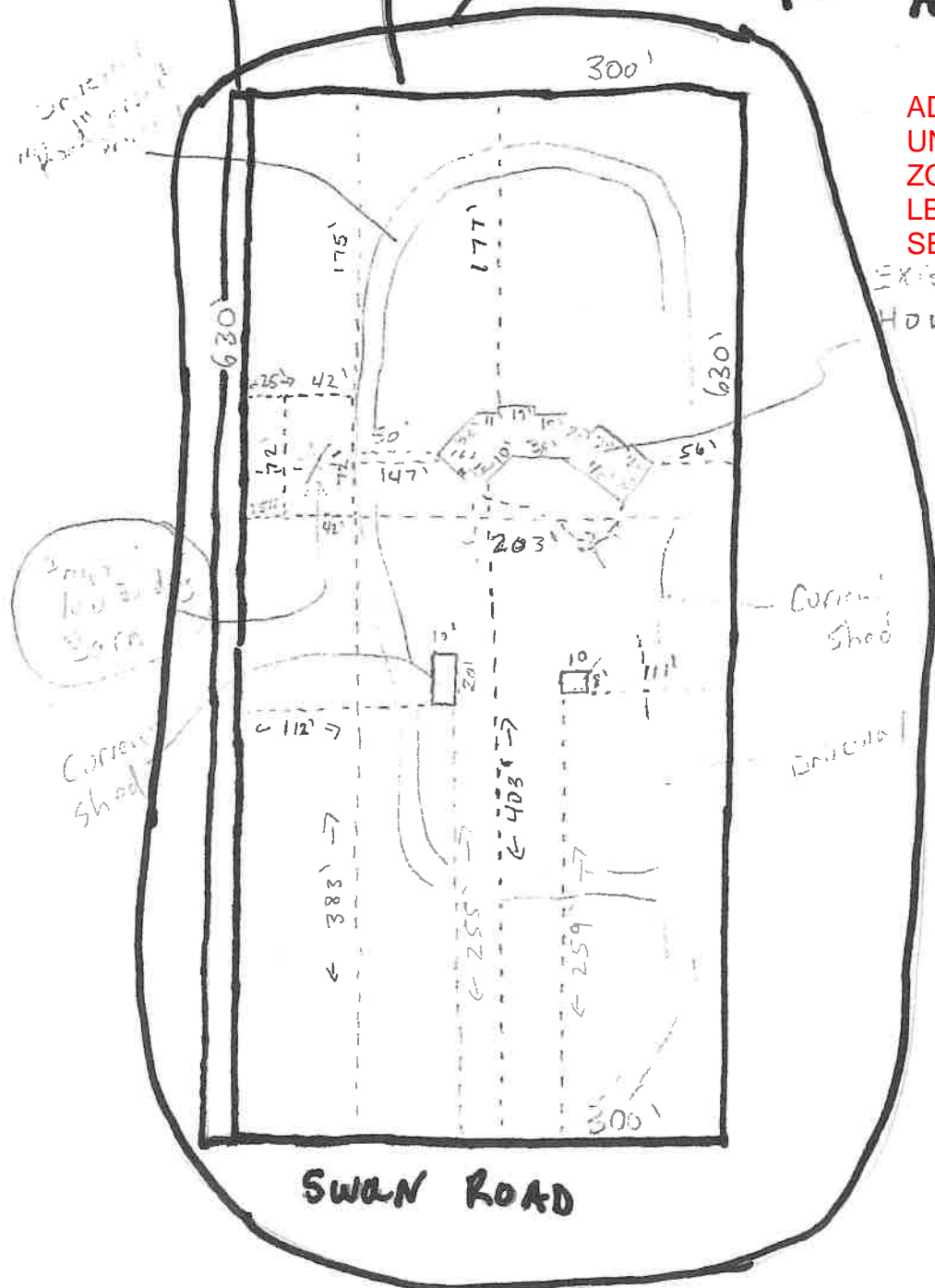


Parcel 5205400028  
 Parcel 5205400027  
 Merging the two parcels listed above and circled below



ADD20640  
 UNIAPPROVED SFD,  
 ZONE RR-5 4.34 ACRES  
 LEGAL BUT NON-FORMING  
 SEE ADM2039

**APPROVED**  
**Plan Review**  
 11/05/2020 2:34:27 PM  
 dsdarchuleta  
 EPC Planning & Community  
 Development Department

**Not Required**  
**BESQCP**  
 11/05/2020 2:34:38 PM  
 dsdarchuleta  
 EPC Planning & Community  
 Development Department



ANY APPROVAL GIVEN BY EL PASO COUNTY DOES NOT OBLVIATE THE NEED TO COMPLY WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND/OR REGULATION

Planning & Community Development Department approval is contingent upon compliance with all applicable notes on the recorded plat.

An access permit must be granted by the Planning & Community Development Department prior to the establishment of any driveway onto a County road.

Diversion of blockage of any drainage way is not permitted without approval of the Planning & Community Development Department

It is the owner's responsibility to coordinate with easement holders to avoid impact to utilities that may be located in the easements.



Name Brian Moreno

7330 Swan Rd. Colorado Springs, El Paso County, Colorado

# RESIDENTIAL



2017 PPRBC

Address: 7330 SWAN RD, COLORADO SPRINGS

Parcel: 5205400027

Plan Track #: 133704 

Received: 02-Sep-2020 (BECKYA)

## Description:

### DETACHED GARAGE

Contractor: CLEARY BUILDING CORPORATION

Type of Unit:

## Required PPRBD Departments (2)

**Floodplain**

(N/A) RBD GIS

**Construction**

Released for Permit  
09/03/2020 09:49:27 AM




CONSTRUCTION

## Required Outside Departments (1)

**County Zoning**

**APPROVED**  
**Plan Review**

11/05/2020 2:35:49 PM  
dsdarchuleta



EPC Planning & Community  
Development Department

Release of this plan does not preclude compliance with all applicable codes, ordinances and other pertinent regulations. This plan set must be present on the job site for every inspection.

**MERGER BY CONTIGUITY  
OF PROPERTIES SITUATED  
WITHIN UNINCORPORATED EL PASO COUNTY**

By this document, it is hereby acknowledged that the properties listed below are merged together pursuant to Section 35.2 K., Nonconforming Lot or Parcel and Merger by Contiguity, of the El Paso County Land Development Code.

12-19-00: PLEASE NOTE: **(PLEASE TYPE)**  
THIS MERGER FORM WILL NOT BE PROCESSED UNLESS IT IS TYPED.

The property owner(s) formalizing the merger by contiguity are:

Location of merged property: 7330 Swan Rd Colorado Springs CO 80908

Current Tax Schedule number(s): 5205400027, 5205400028

Legal Description: 5205400027 - W2SW4SW4SE4 EX W 40 FT, EX S 30 FT, W 10 FT OF E2SW4SW4SE4 EX S 30 FT SEC 5-12-65

5205400028 - E 10.0 FT OF W 40.0 FT OF N 630.0 FT OF S 660.0 FT OF SE4 SEC 5-12-65

The properties described above have merged together pursuant to Section 35.2 K. of the El Paso County Land Development Code and are considered as one (1) parcel for purposes of zoning administration as the properties do not contain the required minimum lot area as specified within the RR-5 zoning district which is applicable to this property.

- 1) Is brought into compliance with the zoning on the property, or
- 2) Is otherwise approved by El Paso County in accordance with applicable regulations.

No portion of this merged property shall be sold or conveyed away individually or separately unless said portion and/or remaining portion:

Property Owner(s) signature:

X   
\_\_\_\_\_ *Amanda Moreno* \_\_\_\_\_

Date: 10/08/2020

Date: 10/08/2020

NOTE: Merger does not relieve the property of compliance with regulations or criteria of other agencies or departments or of other applicable sections of the Land Development Code, except as otherwise expressly provided for in subsection K.

Merger does not eliminate lot lines or any easements associated with the property.

Merger does not guarantee that the affected parcel will be considered as a "buildable parcel."

SUBMITTED IN CONFORMANCE WITH SECTION 35.2 K.  
OF THE EL PASO COUNTY LAND DEVELOPMENT CODE

  
\_\_\_\_\_  
Director, El Paso County Planning Department

10/4/20  
\_\_\_\_\_  
Date

Exhibit A: Merger Map

**EL PASO**  **COUNTY**  
**COLORADO**

COMMISSIONERS:  
MARK WALLER (CHAIR)  
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS  
STAN VANDERWERF  
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

October 30, 2020  
ATTN: Brian Moreno

RE: Administrative Determination for 7330 Swan Road

File: ADM-20-039  
Parcel Nos.: 5205400027; 5205400028

Dear Mr. Moreno:

A request has been made for an interpretation regarding the above referenced parcels to confirm that the property is considered legally nonconforming with regard to lot size pursuant to the El Paso County Land Development Code (2019). In order to determine if the property is considered nonconforming, the parcels must first be confirmed as legal lots.

Section 1.15 of the Code defines a "Legal Lot" as:

"A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity."

Both parcels were legally created by warranty deed on January 6, 1966, (Book 2138, Page 360). The legal descriptions and acreage of the parcels has remained unchanged since the creation date; therefore, the parcels are considered a legal lots.

**Compliance with Zoning Regulations for Conformity:**

The properties were zoned A-4 (Agricultural) on September 21, 1965 when zoning was first initiated for this portion of the County. Due to changes in the nomenclature of the Land Development Code, the A-4 zone district has been renamed to RR-5 (Residential Rural). The RR-5 zoning district has a minimum lot size of five (5) acres, except where the lot abuts a section line County road. The subject property abuts Swan Road, which is a section line County road

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695

[www.ELPASOCO.COM](http://www.ELPASOCO.COM)

separating Sections 5 and 8, Township 12 S, Range 65 West, thereby reducing the minimum lot size to 4.75 acres in accordance with Table 5-4 of the Code.

Section 1.15 of the Code defines a "Nonconforming Lot" as:

"A nonconforming lot is a legally created lot or parcel of land which due to subsequent amendments of this Code, right-of-way acquisition by a government entity, or to the zoning or rezoning of the lot or parcel, does not conform with the minimum lot area requirement of this Code."

The lot size does not conform with the minimum lot area requirement of the RR-5 zoning district. The property was legally created prior to the subdivision regulations; however, the lot size was not legally existing when zoning was implemented. Therefore, the lot cannot be considered nonconforming. However, on March 3, 1994, the El Paso County Board of Adjustment approved a lot size variance request to allow a lot size of 4.48 acres where 4.75 acres is required, establishing the lot size for the property as legal, with a condition that parcel nos. 5205400027 and 5205400028 remain under common ownership (PCD File No. BOA-94-022). Parcel 5205400027 is 4.34 acres and parcel 5205400028 is 0.14 acres. Both parcels are subject to a merger by contiguity agreement, which effectively combined them into one 4.48-acre zoning lot (PCD File No. MER-20-006). The parcels are under common ownership; subject to approval of MER-20-006 by which both parcels would be merged into one, both of which are in keeping with the intent of the conditional approval associated with BOA-94-022.

**Discussion and Conclusion:**

The parcels are considered legal lots due to their creation prior to the subdivision regulations and the lot size is considered legal as a result of the Board of Adjustment action. Additionally, both parcels have been combined through a merger by contiguity action to create a single legal zoning lot. Therefore, it is the determination of the Planning and Community Development Director that the property is considered a legal, conforming lot.

Any proposed development shall comply with all other applicable County, State, and Federal Regulations.

If you have any questions or concerns regarding this determination, please contact myself or Ryan Howser, Planner I, at (719) 520-6049 or [ryanhowser@elpasoco.com](mailto:ryanhowser@elpasoco.com).

Sincerely,



Craig Dossey  
Executive Director  
El Paso County Planning and Community Development Department