



**El Paso County Planning and
Community Development
Department**

Board of Adjustment Application Packet

2880 International Circle, Suite 110
Colorado Springs, CO 80910
Phone 719-520-6300
Fax 719-520-6695
www.elpasoco.com

*NOTE: Please contact the Planner of the Day (719-520-6499) to discuss creating the special use application online.

BOARD OF ADJUSTMENT HEARING

1.1. PURPOSE

The purpose of this procedure is to describe the scheduling of applications for review before and action by the Board of Adjustment and the general procedures followed by the Board of Adjustment in hearing and acting on an item (application).

1.2. DESCRIPTION

The Board of Adjustment (BOA) is a five (5) voting member volunteer board appointed by the Board of County Commissioners (BoCC).

The Board of Adjustment shall hear and determine appeals of general relief decisions and dimensional variances in accordance with the LDC and C.R.S. § 30-28-118, the Procedures Manual, and as established by Colorado law. The Board of Adjustment's specific authorities are identified in Section 2.2.3(B) of the LDC. In addition to the authorities described in the LDC, the Board of Adjustment shall:

- Regulate the course and decorum of a hearing;
- Rule on procedural matters;
- Rule on the relevance of evidence and testimony;
- Seek the opinion of the County Attorney on legal questions pertaining to any matter before the Board of Adjustment; and
- Take other action necessary to lawfully conduct a hearing.

The Board proposes its own procedures which are set forth in its adopted Bylaws and Procedures, which are adopted by the BoCC. This procedure outlines how the Board operates and how items are brought before the Board. Any conflict between this procedure and the Board's adopted Bylaws and Procedures is unintended, and any such conflict shall result in a deferral to the Board's adopted Bylaws and Procedures.

The PCD serves as the staff for the Board of Adjustment and is responsible for preparing all items for review by the Board of Adjustment, including scheduling items on the agenda, preparing the agenda, and keeping the official records of the Board of Adjustment.

The Board of Adjustment hearings are considered to be quasi-judicial. Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings as they involve the legal rights of specific parties. As such, decisions made as a result of such hearings must be based upon and supported by the "record" developed at the hearing.

1.3. PROCESS

1.3.1. Scheduling a Development Application for Review

No development application shall be scheduled for hearing before the Board of Adjustment until the PCD Planner determines that the review has been completed, all review comments have been addressed to the maximum extent practicable, and staff has evaluated the merits of the application and prepared the Staff Report. Until all issues have been addressed to the satisfaction of the PCD Planner, the development application will not be scheduled before the Board of Adjustment. If the applicant objects to the application being scheduled for review, the applicant shall work with the PCD Planner to resolve any outstanding issues. This may require the applicant initiate the issue resolution process where a conflict exists that cannot be resolved.

The PCD Director shall have the discretion to determine whether an application intended to resolve a code violation should be delayed from being heard before the Board of Adjustment or if such application requires immediate hearing before the BOA.

When the application is determined to be ready for review by the Board of Adjustment, the PCD Planner shall contact the secretary to the Board of Adjustment to identify the first available Board of Adjustment hearing date that will allow any and all required or courtesy notice to be prepared and provided in accordance with public notice. In scheduling a hearing, due regard will be given primarily to the availability and convenience of the Board and the Secretary and, secondarily, to the availability and convenience of the applicant, known persons in opposition to the application, and other known interested parties (and their representatives or lawyers).

The PCD planner shall provide the secretary with a blurb describing the application. This blurb shall include, at a minimum, a detailed description of the proposed project or activity for the agenda including the name of the applicant, file number, application type, a short description of the project, a description of the location of the property relative to the nearest major intersection, and Assessor's schedule number.

1.3.2. Hearings

The hearing before the Board of Adjustment is an open and public hearing which provides an opportunity for the public to speak in favor or against an application. The purpose of the hearing is for the Board to gather factual information to assist them in formulating their decision. The hearing is not a debate or a question and answer session with the audience. The hearing shall be conducted in accordance with Robert's Rules of Order.

The Board of Adjustment, in conducting a quasi-judicial hearing, shall acknowledge that parties are entitled to an opportunity to appear, in person or by a representative or counsel, to present and rebut testimony and evidence to an impartial approval authority and to have the proceedings recorded.

The objectives of the Board of Adjustment when conducting a hearing are:

- To conduct the proceedings in a fair and efficient manner, allowing the applicants, opponents and other interested parties a reasonable opportunity to present their evidence and express their views without undue, unreasonable, or arbitrary restrictions;
- To ensure that applicants, opponents and other interested parties who are not represented by a lawyer are not prejudiced by that fact, taking affirmative steps to put them at ease, to prevent them from being intimidated either by the proceeding or by lawyers representing others and to assist them, where possible, in complying with these rules and any procedural or evidentiary technicalities;
- To base all decisions on the merits, and not on procedural or evidentiary technicalities, to the extent permitted by applicable law;
- To base all decisions on competent evidence;
- To base all decisions on a reasoned consideration of the terms of the applicable County rules, regulations, codes, standards, and ordinances, providing an explanation of the reasoning at the time, as appropriate, of the decision; and
- To ensure that the applicable County rules, regulations, codes, standards, or ordinances are being enforced and administered in a fair and efficient manner, consistently with prior decisions, but without being strictly limited to such prior

decisions where the facts and conditions of the application warrant, and with any pertinent statement of policy or intent in the applicable County rules, regulations, codes, standards, and ordinances or in the official record of the proceedings leading to its adoption or revision.

The Board of Adjustment Chair conducts the public hearing generally in accordance with the adopted bylaws.

1.3.3. Recessed or Reopened Hearing

If a proceeding, once commenced, is recessed for any reason and is to be continued, notice of the date, time, and location at which the proceeding is to be continued shall be given by oral announcement by the Chair at the time the proceeding is recessed.

If a proceeding is reopened for any reason, notice of the date, time, and location at which the proceeding is to be reopened shall be given in the same manner as the original hearing.

1.3.4. Personal Attendance

The applicant, opponents, and other interested parties (or their representatives) should appear in person at the proceeding or virtually with prior notice of a minimum of 24 hours being given to the PCD Planner. The Chair may, at his or her discretion, admit written statements into evidence.

1.3.5. Subpoenas

The Chair, at his or her sole discretion, shall have the authority to subpoena witnesses and compel the production of evidence in any proceeding: (a) upon his or her own initiative; (b) upon written or oral request of any other Board member participating in that proceeding; or (c) upon the written request of any applicant, opponent, or other interested party participating in the proceeding, for good cause shown in that written request.

1.3.6. Copies of Legal Authorities To Be Provided

Where an applicant, opponent, or other interested party (or his, her representative) relies on a judicial or administrative decision or a statute or governmental regulation in support of a position, a separate copy of that decision, statute, or regulation shall be provided for each member of the Board by the applicant, opponent, or other interested party referencing such decision or regulation.

1.3.7. Private Court Reporters

No private court reporter will be permitted to transcribe any part of a proceeding unless the person engaging that court reporter agrees, on the record, (a) to provide the Board with a copy of the transcript without charge if an appeal is taken from the Board's decision (regardless of who the appealing party is) and (b) to indemnify and hold the Board and El Paso County government harmless from any costs that may be assessed against either of them on appeal with respect to the expense of such transcript.

1.4. NOTICE

Notice shall be provided as required by State law, the LDC, and other County rules, regulations, or ordinances and the public notice requirements associated with the particular application type.

1.5. FORM OF ACTION

The Board of Adjustment takes action by resolution which shall include findings and conclusions supporting the action.

1.6. REFERENCE

1.6.1. Applicable Statues and Regulations

C.R.S. §30-28-117 and C.R.S. §30-28-118

LDC Sections: 2.1.2, 2.2.3; and 2.2.4

APPEAL TO THE BOARD OF ADJUSTMENT (BOA)

1.1. PURPOSE

The purpose of this procedure is to establish a consistent process for submission and review of an appeal to the Board of Adjustment of a written administrative determination or administrative action of the PCD Director as specifically provided for by Section 5.5.2(B)(1) and 2.2.3(B)(2) of the LDC.

1.2. BACKGROUND

The LDC establishes uniform standards for the development and use of land. These standards were established to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County including promoting predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests and being fair to all by ensuring due consideration is given to protecting private property rights, the rights of individuals and the rights of the community as a whole.

The administrative determination provisions are designed to allow the PCD Director to interpret the LDC. The LDC specifically authorizes an administrative determination to classify uses of property which are not expressly identified as one of the land uses authorized in a zoning district or overlay zoning district, or defined by the LDC. An administrative determination may also be used by the PCD Director to interpret the LDC as it applies to a specific piece of property. In addition, the LDC delegates to the PCD Director various administrative permitting and enforcement action.

The Board of Adjustment may only specifically hear appeals authorized by C.R.S. § 30-28-118 and Section 5.5.2.(B)(1) of the LDC (See Section 1.3 of this procedure). Generally, where the administrative determination takes the form of a written code interpretation regarding use or a general code interpretation, the code interpretation may only be appealed to the Board of County Commissioners (pursuant to this Procedures Manual) except when the code interpretation or action by the PCD Director involves a dimensional standard. Where an applicant for administrative determination, alleged violator or any other party is aggrieved by an administrative determination or enforcement action of the PCD Director relating to a nonconforming lot determination, administrative relief request, interpretation of a dimensional development standard, setback interpretation, the aggrieved party, as defined by the LDC, may appeal the administrative determination to the Board of Adjustment. An appeal may result from the inability to secure a building permit, site plan approval, or site development plan approval for failure to meet specific standards of the LDC. Where the administrative determination, code interpretation, or action involves a dimensional standard it may be appealed to the Board of Adjustment as a Dimension Variance or Appeal to the Board of Adjustment (pursuant to this Procedures Manual) application.

1.3. APPLICABLE STATUTES AND REGULATIONS

C.R.S. §§30-28-111, 113, and 114 authorize Boards of County Commissioners to adopt and amend zoning regulations for the regulation by districts or zones of the location, height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities, or other

purposes, access to sunlight for solar energy devices, and the uses of land for trade, industry, recreation, or other purposes including methods for the administration of such regulations.

C.R.S. §30-28-118(1) authorizes the Board of Adjustment to take appeals by any person aggrieved by an inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning resolution. Appeals to the Board of Adjustment may be taken by any officer, department, board, or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning resolution.

C.R.S. §30-28-118(1)(b) does not allow the Board of Adjustment to hear an appeal for building use violations that may be prosecuted pursuant to C.R.S. §30-28-124(1)(b), which states in pertinent part that it is unlawful to use any building, structure, or land in violation of any regulation in, or of any provision of, any zoning resolution, or any amendment thereto, enacted or adopted by the Board of County Commissioners.

C.R.S. §30-28-118(2) specifically grants the Board of Adjustment the following powers: (a) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of the zoning resolution; (b) To hear and decide, in accordance with the provisions of any such resolution, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such resolution to pass; and (c) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this part 1 would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolutions. In determining whether difficulties to, or hardship upon, the owner of such property exist, as used in this paragraph (c), the adequacy of access to sunlight for solar energy devices installed on or after January 1, 1980, may properly be considered. Regulations and restrictions of the height, number of stories, size of buildings and other structures, and the height and location of trees and other vegetation shall not apply to existing buildings, structures, trees, or vegetation except for new growth on such vegetation.

Section 5.3.6 of the LDC defines administrative determination as the process used by the PCD Director to decide a written request to interpret the provisions of this Code or in issuing any other written interpretation of this Code. The interpretation of the provisions of a concomitant agreement will be treated as an interpretation of this Code. An administrative determination of the provisions of this Code clarifies conflicting or ambiguous wording, or the scope or intent of the provisions of this Code. A request for an administrative determination shall relate to a specific site, zoning district, use or application. An administrative determination of this Code issued by the PCD Director shall have the same effect as any provision of this Code. An administrative determination of this Code remains in effect until rescinded in writing by the PCD Director, until such time as the administrative determination is overturned on appeal, or until such time as an

amendment to the Code results in a change affecting the administrative determination. An administrative determination generally requires analysis and comparison of various code provisions to arrive at a decision as opposed to a nondiscretionary review where compliance can be determined based on objective standards

Section 2.1.4 of the LDC provides the authority for the PCD Director to establish standards for processing development applications.

Section 2.2.1.(H) of the LDC gives the Board of County Commissioners the power to interpret and hear appeals to the LDC as to the type, nature and rights of uses, conforming and nonconforming, as allowed under the LDC. Except for those procedures expressly prescribed for appealing of certain administrative decisions to the Board of Adjustment, all interpretations or applications by the PCD Director as they relate to uses under this Code and believed to be erroneous or inapplicable may be appealed to the Board of County Commissioners. Violations of use restrictions shall only be heard by the Board of County Commissioners as specifically limited by the LDC.

Section 2.2.3.B(2) of the LDC gives the Board of Adjustment the authority to hear an appeal of an administrative determination (including code interpretation) where the administrative determination of the PCD Director is related to a nonconforming lot determination, interpretation of a dimensional development standard, or setback interpretation. Violations of use restrictions shall be not be heard by the Board of Adjustment as specifically limited by C.R.S. §30-28-124 (1)(b).

Section 2.2.4 of the LDC establishes the authorities of the PCD Director.

Section 5.5.2.(A) of the LDC provides for any person aggrieved, as defined by the LDC, by the inability to obtain a building permit or by any order, requirement or decision made by an administrative officer or agency in the administration, interpretation or enforcement to appeal to the Board of Adjustment.

Section 5.5.2.(B)(1) of the LDC limits the Board of Adjustment's appeal authority to appeals where it is alleged that there is an error in any order, requirement, decision or refusal made by the PCD pertaining to the application or enforcement, under the LDC, of:

- A zoning district's development requirements or a use standard relating to physical dimension, structural location, or bulk limitation;
- Nonconforming building provisions;
- Nonconforming lot or parcel or merger by contiguity provisions;
- Parking and development requirements;
- Landscape requirements;
- On-premise signs (dimensional, location, and number requirements only) provisions, and off-premise sign separation distances;
- Distance separation requirements required for daycare applications;
- Appeal of an action regarding administrative relief;
- Determination of wildfire hazard or zoning district boundary;
- Any other matter appealable to the Board of Adjustment under the provisions of the LDC.

Section 5.3.5 of the LDC establishes the basis for administrative determinations and code interpretations generally.

1.4. RESOURCES

Not applicable

1.5. GENERAL SUBMITTAL LIST

The applicant shall submit the required number of each of the following:

- Where the appeal involves a specific property, the Letter of Intent shall be accompanied by a Development Application Map Exhibit.
- Copy of the administrative determination or enforcement action and all original application materials, if applicable.
- Proof of ownership, which may include a copy of the deed or affidavit of ownership.
- Evidence of authority to represent the property owner, if applicant is not the property owner.

1.6. STEP BY STEP REVIEW PROCEDURE

1.6.1. Summary of Steps

(A) Step 1 Early Assistance Meeting (Optional)

(B) Step 2 Neighborhood Meeting (Optional)

(C) Step 3 Application Submitted

(D) Step 4 Determination of Completeness

(E) Step 5 Resubmission of Application (if required)

(F) Step 6 Application Referral

(G) Step 7 Consolidation of Comments and Request to Applicant

The comments are received and provided to the applicant via EDARP. The PCD planner determines whether additional information must be provided to ensure the Board of Adjustment has adequate information for review of the appeal. The PCD planner transmits the comments to the applicant for response. The applicant or PCD may request a conference at this point to discuss the issues identified. If a conference is requested, the PCD planner schedules a meeting with appropriate agency representatives. If criteria can be met and all necessary material has been submitted, Step 9 is initiated.

(H) Step 8 Applicant Submits Information Requested

(I) Step 9 Staff Report and Recommended Action

(J) Step 10 Hearing Scheduled

(K) Step 11 Notice of Hearing

(L) Step 12 Hearing Held

(M) Step 13 Decision Concerning Development Permit

The Board of Adjustment either upholds or reverses the PCD Director's administrative decision. The decision including any reasons for the decision is documented in the record.

(N) Step 14 Development Permit Closeout

A copy of the decision is uploaded to EDARP by the PCD planner. If the PCD Director's decision is reversed, the administrative determination record is corrected by the PCD planner. The appeal is filed in the appeal file and a copy of the decision is placed in the original development application, or administrative decision file. The original development application is maintained on EDARP with a copy of the decision.

1.6.2. Criteria for Consideration

Only an aggrieved party, as defined in the LDC, may submit an appeal. An application for an appeal must be made within 30 days after the PCD Director makes a written decision on the matter being appealed. The 30 days shall start to run the date the decision is uploaded to EDARP.

The Board of Adjustment may only consider an application for appeal where an official written administrative determination has been prepared by the PCD Director or a development permit has been denied by the PCD Director. The appeal must involve a nonconforming lot determination, interpretation of a dimensional development standard, setback interpretation, and/or the aggrieved party alleges that the PCD Director has made an error in interpretation of the LDC. More specifically, in accordance with Section 5.5.2.(B)(1) of the LDC, the appeal shall involve:

- The development requirements of the zoning district or a use standard relating to physical dimension, structural location, or bulk limitation;
- Nonconforming building provisions;
- Nonconforming lot or parcel or merger by contiguity provisions;
- Parking and development requirements;
- Landscape requirements;
- On-premise signs (dimensional, location, and number requirements only) provisions, and off-premise sign separation distances;
- Distance separation requirements required for daycare applications;
- Appeal of an action regarding administrative relief;
- Determination of wildfire hazard or zoning district boundary;
- Any other matter appealable to the Board of Adjustment under the provisions of the LDC.

If the decision is appealable to the Board of Adjustment, the decision is not appealable to the Board of County Commissioners; however, all decisions not appealable to the Board of Adjustment shall be considered appealable to the Board of County Commissioners.

1.7. REVIEW PERIOD

An appeal is classified as a Type D Development Application. The timeline for reviewing a Type D Development Application is dependent upon several factors, including, but not limited to, staffing, workload, project size and/or complexity, and quality and completeness of submittal materials.

1.8. NOTICE

Notice to adjoining property owners is not required, but may occur at the discretion of the PCD Director. If the PCD Director determines notice is required, notice shall meet the notice requirements of public notice.

1.9. FORM OF ACTION

An appeal shall be considered final as of the date of decision by the Board of Adjustment. The appeal may be acted on by motion or resolution and is only appealable to District Court. A negative decision by the Board is not a final action for judicial review purposes if the disputed matter could be resolved by the appellant through a separate application process.

1.10. EXPIRATION (IF APPLICABLE)

Not Applicable

1.11. SIMILAR PROCEDURES

Not applicable



Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com

Type D Application Form (1-2C)

Please check the applicable application type
(Note: each request requires completion of a
separate application form):

- ☐ Appeal
- ☐ Approval of Location
- ☐ Board of Adjustment
- ☐ Certification of Designation
- ☐ Const. Drawings, Minor or Major
- ☐ Development Agreement
- ☐ Final Plat, Minor or Major
- ☐ Final Plat, Amendment
- ☐ Minor Subdivision
- ☐ Planned Unit Dev. Amendment, Major
- ☐ Preliminary Plan, Major or Minor
- ☐ Rezoning
- ☐ Road Disclaimer
- ☐ SIA, Modification
- ☐ Sketch Plan, Major or Minor
- ☐ Sketch Plan, Revision
- ☐ Solid Waste Disposal Site/Facility
- ☐ Special District
- ☐ Special Use
 - ☐ Major
 - ☐ Minor, Admin or Renewal
- ☐ Subdivision Exception
- ☐ Vacation
 - ☐ Plat Vacation with ROW
 - ☐ Vacation of ROW
- ☐ Variances
 - ☐ Major
 - ☐ Minor (2nd Dwelling or Renewal)
 - ☐ Tower, Renewal
- ☐ Vested Rights
- ☐ Waiver or Deviation
- ☐ Waiver of Subdivision Regulations
- ☐ WSEO
- ☐ Other: _____

This application form shall be accompanied by
all required support materials.

PROPERTY INFORMATION: Provide information to identify properties and
the proposed development. Attached additional sheets if necessary.

Property Address(es):	
Tax ID/Parcel Numbers(s)	Parcel size(s) in Acres:
Existing Land Use/Development:	Zoning District:

- ☐ Check this box if **Administrative Relief** is being requested in
association with this application and attach a completed
Administrative Relief request form.
- ☐ Check this box if any **Waivers** are being requested in association
with this application for development and attach a completed
Waiver request form.

PROPERTY OWNER INFORMATION: Indicate the person(s) or
organization(s) who own the property proposed for development.
Attach additional sheets if there are multiple property owners.

Name (Individual or Organization):	
Mailing Address:	
Daytime Telephone:	Fax:
Email or Alternative Contact Information:	

For PCD Office Use:

Date:	File :
Rec'd By:	Receipt #:
DSD File #:	

Description of the request: *(submit additional sheets if necessary):*

--



Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com

APPLICANT(S): Indicate person(s) submitting the application if different than the property owner(s) (attach additional sheets if necessary)

Name (Individual or Organization):	
Mailing Address:	
Daytime Telephone:	Fax:
Email or Alternative Contact Information:	

AUTHORIZED REPRESENTATIVE(S): Indicate the person(s) authorized to represent the property owner and/or applicants (attach additional sheets if necessary).

Name (Individual or Organization):	
Mailing Address:	
Daytime Telephone:	Fax:
Email or Alternative Contact Information:	

AUTHORIZATION FOR OWNER'S APPLICANT(S)/REPRESENTATIVE(S):

An owner signature is not required to process a Type A or B Development Application. An owner's signature may only be executed by the owner or an authorized representative where the application is accompanied by a completed Authority to Represent/Owner's Affidavit naming the person as the owner's agent

OWNER/APPLICANT AUTHORIZATION:

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial or revocation. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal may delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. I verify that I am submitting all of the required materials as part of this application and as appropriate to this project, and I acknowledge that failure to submit all of the necessary materials to allow a complete review and reasonable determination of conformance with the County's rules, regulations and ordinances may result in my application not being accepted or may extend the length of time needed to review the project. I hereby agree to abide by all conditions of any approvals granted by El Paso County. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I acknowledge that I understand the implications of use or development restrictions that are a result of subdivision plat notes, deed restrictions, or restrictive covenants. I agree that if a conflict should result from the request I am submitting to El Paso County due to subdivision plat notes, deed restrictions, or restrictive covenants, it will be my responsibility to resolve any conflict. I hereby give permission to El Paso County, and applicable review agencies, to enter on the above described property with or without notice for the purposes of reviewing this development application and enforcing the provisions of the LDC. I agree to at all times maintain proper facilities and safe access for inspection of the property by El Paso County while this application is pending.

Owner (s) Signature: _____

Date: _____

Owner (s) Signature: _____

Date: _____

Applicant (s) Signature: _____

Date: _____



2880 International Circle, Suite 110
Colorado Springs, CO 80910
Phone 719-520-6300
Fax 719-520-6695
www.elpasoco.com

EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

BOARD OF ADJUSTMENT CHECKLIST

Revised: January 2022

Board of Adjustment		
<p>The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property. Practical difficulties and hardship, in this context, may exist where the legal use of the property is severely restricted due to (1) the exceptional narrowness, shallowness or shape of the specific piece of property, or (2) the exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.</p>		
	Applicant	PCD
NOTE: Please confirm each item below has been included by placing a check mark in the "Applicant" column. See right for an example. The "PCD" column is for office use only.	✓	Office use only
Letter of Intent		
1	A discussion detailing the proposed relief request and compliance with the applicable requirements of the Land Development Code;	
2	The reason and justification for the relief request;	
3	A comparison between the applicable Land Development Code standard(s) and the proposed relief;	
4	A detailed analysis addressing each of the Criteria of Approval for Dimensional Variances and Appeals to the Board of Adjustment in Chapter 5 of the Land Development Code.	
Notification to Adjacent Property Owners		
1	Details of the request;	
2	The location, size, and zoning of the subject property;	
3	Existing and proposed improvements to the property;	
4	Waiver requests (if applicable);	
5	Contact information for the applicant(s);	
6	The applicant shall use one of the following procedures to satisfy notification standards: Mail notification by certified mail to all applicable properties. A receipt of the mailing for each address shall be included in the completed application form; or In person notification via signatures from all applicable property owners with the signature form included in the application form.	
Site Plan Map to include the following elements, as appropriate:		
1	Date, north arrow, and a graphic scale	
2	Vicinity map showing the property in relation to section lines and existing or proposed arterial or collector roadways.	
3	Location of the property lines, right-of-way, and all existing and proposed easements	
4	Dimensions of all property lines, rights-of-way, and all easements, as applicable	
5	The building footprint for all structures depicted and labeled to include the proposed use(s), floor area, and height. The setbacks of all building footprints dimensioned from all property lines.	
6	Location and width of all sidewalks	
7	Location and height of all fences, walls, or berms	
8	Location and dimensions of all existing and proposed signs	
9	Traffic circulation including all points of ingress/egress into the property	
10	The layout and location of all off-street parking, loading and other vehicular use areas	
11	Location of all ADA parking spaces, ramps, pathways, and signs	
12	Location, height and intensity of all outdoor illumination	
13	Location of existing and proposed water and wastewater infrastructure, including well(s) and septic system(s)	
14	Location of all no-build areas, floodplain(s), and drainage facilities	
15	Location and screening of all dumpster(s) and loading dock areas	
16	Standard details of parking (compact, ADA, standard), ADA ramps, driveways, and signs	
17	Location of all existing and proposed utility lines and associated infrastructure	
18	Existing/proposed land use, parcel size, and zoning	
20	Percent of open space, landscaping, and lot coverage	
21	Density and number of dwelling units	



2880 International Circle, Suite 110
Colorado Springs, CO 80910
Phone 719-520-6300
Fax 719-520-6695
www.elpasoco.com

**EL PASO COUNTY PLANNING AND
COMMUNITY DEVELOPMENT
DEPARTMENT**

BOARD OF ADJUSTMENT CHECKLIST

Revised: January 2022

22	Computation identifying the required parking and the provided parking		
23	Any other additional items as required by the PCD Director deemed necessary to address the applicable review criteria:		



2880 International Circle, Suite 110
Colorado Springs, CO 80910
Phone 719-520-6300
Fax 719-520-6695
www.elpasoco.com

**EL PASO COUNTY PLANNING AND
COMMUNITY DEVELOPMENT
DEPARTMENT**

DIMENSIONAL VARIANCE LETTER OF INTENT CHECKLIST

Revised: January 2022

DIMENSIONAL VARIANCE		
The purpose of a dimensional variance request is to seek approval from the Board of Adjustment (BOA) for relief from the strict application of any physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.		
The PCD Director may modify the applicable requirements, including requiring additional items or removing items, based upon the project and site-specific circumstances.		
	Applicant	PCD
NOTE: Please confirm each item below has been included by placing a check mark in the "Applicant" column. See right for an example. The "PCD" column is for office use only.	V	Office use only
Letter of Intent		
1	Owner name, contact telephone number, and email for responsible party	
2	Applicant name (if not owner), contact telephone number, and email for responsible party	
3	Property address	
4	Property tax schedule number	
5	Current zoning of the property.	
6	A discussion detailing the proposed dimensional variance request compared to the applicable dimensional standards of the Land Development Code.	
7	A discussion detailing any practical difficulties and hardships that exist that cause legal use of the property to be severely restricted due to one of the following:	
	The exceptional narrowness, shallowness or shape of the specific piece of property, or	
	The exceptional topographic conditions or other extraordinary or exceptional situation or condition of the piece of property.	
8	A discussion detailing any burden that is created or would be caused due to strict compliance with the zoning requirements and which significantly exceed the benefits of such compliance for the specific piece of property and would result in any of the following:	
	The variance provides only reasonably brief, temporary relief, or	
	The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as a reasonably equivalent substitute for current zoning requirements, or	
	Some other unique or equitable consideration compels that strict compliance not be required.	
9	A discussion identifying and acknowledging any applicable overlay zoning (e.g., CAD-O, etc.)	
10	A discussion regarding the surrounding area and how the proposal fits within the context of the area and any potential impacts related to granting the requested relief.	

Notice to Adjacent Property Owners

Proof of Notice to Adjacent Property Owners shall be submitted with certain land use applications. Please choose one of the following:

- a. Signed Notification of the Adjacent Property Owners (see attached)
- b. Copy of the certified letter receipts to the Adjacent Property Owners with a copy of the letter sent
- c. Both

(Please refer to the attached handout showing the adjacent property owners required.)

For all Notice to Adjacent Property Owners, the following information is required at a minimum:

1. Please begin your letter with the following paragraph:
“This letter is being sent to you because (Name of Owner/Applicant/Consultant) is proposing a land use project in El Paso County at the referenced location (see item #3). This information is being provided to you prior to a submittal with the County. Please direct any questions on the proposal to the referenced contact(s) in item number 2. Prior to any public hearing on this proposal a notification of the time and place of the public hearing will be sent to the adjacent property owners by the El Paso County Planning and Community Development Department. At that time you will be given the El Paso County contact information, the file number and an opportunity to respond either for, against, or expressing no opinion in writing at the public hearing for this proposal.”
2. For questions specific to this project, please contact:
 - a. Owner/applicant and consultant(s)
 - b. Address, email(s), and telephone number(s)
3. Site address, location, property size, and zoning
4. Request and justification
5. Existing and proposed facilities, structures, roads, etc.
6. Waiver requests (if applicable) and justification
7. Vicinity map showing the adjacent property owners

Notice to Adjacent Property Owners

Name and Address of the

Petitioner(s): _____

Telephone

Number(s): _____

Description of Proposal:

A list of adjacent property owners may be acquired from the County Assessor's office. If adjacent property owners cannot be reached in person, the applicant must send an Adjacent Property Owner Notification letter by certified mail and provide, as part of the submittal, a copy of the letter sent and a copy of each receipt.

The undersigned, being an adjacent property owner, has read the above notification. I understand I may submit written comment, appear in person at the advertised public hearing, or appear virtually at the advertised public hearing to further express my comments.

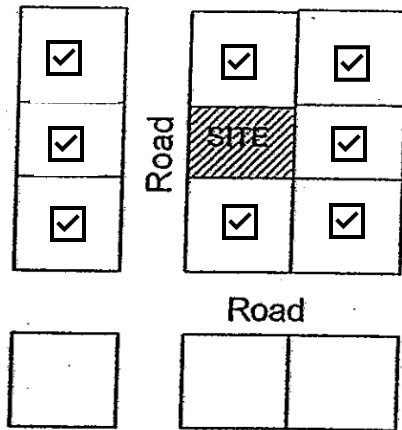
Date	Owner (Yes or No)	Name (Signature) and Address	Comments

(For additional space, attach a separate sheet of paper)

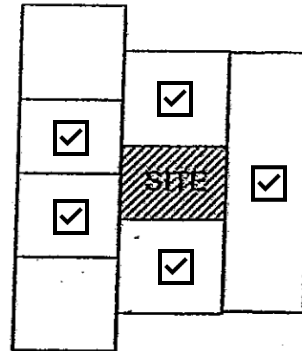
Above are the signatures of the adjacent property owners who own the property described after their names or who are located as indicated (e.g. north of the subject property). I hereby acknowledge that the information provided within this notification is correct.

_____ date _____ date _____
(Signature of Petitioner or Owner) (Signature of Petitioner or Owner)

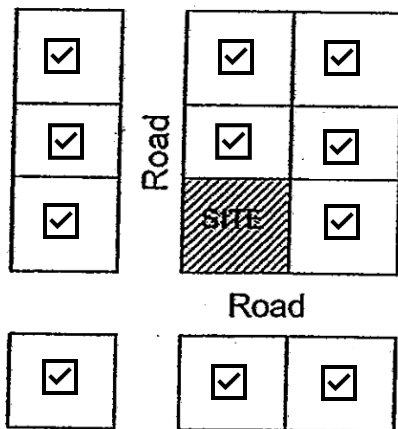
Notice to Adjacent Property Owners



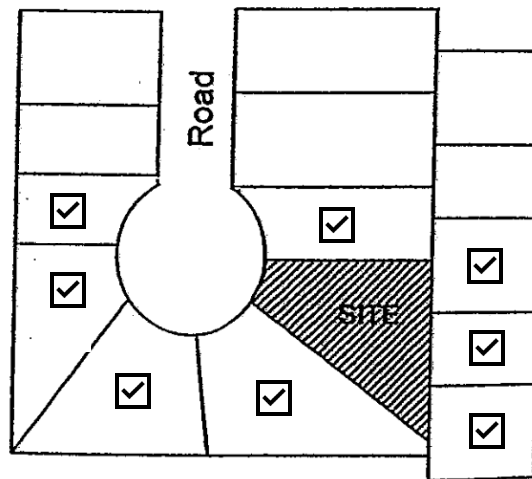
Example 1



Example 2



Example 3



Example 4

SITE PLAN DRAWING CHECKLIST

PROJECT NAME: _____

SUBMITTAL DATE: ____/____/____

SUBMITTED BY: _____

SUBMITTAL REVIEWED BY: _____

Site Plan

Site plans, to satisfy the submission requirements of a Board of Adjustment, shall be of a minimum size of 8½" x 11", drawn at a scale adequate to provide the required information clearly, and containing at a minimum the following:

a. Boundary Dimensions and size

☐

b. Adjoining property owners, uses and zoning

☐

c. All existing and proposed buildings and structures, easements, setbacks and roads, fully dimensioned

☐