

by a ridge and then a dip and added that the covenants of Overlook Estates allow for the replatting of lots.

At the time of the hearing, 55 letters of opposition had been received and one letter of support. Neighbor Greg Wolff, a realtor and the writer of the letter of support, spoke in favor of the application, describing Overlook Estates as a “perfect transition point.”

Fourteen people spoke in opposition, raising concerns that the rezone would set a precedent if approved, highlighting water availability issues, increased traffic, and incompatibility with the surrounding area. Jerry McLaughlin, a resident and president of the Sun Hills Homeowners' Association, said, “If they start dividing these 5-acre lots and it takes off like a bunch of rabbits in heat, we’re going to have a lot of change. You could effectively double the number of homes.”

Hans White, a resident to the north of the property, told the commissioners that Wolff, who spoke in favor, had twice failed in attempts to have his property rezoned. He said there was no difference in this application. He added that there was no need for a transition as that was all addressed in the Flying Horse rezoning.

Martha Wood, a 46-year resident, said the only benefit was to the individual [applicant]. “Colorado is enormous. There are lots of places people can build. They do not need to nibble into our community.”

In rebuttal, applicant Jennifer Liebowitz argued that a precedent had already been set in that a neighbor had an approved variance that allowed them to construct a second home on their lot which was being used by a family member. She said, “Although we can already exercise this right and do it that way, we are looking to increase our future property values by rezoning.” Steven Liebowitz stressed that Overlook Estates was a separate community from Sun Hills with separate covenants, which in their case allowed for subdividing to no less than 1-acre lots. He said they had also been through the lengthy process to obtain a water decree for a second well.

Senior assistant county attorney Lori Seago made the commissioners aware that covenants are private property restrictions and are neither enforced by nor binding upon the county. She further stated that water would be specifically reviewed at the final plat stage if the rezoning were approved.

Commissioner Becky Fuller said, “I view this as spot zoning. I think it has a huge potential to make a domino effect to really change this neighborhood and I don’t think that’s right.” She added, “I do not believe this is compatible to what is around it.” Commissioner Jay Carlson agreed with Fuller. “The RR-5 zone is under attack in my mind in the county and we can’t keep nibbling away,” he said. “It’s incumbent on us and this body to protect this type of neighborhood by not allowing this type of rezone.”

Commissioner Tom Bailey said he was struggling with the application because private property rights are important. He said, “If you want to do something on your land that is legal, you should be able to do that.”

Commissioner Christopher Whitney, who was not voting to ensure an odd number of votes, said, “I do think 5-acre zoning is under attack.”

The vote was 7-2 to recommend the application be denied, with Commissioners Sara Brittain Jack and Bryce Schuettepelz casting the no votes. Jack said, “The private property issue really resonates with me. I am offended when people say, well, he’s just doing

it to make money. I don’t know that in this country it’s illegal to make money.” Schuettepelz said, “I echo a little bit of what Mrs. Jack said as far as the private property owner rights to request to do this. I also look at this as the large lot rural residential is 5 acres and 2.5 acres and so, in that sense, it is compatible because it’s in the same property set as a rural large lot residential area, and so that’s why I voted no.”

The application is now due to be heard at the El Paso Board of County Commissioners’ (BOCC) April 18 land use meeting.

**Black Forest second dwelling variance approved**

Also at the March 16 meeting, the commissioners approved a variance of use to allow a second dwelling at a 2.89-acre property zoned RR 2.5 on the southwest corner of the intersection of Ford Drive and Milam Road in Black Forest.

The county approved a site plan for a new single-family dwelling in August 2022 and, at that time, the original 1960s dwelling was converted to an “accessory living quarters.” Such quarters can only be used for occasional temporary stays by family and friends.

Objections to the variance application were received from neighbors who

felt the approval would set a precedent and create water concerns.

The application was heard as a

consent item, but commissioners did have questions.

Commissioner Becky Fuller asked,

★ COLORADO ★  
**PIKES PEAK**  
*Brewing Co*

**POP-UP SMOKEHOUSE**

**FRIDAY AND SATURDAY UNTIL IT'S GONE**

**1756 LAKE WOODMOOR DR. MONUMENT, CO**



**INTERNATIONAL STONWORKS, LLC**

**50 GRANITE COLORS IN STOCK!**



**STARTING AT \$40.00 SQ. FT. INSTALLED**  
**CNC & WATERJET TECHNOLOGY FABRICATION AND INSTALLATION**



**KITCHENS • BATHROOMS • WETBARS • WALLS • FIREPLACES • FURNITURE • OUTDOOR LANDSCAPE FEATURES**  
**CUSTOM: GRANITE • MARBLE • TRAVERTINE • QUARTZ**

**NEW LOCATION!**  
**80 S. SPRUCE MT. ROAD • PALMER LAKE, CO 80133**  
(located at the corner of Hwy 105 and Perry Park Rd. in Palmer Lake)  
**CALL TODAY FOR YOUR FREE QUOTE!**  
**719.488.3180 • iswrocks.com**  
Since 1997 • Residential • Commercial

**OUR NEW LOCATION!**  
80 S. SPRUCE MTN. RD  
INTERNATIONAL STONWORKS, LLC

