

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR
PLANNING AND COMMUNITY DEVELOPMENT

EL PASO COUNTY BOARD OF ADJUSTMENT

MEETING RESULTS (UNOFFICIAL RESULTS)

Board of Adjustment (BOA) Meeting

Wednesday, April 23rd, 2025

El Paso County Planning and Community Development

2880 International Circle – Second Floor Hearing Room, Colorado Springs, Colorado 80901

REGULAR HEARING, 9:00 A.M.

BOA MEMBERS PRESENT AND VOTING: KEVIN CURRY, RANDY MCSPARREN, JOSEPH REXROAD, FRANK TANK, AND KEITH WOOD.

BOA MEMBERS PRESENT AND NOT VOTING: RUSSELL FELLERS, DEAN JAEGER, AND RUSSELL MORTON.

BOA MEMBERS ABSENT: NONE.

STAFF PRESENT: JUSTIN KILGORE, STEVEN KLAFFKY, ERIKA KEECH, LISA ELGIN, JOSEPH SANDSTROM, KYLIE BAGLEY AND JESSICA MERRIAM.

OTHERS SPEAKING AT THE HEARING: JOSEPH STRUIF, KENNY JOHNSON, AND ALEXANDER GAYSON

1. PLEDGE OF ALLEGIANCE

2. REPORT ITEMS

Mr. Kilgore advised the board that the next BOA Hearing is Wednesday, May 28th, 2025, at 9:00 A.M.

3. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

(NONE)

4. AGENDA ITEMS

A. Adoption of Minutes for meeting held on March 26th, 2025.

BOA ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (5-0).

IN FAVOR: (5) Curry, McSparren, Rexroad, Tank, and Wood.

IN OPPOSITION: (0) None.

B. BOA245

ELGIN

DIMENSIONAL VARIANCE

4390 DOOLEY WAY – SHED SETBACK RELIEF

A request by Joseph and Christine Struif for approval of a Dimensional Variance to allow 3 feet on the southerly side setback where 5 feet is required in the RS-5000 (Residential Suburban) (CAD-O) zoning district. The 5,184 square foot property is located at 4390 Dooley Way in Colorado Springs, Colorado, approximately 0.68 miles east of the intersection of Highway 85/87 and Academy Boulevard. (Parcel No. 6502312016)

STAFF & APPLICANT PRESENTATIONS

DISCUSSION: Mr. Wood questioned a possible discrepancy in the site plan dimensions between the house, shed, and property line. He noted that one set of measurements totaled 15 feet, while another configuration (paver walkway and garden) added up to 13'8". **Mr. Struif** explained the discrepancy was due to the property line angling inward toward the back of the lot. He noted the measurements are accurate within a few inches, but a precise line would require a property assessment. **Mr. Wood** confirmed that the rear setback is slightly less than 3 feet. **Mr. Struif** affirmed this.

Mr. Tank asked whether any city utilities, other than the cable box noted in the application, run through the backyard. **Mr. Struif** confirmed no additional utilities are present in the backyard.

All services—including gas, water, and drainage—enter from the front of the property. He described the routing of the gas line along the driveway and confirmed all utility markings were left in place during his checks.

Mr. Curry asked whether the letters of support submitted included the neighbor directly south of the shed. **Mr. Struif** confirmed that the neighbor, Kenny Johnson, is included and was present at the meeting.

PUBLIC COMMENTS: Mr. Kenny Johnson, of 4420 Dooley Way, spoke in support of the project. He stated that he lives directly next to the applicant and that the shed does not affect him, as the area beside it is a side yard with a rock drive where he parks a trailer. He expressed no concerns about the shed's placement.

NO APPLICANT REBUTTAL

BOARD DISCUSSION: Mr. Rexroad noted a potential issue with the discrepancy between the 1'8" actual distance from the shed to the property line and the 3-foot variance being requested. He emphasized that approving 3 feet when only 1'8" exists could constitute a violation. **Mr. Curry** asked staff to confirm whether the minimum 3-foot clearance is met at all points, given the property's trapezoidal shape. **Mr. Struif** clarified that the current fence, which was used for measuring, does not align exactly with the true property line. It follows a historical fence line from 30 years ago. **Mr. Curry** confirmed with the applicant that the request is based on a minimum 3-foot setback from the actual property line, not just the fence line. **Mr. Rexroad** questioned whether the lack of a survey (ILC) could lead to future legal or zoning challenges. **Mr. Curry** asked if the applicant has any definitive means to verify the property line. **Mr. Struif** stated that without a survey, the fence line was the only reference used. **Mr. Rexroad** suggested amending the request to reflect the smallest measured distance (1'6") to ensure that any future boundary issues are preemptively addressed. **Mr. Struif** modified his request to ask for a dimensional variance of 1.6 feet where 5 feet is required.

BOA ACTION: WOOD MOVED / REXROAD SECONDED FOR APPROVAL OF ITEM NO. 4B, FILE BOA245, FOR DIMENSIONAL VARIANCE, 4390 DOOLEY WAY SHED SETBACK RELIEF UTILIZING

RESOLUTION NO. 3 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, CITING A HARDSHIP AND UNIQUE AND EQUITABLE CONSIDERATION FOR A DIMENSIONAL VARIANCE OF 1.6 FEET SIDE SETBACK WHERE COUNTY REGULATIONS REQUIRE 5 FEET SIDE SETBACK. THE MOTION PASSED (5-0).

IN FAVOR: (5) Curry, McSparren, Rexroad, Tank, and Wood.

IN OPPOSITION: (0) None.

C. BOA252

ELGIN

DIMENSIONAL VARIANCE

7486 CAMPSTOOL DRIVE – SETBACK RELIEF

A request by Alexander and Deborah Gayson for approval of a Dimensional Variance to allow 17 feet on the rear setback where 25 feet is required in the RS-6000 (Residential Suburban) (CAD-O) zoning district. The 6,568 square foot property is located at 7486 Campstool Drive, Colorado Springs, Colorado, approximately 0.37 miles Northwest of the intersection of Carefree Circle and Marksheffel Road. (Parcel No. 5329109014)

STAFF & APPLICANT PRESENTATIONS

DISCUSSION: **Mr. Tank** noted inconsistencies in the documents regarding the requested setback, with some indicating 17 feet and others stating 16 feet. **Mr. Gayson** clarified that the actual request is for a 16'7" setback.

Mr. Fellers asked for clarification on the location of the letters of support, which were not included in the packet. **Mr. Gayson** confirmed that letters were received from neighbors directly behind and beside the property.

NO PUBLIC COMMENTS OR APPLICANT REBUTTAL

BOA ACTION: REXROAD MOVED / MCSPARREN SECONDED FOR APPROVAL OF ITEM NO. 4B, FILE BOA252, FOR DIMENSIONAL VARIANCE, 7486 CAMPSTOOL DRIVE SETBACK RELIEF UTILIZING RESOLUTION NO. 3 WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, CITING THE BURDENS OF STRICT COMPLIANCE SIGNIFICANTLY EXCEED THE BENEFITS OF SUCH

COMPLIANCE FOR A DIMENSINAL VARIANCE OF 16 FEET REAR SETBACK WHERE COUNTY REGULATIONS REQUIRE 25 FEET REAR SETBACK. THE MOTION PASSED (5-0).

IN FAVOR: (5) Curry, McSparren, Rexroad, Tank, and Wood.

IN OPPOSITION: (0) None.

5. NON-ACTION ITEMS

(NONE)

MEETING ADJOURNED at 9:53 A.M.

Minutes Prepared By: Jessica Merriam

