El Paso County Development Services Department

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April 5, 2005

Mr. Grant Langdon
Wilshire Development Corp.
6040 N 22nd Place
Phoenix AZ 85016

RE: Residential Uses on parcel #51000-00-351

Dear Mr. Langdon:

As part of the Preliminary Plan and Final Plat review of the Palmer Divide subdivision you requested that the Development Services Department offer an interpretation as to the status of the existing residential dwellings on parcel no. 51000-00-351. Specifically, you requested information regarding their current status in the RR-3 zone on a 40 acre parcel and their status in the RR-3 zone on a 5-acre platted lot.

There are two existing residential structures on this parcel. One structure is a caretakers house. The other the primary single-family residence. The Land Development Codes does not define a "caretakers house" therefore the structure is considered a second dwelling.

This property was zoned A-4 (Agricultural) Zone District in 1965. The A-4 Zone District allowed residences for "employees of owner/tenant of a given lot." When the A-4 Zone District was changed in 1991 to RR-3 (Rural Residential) Zone District, this use was carried forward but modified to be allowed for "persons principally employed at or engaged in the operation of the farm, ranch, dairy or fur farm. The total number of residences on a farm, ranch, dairy or fur farm shall not exceed one (1) unit per five (5) acres."

The two residential structures on the 40 acre parcel are considered a conforming use as they both meet the definition and the minimum acreage requirements. If the property were to be subdivided into 5-acre lots as proposed, the second dwelling will become non-conforming and subject to the Nonconforming Use section(s) and definition(s) of the Land Development Code.

This interpretation was based on the regulations in effect as of the date of this letter. Should the regulations change in any manner, the determinations within this letter may need to be modified. If you have any questions or comments, please call me at 520.6314.

Sincerely,

Shelia Booth

Shelia Booth, Planner II
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cc: File INT-05-005, SF-04-021, SP-04-014

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