

EL PASO

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DEVELOPMENT SERVICES DEPARTMENT
MAX L ROTHSCHILD P.E. DIRECTOR

May 30, 2018

RE: ADM-18-012 – Determination of Nonconformity
4180 Green Mountain Drive
Schedule # 71330-03-008

Jim Muth, Jeannie Muth, and Cody Muth
6590 Walker Rd
Colorado Springs, CO 80908-1408

To Whom It May Concern:

A request has been made to the El Paso County Planning and Community Development Department for a determination of non-conforming status for two properties located at 4180 Green Mountain drive as described by a single parcel number 71330-03-008. You have indicated that the separate parcels now exist for Lots 2 and 3, which presumably will generate a new parcel numbers. Authorization of building permit issuance by this department is contingent upon compliance of each parcel with both the subdivision and zoning regulations of the El Paso County Land Development Code (2017).

Compliance with Subdivision Regulations

The 5-acre parcel has previously been described with the assessors records as "LOTS 2 & 3 BLK 2 GREEN MOUNTAIN RANCH ESTATES". The parcel was legally platted as Lots 2 and 3 of Block 2 on June 10, 1959. However, plat number 1840 states, "All Lots are 5 acres or over with the exception of Fractional Lots 2 & 3 of Block 2 and Lot 2 of Block 5, said Fractional lots will not be sold as such but will if sold have enough additional acreage added to same to make 5 acres or more unless Prior to their sale, Zoning has been changed to permit sale of same as is". This parcel has previously been combined and split multiple times for tax purposes with adjoining properties, but does not appear to be severed between Lots 2 and 3. Any recent conveyance of these lots separately will result in a subdivision violation because of the specific language on the plat. We are unaware whether the Colorado Division of Water Resources will be able to authorize a well permit with this language on the subdivision plat.

Compliance with Zoning Regulations

The parcel was zoned A-4 (Agricultural) on January 4, 1955. The A-4 zoning district was the predecessor zoning district to the current RR-5 (Residential Rural) zoning district. Under either zoning district the required minimum lot size was/is 5 acres. Because the two separate parcels were created after zoning was implemented and recognizing the related plat statement requiring addition acreage to achieve 5 acres, a conveyance which results in noncompliant undersized lots cannot be considered legally nonconforming, and therefore does not comply with the zoning regulations.

Discussion and Conclusion

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The parcel identified as tax schedule number 71330-03-008, described as Lots 2 and 3, Block 2 of Green Mountain Ranch Estates, have been conveyed together since the creation of these parcels via platting on June 10, 1959. Any conveyance of these parcels separately will constitute a subdivision violation as being contrary to the notes on the plat, and makes these lots illegal. Such conveyance would also result in the lots being substandard in size under the current RR-5 zoning, thereby creating a zoning violation. A vacation of an interior lot line between these parcels or merger of lots would create a single legally created 5 acre lot. However, to separate these two lots will create a number of zoning and subdivision related issues that must be resolved prior to building permit authorization

If you have any questions or concerns regarding this determination, please contact myself or Len Kendall, Planner I, at (719) 520-6447 or lenkendall@elpasoco.com

Sincerely,



Craig Dossey
Executive Director
El Paso Planning and Community Development Department

cc: Len Kendall, Planner I
ADM-18-012

Attachment:
Copy of plat 1840