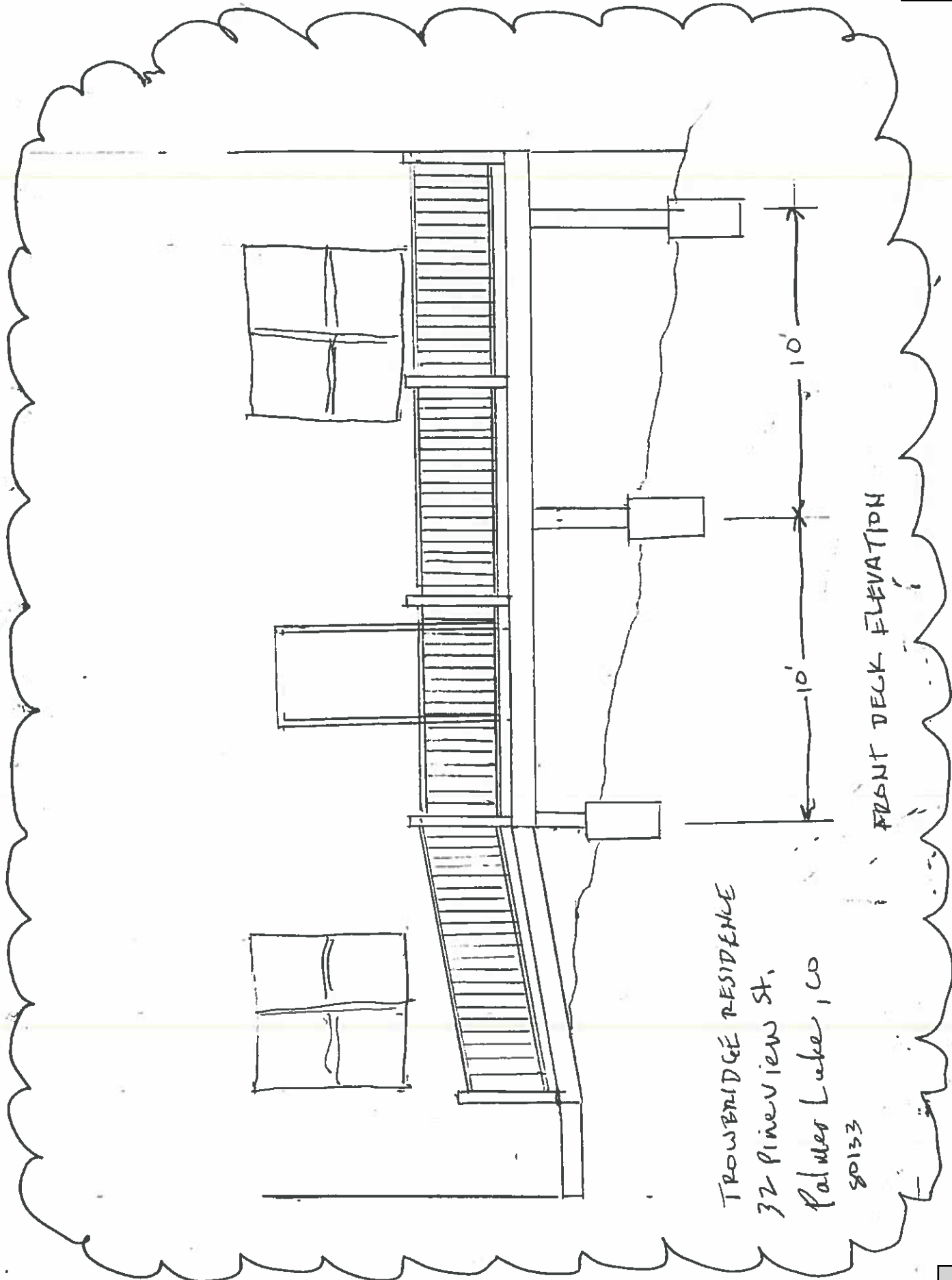
Owner - Print: Gregory A. Trowbridge

Owner - Signature:  Date: Jan 17, 2023

PLOT PLAN



TROW BRIDGE RESIDENCE  
 34 PINEVIEW ST.  
 Added Front Deck



TROWBRIDGE RESIDENCE  
32 Pineview St.  
Palmer Lake, CO  
80133

FRONT DECK ELEVATION



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, March 7, 2023, at 5:00 PM at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance for the front yard setback to add a deck, approximately six feet in the front setback, located at 34 Pineview St. 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

**Dawn Collins**

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**Subject:** FW: Variance Application

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**From:** greg@dadsforhirellc.com <greg@dadsforhirellc.com>  
**Sent:** Wednesday, February 1, 2023 1:25 PM  
**To:** Dawn Collins <dawn@palmer-lake.org>  
**Cc:** Tish Torweihe <tish@palmer-lake.org>; Toni Vega <Toni@palmer-lake.org>; 'Trowbridge, Abby L.' <abby.trowbridge@hoganlovells.com>  
**Subject:** RE: Variance Application

-----WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.-----

Hello Dawn,

The reason we require the zoning variance for this new residence is that this house is being built for my aging parents. They have limited mobility so they will require a ramp for access to the house in lieu of stairs. Our original plan was to have a concrete stoop at grade for the front door with a walkway leading from the front of the house to the street. When we did the excavation for the house foundation we hit bedrock that made it impossible to excavate to the full depth that we needed. This made the foundation about three feet higher than anticipated. The solution that we came up with was to put a deck on the front of the house with a ramp leading toward the west side of the house. There will be a landing at the bottom of the ramp and a walkway from that point to the street. We decided that a deck and ramp would be the most attractive solution so that it would enhance the appearance of the house rather than looking like a mistake.

It would be a hardship to have a small porch and stairs since my parents have physical difficulty climbing stairs. Stairs also pose a hazard for them in the event of an emergency and their having to exit the house by a set of stairs.

We ask that you would please consider approval of this zoning variance.

Thank you.

Greg and Abby Trowbridge  
719-481-5867

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

I, Lorre Cosgrove, 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 02/15/2023**

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.



Lorre Cosgrove  
Sales Center Agent

Subscribed and sworn to me this 02/16/2023, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires June 23, 2026.



Karen Hogan  
Notary Public

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

Document Authentication Number  
20224024441-248983

**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, March 7, 2023, at 5:00 PM at the Palmer Lake Town Hall, 28 Valley Crescent, Palmer Lake, to consider a variance for the front yard setback to add a deck, approximately six feet in the front setback, located at 34 Pineview St. 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 February 15, 2023.

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)