



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

Office Use Only	
Case Number:	_____
Date:	<u>6/30</u>
Fees:	\$200 (non-refundable) \$400
Check #:	<u>pd online</u>
Rec'd By:	<u>RT/bc</u>
Application Complete:	<u>aug BOA.</u>

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: Applicant Curtis Claar / Owner Phillip David Haskett

Address: 6146 Mountain Brook St, Colorado Spgs CO 80923 Phone#: 719-494-9519

Email: curtis@claar.com

Name of Proposal: Request to Allow Development of lot zoned as CC that is too small for the zone

Legal Description or Address: LOTS 1, 2 + 3 BLK 27 PALMER LAKE AMD FIL
Tax Schedule #7105214001

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: *	_____	_____

* Due to unique shape and orientation, see attached file: Surrounding Zoning and Land Use

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

We request the allowance of developing this 3,850-sq-ft property following all rules of the CC zoning except the lot size requirement of 6,600 square feet. Without approval of this requested variance, there is no reasonable use of specified property due to its peculiar size. We also request a variance to the street-facing setbacks to allow reasonable development of the property.



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

Section 17.52.030 Lot Sizes and Dimensions. The sizes and dimensions for a lot zoned as CC are as follows:

Minimum Lot Size: six thousand six hundred square feet

Section 17.08.101 Definitions. Subject property is a corner lot and is required to use 25-ft setbacks on both streets.

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

Approval of this variance will benefit the community by adding a residence to a previously undeveloped parcel of land. This will enhance the general appearance of the neighborhood and add value for the neighboring properties.

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

There will be no adverse impact to adjacent properties if this request is approved.

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

Strict application of the zoning would place an unusual and unnecessary hardship on all parties since no development of any kind would be allowed. The only Zoning that would allow the use of a 3,850-sq-ft property is O1, but that would allow no development.

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

Neither the applicant nor the owner own lots adjoining this property.



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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: Cara Cleaver Date: 6-30-2023

If the applicant is not the owner:

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

Owner - Print: Phillip David Haskett
Owner - Signature: [Signature] Date: 04-27-2023

Phillip David Haskett
Po Box 3761
Flagstaff, AZ 86003
928-310-8820

April 27, 2023

Letter of Authorization

Regarding: A Colorado property legally described real estate in the County of El Paso as Lots 1, 2 & 3 Blk 27 Palmer Lake Amd. Fil., known as: 0 Columbine Road, Palmer Lake, CO 80133

I am the owner of record for the referenced property. I hereby grant Curtis Claar or his agents or representatives permission to represent me and act on my behalf to request conditional use approval and variance approvals from the Town of Palmer Lake.

Phillip David Haskett

Printed Name (Phillip David Haskett)

[Signature]
Signature (Phillip David Haskett)

Location Signed

Printed Name (Witness)

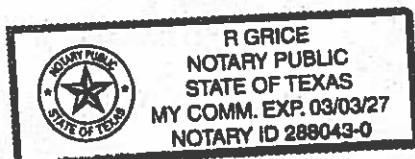
Signature (Witness)

04-27-2023
Date Signed

State of Texas, County of Galveston

On this 26th day of April, 2023, before me personally appeared PHILLIP DAVID HASKETT whom I know personally, and acknowledged that he/she executed the same.

Grice 4-27-23
Notary Public



LETTER OF INTENT

6146 Mountain Brook St.
Colorado Springs CO 80923
June 30, 2023

Town of Palmer Lake
42 Valley Crescent
PO Box 208
Palmer Lake, CO 80133

Re: Variances to Section 17.52.030 Lot Sizes and Dimensions and Section 17.08.010 Definitions in reference to Columbine Rd triangle (Tax Sched 7105214001)

The property is zoned CC (Convenience Commercial). The Board of Trustees approved a variance of Use in Resolution 45-2023 to allow mixed residential and commercial use of the property referenced above. Based on the unique size and shape of the parcel, however, without a Variance to two town ordinances regarding size and area, the property is unable to be developed in a reasonable manner. To afford the property the same privileges enjoyed by any other property in the CC zone, this request is to obtain variances to the lot size required for this zone and the street-facing setbacks.

This application a two-part request seeking the below variances to the below zoning standards applicable to this property:

1. A variance to Section 17.52.030 Lot Sizes and Dimensions

This lot is a non-conforming lot of legal record zoned as CC (Convenience Commercial). Per Palmer Lake Zoning Code (Sec. 17.52.030), the minimum area of a lot in the CC zone is 6,600 square feet. The subject property is 3,850 square feet. This is a hardship that is not self-imposed and is unique to this property. Therefore, I am requesting a variance to this requirement.

2. A variance to Section 17.08.010 Definitions to reduce minimum setback from both streets from 25 ft. to 20 ft.

In addition to being a non-conforming lot based on size, this property is also a triangular corner lot. Palmer Lake Zoning Code (Sec. 17.08.010) defines a "corner lot" as "any lot which has more than one property line abutting a dedicated street" and the definition further states that "Each corner lot shall have 25-foot setbacks from those property lines that abut dedicated streets." Due to the unique size and shape of this legally platted lot, strict application of the requirement of 25-foot setbacks would not allow for reasonable use of the property and would deprive the property of privileges enjoyed by other CC properties, resulting in a building envelope too small for reasonable development. As shown in Exhibit A, if the property were a non-triangular lot with the same street dimensions but conforming to the lot size requirements, 25-foot setbacks would not impact reasonable development, while the triangle is adversely impacted.

My request is to reduce the street-facing setbacks from 25 feet to 20 feet. With the setbacks as proposed, the coverage would still be less than 21%, which is below the maximum of 75% allowed for CC Zoning (Sec. 17.52.040). Approval of this variance request will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming properties, and will not impair the purpose of the regulations of the CC zoning district. Thus, this lot has unique conditions and causes a hardship not caused by the property owner or the applicant and it is sufficient to justify this variance request.

Questions relevant to the request:

Will a 20-ft variance encroach upon the sight distance triangle?

The proposed setbacks of 20 feet would still result in a sight distance triangle with an Intersection Sight Distance which exceeds the 100-ft requirement (Sec. 16.40.090). The sight triangle is not encroached upon by the requested 20-foot setback. Please refer to the attached Intersection Sight Distance Drawing.

Why not just build right up to the east property line since 0-feet is okay there?

While the CC Zoning Code does allow a 0-ft setback on the east side of the lot by using a 4-hour firewall (Sec. 17.52.030), it causes issues, specifically the creation of a very large and potentially unattractive wall facing the lake with no windows, doors, or vents (not only are doors and windows problematic for a 4-hour firewall, but a 0-ft setback building with windows, doors, and vents would deprive the owner of 20 Primrose Street from future development with 0-ft setbacks, which would be well within their rights). This very large wall would not be pleasing to the neighborhood, nor would it fit the look and feel of the town or the neighborhood.

I respectfully submit that, as described above, the real property meets the criteria for granting of a variance for minimum lot size. I further, respectfully request approval for a reduction to the street-facing setbacks since the hardship being addressed is directly related to the small lot size and its interrelation to its unique shape.

Thanks for your consideration,



719-494-9519

Attachments:

- 02 Variance Request Application
- 03 Letter of Authorization from the current owner of the property
- 04 Improvement Location Certificate
- 05 Surrounding Zoning and Land Use
- 06 Concept Site Plan
- 07 Intersection Sight Distance
- 08 Exhibit A - Analysis of Triangular Corner Lot
- 09 Line Locate Results

Surrounding Zoning and Land Use

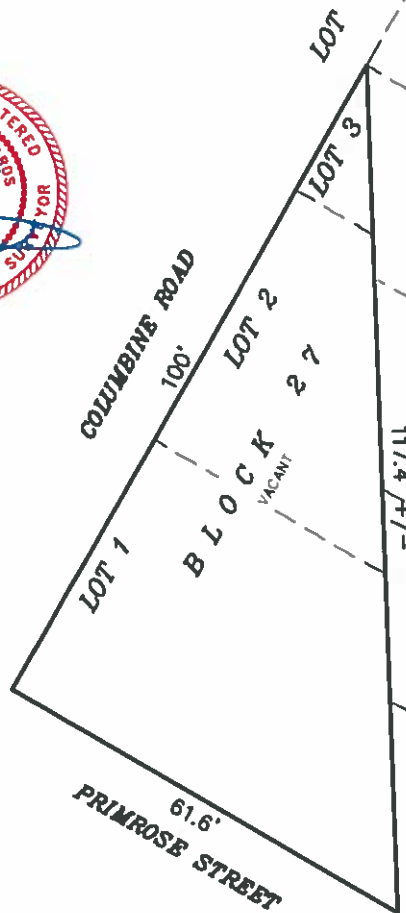
as pertaining to Columbine Rd triangle (Tax Schedule 7105214001)



Subject area is outlined in red

Zoning	Land Use
CC	Proposed Mixed Use (Subject Property)
CC	Commercial
CC	Residential
R3	Residential

IMPROVEMENT LOCATION CERTIFICATE
(THIS IS NOT A PROPERTY SURVEY)



10' 5' 0 10' 20'
SCALE: 1" = 20'

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR THE *LENDER AND THE **TITLE COMPANY AND THAT IT IS NOT A LAND SURVEY PLAT 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 ABOVE DESCRIBED PARCEL ON MAY 10TH, 2023, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

PROPERTY ADDRESS:
0 COLUMBINE ROAD
PALMER LAKE, CO 80133

LEGAL DESCRIPTION:
LOT 1, 2 & 3, BLOCK 27, PALMER LAKE AMENDED FILING,
COUNTY OF EL PASO, STATE OF COLORADO.

** STEWART TITLE COMPANY DBA UNIFIED TITLE, A DIVISION OF STEWART & STEWART TITLE GUARANTY COMPANY
TITLE COMMITMENT NO. 2000161, HAVING AN EFFECTIVE DATE OF APRIL 7, 2023 AT 8:00 A.M.

NOTE: FOR AN ACCURATE BOUNDARY SURVEY, WE RECOMMEND THAT A LAND SURVEY PLAT BE PREPARED.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS IMPROVEMENT LOCATION CERTIFICATE WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS IMPROVEMENT LOCATION CERTIFICATE BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF THE CERTIFICATION SHOWN HEREON.

DATE OF PREPARATION: 5/26/2023
JOB NUMBER: 23146-01

SHEET 1 OF 1



EAGLE

LAND SURVEYING INC.
PO BOX 5365
COLORADO SPRINGS, CO 80931
PHONE (719) 382-4150
FAX (719) 382-3290



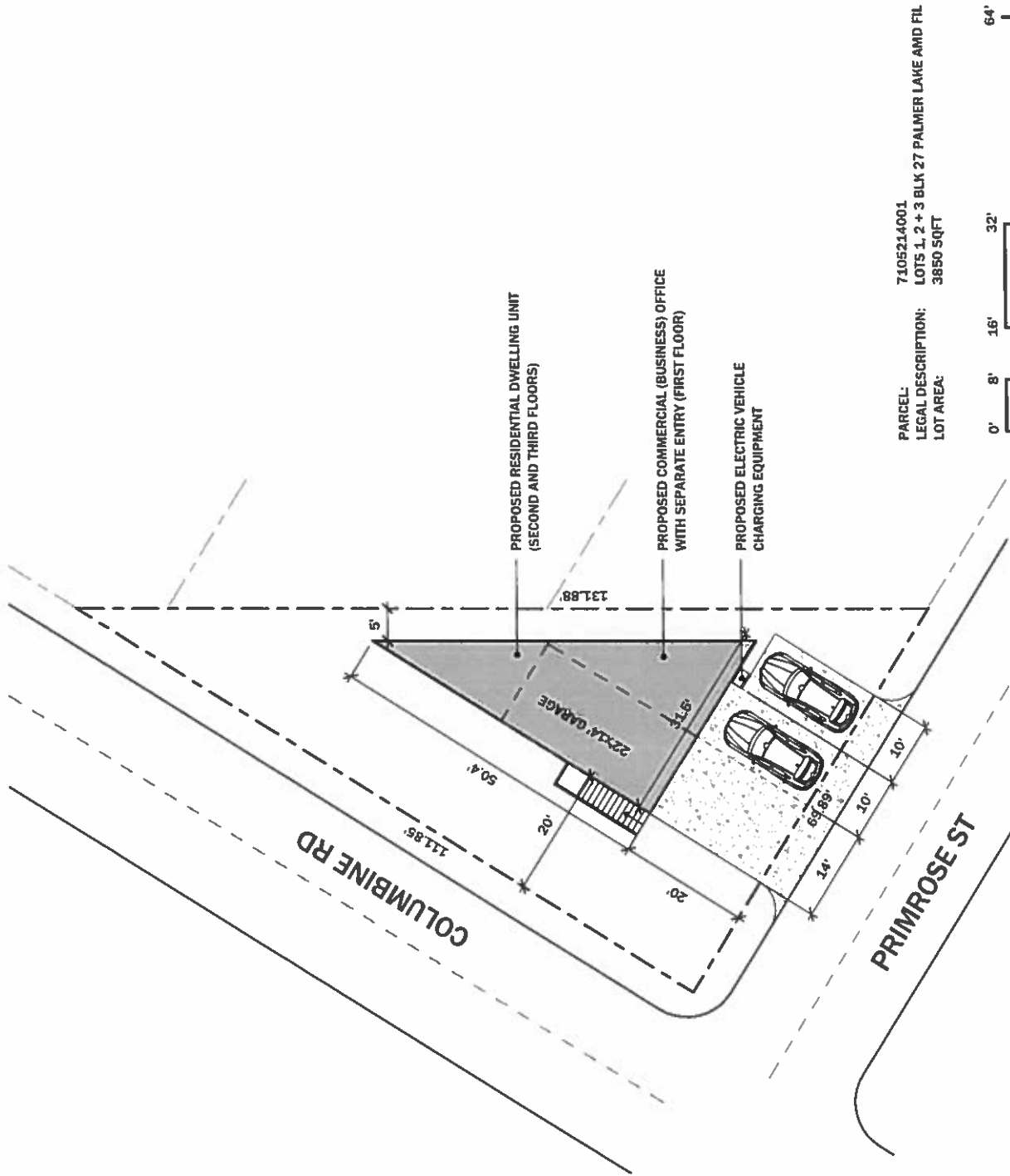
REVISION DATE

PROJECT
 Columbine Rd,
 Palmer Lake, CO
 80133

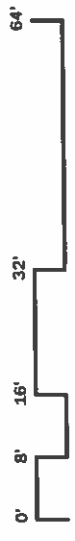
SITE PLAN

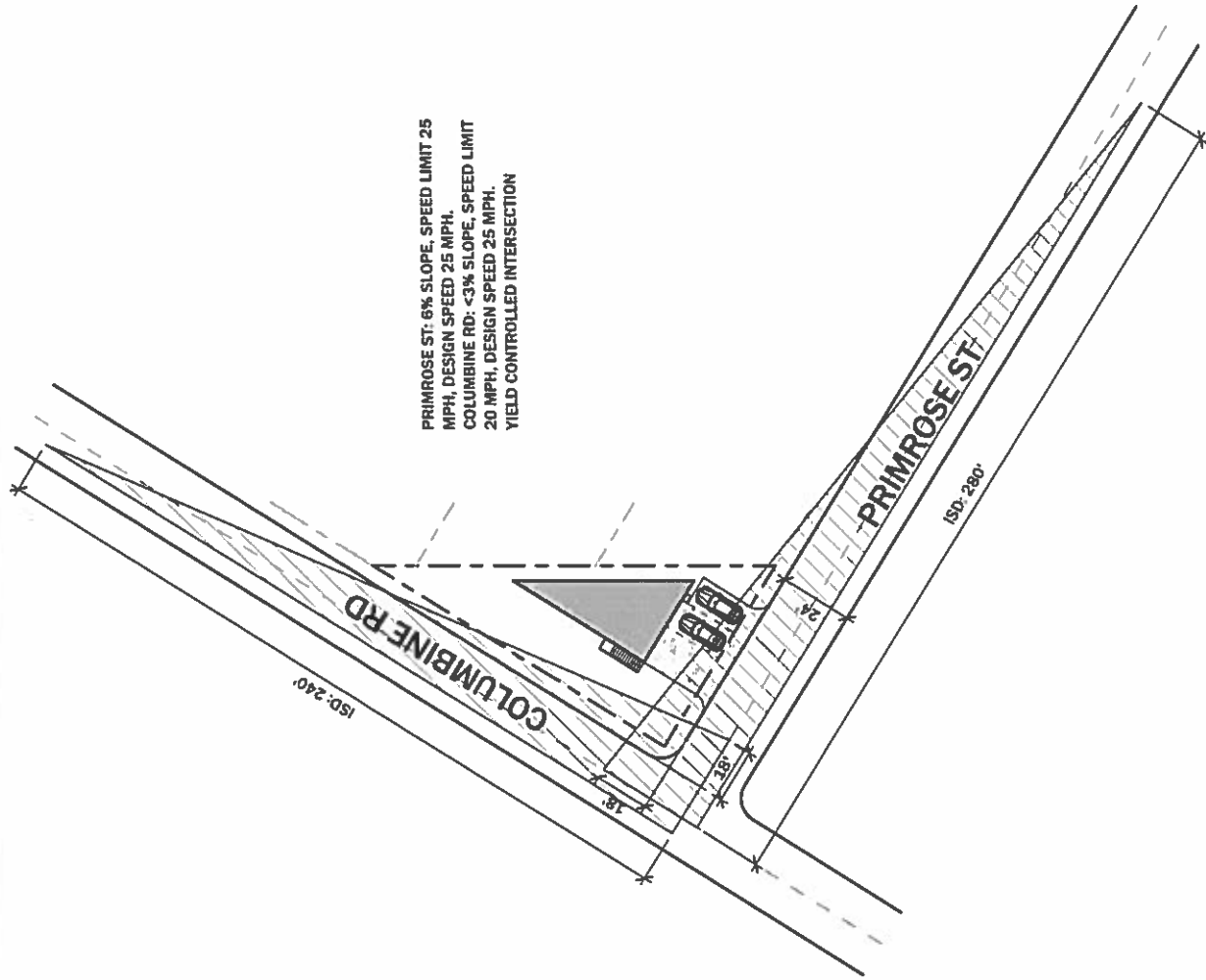
SCALE: 1/16" = 1'-0"

C-1



PARCEL: 7105214001
 LEGAL DESCRIPTION: LOTS 1, 2 + 3 BLK 27 PALMER LAKE AMD FIL
 LOT AREA: 3850 SQFT





PRIMROSE ST: 6% SLOPE, SPEED LIMIT 25
 MPH, DESIGN SPEED 25 MPH.
 COLUMBINE RD: <math><3\%</math> SLOPE, SPEED LIMIT
 20 MPH, DESIGN SPEED 25 MPH.
 YIELD CONTROLLED INTERSECTION



REVISION _____ DATE _____

NO.	DESCRIPTION	DATE

PROJECT:
 Columbine Rd,
 Palmer Lake, CO
 80133

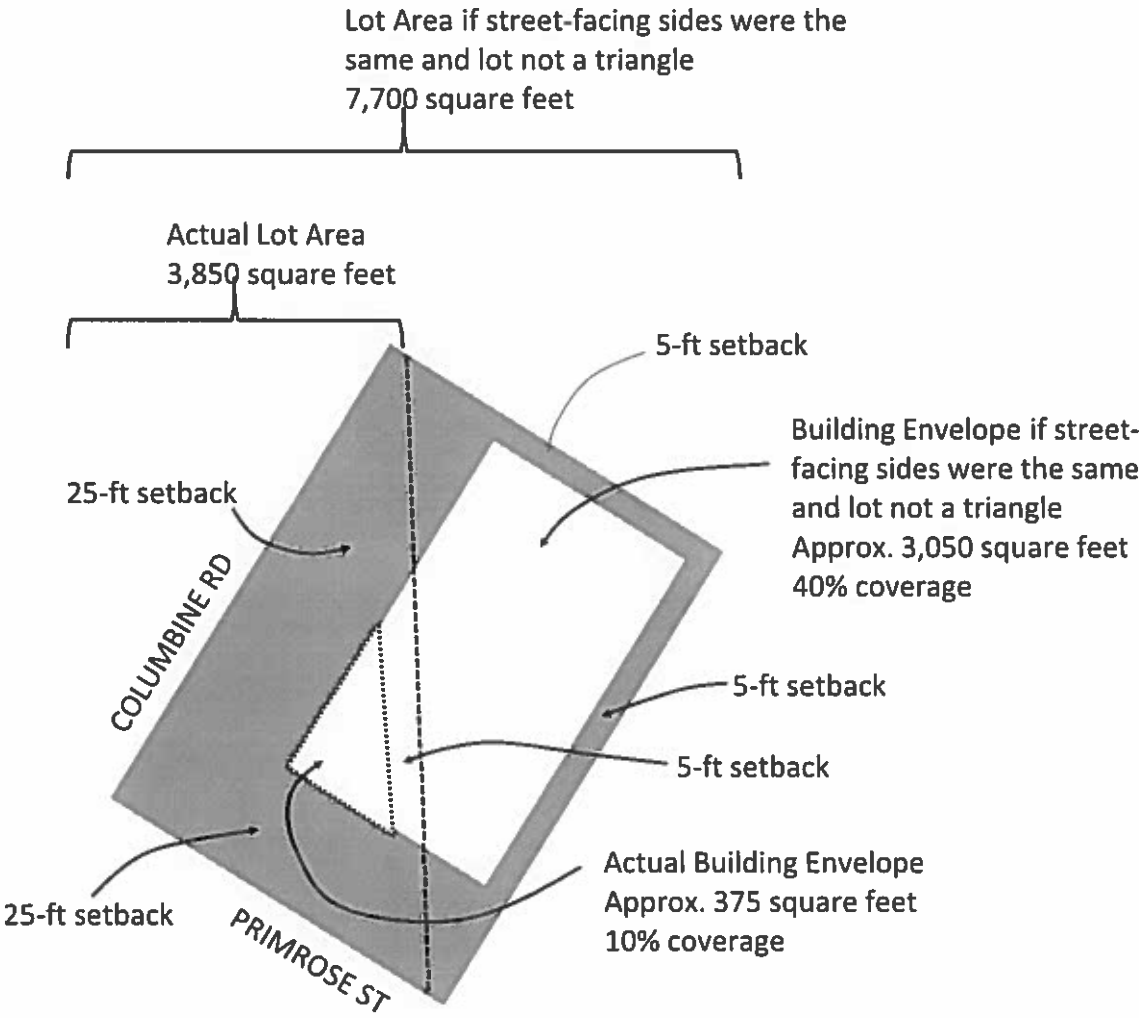
Intersection Sight
 Distance Diagram

SCALE: 1" = 40'-0"

C-2

Exhibit A: Impact of the Triangular Corner Lot on Building Envelope

To drivers on Primrose Street and Columbine Road, the two lots shown below have the same street appearance, but the triangular lot has limited development potential due to having almost no building envelope compared to the rectangular lot.



Colorado 811 Current Status of Positive Response for Ticket A310703040-00A



From Colorado 811 <OCARS_Pro@uncc.org>
To <CURTIS@CLAAR.COM>
Date 2023-04-20 00:28

This is an automatically generated response. Please do not reply to this message.

Ticket: A310703040 Rev: 00A Taken: 04/17/23 01:29 PM

State: CO County: EL PASO Place: PALMER LAKE
Address : COLUMBINE RD
Cross St: PRIMROSE ST
Location: LOCATE ENTIRE LOT AT PARCEL 7105214001
: NE CORNER COLUMBINE RD & PRIMROSE ACCESS OPEN

View map and file attachments at:
<https://newlin.co811.org/map/ticket/?t=A9KdLfnblb0SNVW-D>

Member Code	Member Facility	Response
ATCT01	A T T TRANSMISSION CLEAR - NO CONFLICT Comments: ?	04/17/23 04:09 PM 002
BHEG03	BLACK HILLS ENERGY NO CONFLICT-PRIVATE OWNED UTIL.ON PROPERTY-CONTACT PRIV. UTIL. OWNER FOR LOCATE Comments: No Conflict all BHE gas is clear of lot	04/19/23 10:33 AM 013
CCSOC001	COMCAST CLEAR - NO CONFLICT Additional information from member available here	04/19/23 08:51 AM 002
COREEC	CORE ELECTRIC COOPERATIVE CLEAR - NO CONFLICT Additional information from member available here	04/19/23 08:51 AM 002
FRCBRBND	FORCE BROADBAND LLC CLEAR - NO CONFLICT Comments: NO FBB in dig area	04/18/23 07:22 AM 002
LVL311	LEVEL 3 NOW CENTURYLINK CLEAR - NO CONFLICT	04/17/23 10:26 PM 002
MCI01	MCI CLEAR - NO CONFLICT Additional information from member available here	04/19/23 08:51 AM 002
PLSN01	PALMER LAKE SANITATION DISTRICT CLEAR - NO CONFLICT Comments: Gave Curtis bad info. The nearest Main sewer line is on Hwy 105. this service line will require a 6 in. line. clean outs every 100 ft.	04/18/23 04:00 PM 002
PMLK01	TOWN OF PALMER LAKE CLEAR - NO CONFLICT Comments: Lot clear	04/18/23 08:31 AM 002
QLNCC00	CENTURYLINK CLEAR - NO CONFLICT	04/19/23 09:01 AM 002
SPRN01	U.S. SPRINT CLEAR - NO CONFLICT	04/17/23 05:38 PM 002