



KROB LAW OFFICE, LLC

Attorneys at Law

MEMORANDUM

To: Board of Adjustments
Town of Palmer Lake

From: Matthew Z. Krob, Town Attorney

Date: November 7, 2023

Re: Nonconforming Structures; Variances to Become Compliant to Code

Board,

I have been asked to provide this memo to clarify some of the confusion as to why the Board of Adjustments may be asked to grant a variance to an already existing structure that is not currently in compliance.

In order to be a legal nonconforming structure (aka “grandfathered”), the structure must at one point in the past have been compliant with the Town Code. A structure that was never in compliance can never be a legal nonconforming structure – absent the granting of a variance. Once a variance is granted, the structure becomes legal and remains legal so long as the use of that variance remains in compliance with the granted variance from the Code. Any amendment to the variance granted would require the applicant to approach the Town to seek an amendment to the variance.

The Town is encouraging landowners to seek variances to the extent needed to bring the property into conformity with the Town Code.

Thus, the Town is working with landowners when identified that landowners may need a variance to become code compliant. An additional benefit of identifying these nonconforming structures is so the Town is aware of where variances have been granted.

Please review and let me know if you have any questions.