EL PASO COUNTY
Department of Planning
& Community Development

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

November 4, 2026

Melanie Holland
6425 Connaught Drive
Colorado Springs, CO 80909

RE: 6415/6425 Connaught Drive - Second Dwelling ADM
File: ADM269
Parcel ID: 5131004018

Dear Melanie Holland,

A request has been made for an interpretation and confirmation of the legal status of an existing second dwelling (ADU) on your property located at 6415/6425 Connaught Drive, known as Lot 17A of the Palmer Divide Filing No. 1a Final Plat. This letter will provide background into the properties current platting, zoning, and conclude with a determination of legality.

Background

To begin, the subject property and residential structures were originally part of a 40-acre parcel. The parcel was subsequently subdivided and platted as the Palmer Divide subdivision. The subject property was originally platted as Lot 17, then in 2017 it was replated as Lot 17a as part of the Palmer Divide Filing No. 1A. The property is currently zoned RR-5 (Residential Rural).

When the Palmer Divide Preliminary Plan and Final Plat were under approval consideration in April of 2005, El Paso County Planning and Community staff provided a formal interpretation (PCD File INT05005)

determining that the second dwelling would be considered a non-conforming land use. The Land Development Code (LDC) defines a legal nonconforming use and an additional dwelling unit as:

1.15. - Definitions Of Specific Terms And Phrases

Use, Nonconforming — *Any legally existing use, whether within a structure or on a piece of land, which does not conform to the use regulations of the zoning district in which the use is located, either at the effective date of this Code or as a result of the subsequent amendments which may be incorporated into this Code.*

Dwelling, Additional — *A dwelling unit, allowed in the A-35 District only, either within or added to an existing single-family detached dwelling or located as a separate accessory structure on the same lot or parcel as the principal single-family dwelling, for use as a complete, independent living facility with provisions within the dwelling unit for cooking, eating, sanitation, and sleeping. The additional dwelling shall be considered an accessory use to the principal dwelling.*

The interpretation expands on this discussion stating, "*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 sections(s) and definition(s) of the Land Development Code.* The 1988-2007 Land Development Code defines Nonconforming uses within Chapter IV Section 35.2 -1 specifically:

A. DEFINITIONS

1. *A "Nonconforming use" shall include any legally existing use, whether within a building or other structure or on a tract of land, which does not conform to the "use" regulations for the zoning district in which such "nonconforming use" is located, due to subsequent amendments of the Zoning Regulation or due to the zoning or rezoning of the property on which the use is situation.*

2. *A "nonconforming building: shall include any legally existing building which does not conform to the structural lot coverage, height, and/or setback regulations for the zoning district in which such "nonconforming building" is located, due to subsequent amendments of the Zoning Regulations or due to the zoning or rezoning of the property on which the building is situated."*

Determination

Staff concur with previous interpretation and recognize that the second dwelling (ADU) meets the criteria of a legal non-conforming use as defined in the LDC. Additionally, the applicant has supplied documentation available in the EDAPR project file showing that the ADU has been used for short- and long-term leases and was previously listed within real estate reporting during past property sales and transfers.

Conclusion

In conclusion, as a result of these factors, the land use may continue on the property as it has since original inception. It is noted that any change of building or use or interruption may require applying for and gaining land use approvals under the currently adopted Land Development Code. Restoration of the land use may occur as defined in LDC Section 5.6.3. Additionally, this status does not nullify or negate any regulations from the Pikes Peak Building Department in regard to building or construction permitting. If you have any questions or concerns regarding this determination, please contact myself or Joseph Letke, Senior Planner, at (719) 520-7964 or joeletke@elpasoco.com

Sincerely,

Approved
By: Kylie Bagley
Date:11/9/2026
El Paso County Planning & Community Development

Meggan Herington, AICP, Executive Director

El Paso County Planning and Community Development Department