

GADDIS, KIN, HERD & CRAW, P.C.

15 W. Cimarron St., Suite 300
Colorado Springs, CO 80903
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Attorneys At Law
Larry R. Gaddis
Thomas J. Herd
Gary S. Crow
James W. Kin, Of Counsel
Derry Beach Adams, Of Counsel

January 31, 2018

HAND DELIVERED

Nina Ruiz
Project Manager/Planner II
El Paso County Planning and Community Development
2880 International Circle
Colorado Springs, CO 80910

**Re: Application for determination of legal non-conforming use: 12900, 12920, 12940
and 12960 Murphy Road, Elbert, CO 80106.**

Dear Ms. Ruiz:

The undersigned represents Ronald H. and Carrie McLean regarding the above matter.
In support of the request are the following which are enclosed:

1. Type A and B Application.
2. Affidavit of Ronald H. McLean
3. Affidavit of Carrie McLean.
4. The following documents attached to the affidavits:
 - a. Colorado Certificate of Title of 1984 Zimmer 14x70 mobile home (Mobile Home)
 - b. El Paso County Assessor's Data Records for 12900 Murphy Road (Property)
 - c. Colorado Authentication of Manufactured Home Taxes for 1981 Atlantic 24x40 manufactured home (Manufactured Home)
5. 1998 Aerial map of Property

Mr. McLean purchased the Property in 1985 which was unzoned. There are four residences on the Property: the Duplex constructed in 1976 (see Assessor Data Records); the residence and kennel constructed in 1997 (see Assessor's Data Records); the Mobile Home placed on the property in 1997 (see Colorado Certificate of Title) and Manufactured Home placed on the property in April, 2000 (see Colorado Authentication of Manufactured Home Taxes).

Nina Ruiz

January 31, 2018


Page 2

The history of the Property is set out in the Affidavits. The El Paso County Assessor's records and aerial map show that prior to 1999 the Property was improved by the Duplex, the residence and kennel and the Mobile Home. In 1999 the McLeans intended to add the Manufactured Home. While they were aware that the county was considering zoning unzoned areas of the county, they were also aware that the county had delayed the implementation of the zoning plan until July of 2000. Relying on that delay, they completed the addition of the Manufactured Home in April of 2000, prior to that implementation date. During the process of constructing the Manufactured Home on the Property, they were not advised by any representative of the county that the Manufactured Home did not comply with applicable regulations. In addition, at no time after the addition of the Manufactured Home and over the last 18 years did any representative of the county advised them that the Manufactured Home did not comply with applicable regulations at the time it was constructed, even though the assessor's office conducted an on-site audit of the Property in 2003. It would cause the McLeans a financial hardship if they were not allowed to continue the use of the Manufacture Home as a legal non-conforming use under the A-35 zone.

The McLeans respectfully request a determination that the Property is a legal non-conforming use under the county regulations.

Very truly yours,

GADDIS, KIN & HERD, P.C.



James W. Kin
Of counsel

JWK:

CC: Clients

Enclosures as noted



Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com

Type A and B Application Form (1-2a)

Please check the applicable application type (note that separate completed forms are required for each request):

- Administrative Determination
- Administrative Relief
- Billboard Credit
- Code Interpretation
- Combination of Contiguous Parcels by Boundary Line Adjustment
- Determination of Non-conforming Use
- Merger by Contiguity
- Voluntary Merger
- Zoning Compliance
- Other: _____

This application form shall be accompanied by all required support materials.

NOTE: The following applications are processed without the use of this application form. Each of the following requires use of a separate request-specific application form:

- BESQCP
- Driveway Permit
- Home Occupation
- Group Home, Adult Care, & Child Care Permit
- Residential Site Plan
- Sign Permit
- Temporary Mobile Home
- Temporary Use, Minor

PROPERTY INFORMATION: Provide information to identify properties and the proposed development. Attached additional sheets if necessary.

Property Address(es): 12900, 12920, 12940 and 12960 Murphy Road, elbert, CO 80106	
Tax ID/Parcel Numbers(s) 4132000009	Parcel Size(s) in Acres: 39 acres
Existing Land Use/Development: Multiple residences	Zoning District: A-35 <input type="button" value="v"/>
Legal Description (can be provided as an attachment): see attached	

- Check this box if **Administrative Relief** is being requested in association with this application and attach a completed Administrative Relief request form.
- Check this box if any **Waivers** are being requested in association with this application for development and attach a completed Waiver request form.

PROPERTY OWNER INFORMATION: Indicate the person(s) or organization(s) who own the property proposed for development. Attached additional sheets if there are multiple property owners.

Name (Individual or Organization): Ronald H. McLean and Carrie McLean	
Mailing Address: 12900 Murphy Road, Clbert, CO 80106-8806	
Daytime Telephone: (808)448-4854	Fax:
Email or Alternative Contact Information: ronmclean@live.com	

Description of the request: (attach additional sheets if necessary):

Determination of legal non-conforming use of residence and kennel (12900), duplex (12920), mobile home (12940) and modular home (12960). See attached.
--

For Office Use:	
Date:	File :
Rec'd By:	Receipt #:
DSD File #:	



Planning and Community Development Department

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com

APPLICANT(S): Indicate person(s) submitting the application if different than the property owner(s) (attach additional sheets if necessary).

Name (Individual or Organization): Ronald H. McLean and Carrie McLean	
Mailing Address: 12900 Murphy Road, Elbert, CO 80106	
Daytime Telephone: (808) 498-4854	Fax:
Email or Alternative Contact Information: ronmclean@live.com	

AUTHORIZED REPRESENTATIVE(S): Indicate the person(s) authorized to represent the property owner and/or applicants (attach additional sheets if necessary).

Name (Individual or Organization): James W. Kin, of counsel, Gaddis, Kin, Herd and Craw, PC	
Mailing Address: 15 W. Cimarron, Suite 300, Colorado Springs, CO 80903	
Daytime Telephone: 719 471-3848	Fax:
Email or Alternative Contact Information: jwk@gaddiskinherd.com	

OWNER/APPLICANT AUTHORIZATION:

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial or revocation. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal may delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. I verify that I am submitting all of the required materials as part of this application and as appropriate to this project, and I acknowledge that failure to submit all of the necessary materials to allow a complete review and reasonable determination of conformance with the County's rules, regulations and ordinances may result in my application not being accepted or may extend the length of time needed to review the project. I hereby agree to abide by all conditions of any approvals granted by El Paso County. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I acknowledge that I understand the implications of use or development restrictions that are a result of subdivision plat notes, deed restrictions, or restrictive covenants. I agree that if a conflict should result from the request I am submitting to El Paso County due to subdivision plat notes, deed restrictions, or restrictive covenants, it will be my responsibility to resolve any conflict. I hereby give permission to El Paso County, and applicable review agencies, to enter on the above described property with or without notice for the purposes of reviewing this development application and enforcing the provisions of the LDC. I agree to at all times maintain proper facilities and safe access for inspection of the property by El Paso County while this application is pending.

Owner (s) Signature: Ronald H. McLean

Owner (s) Signature: Carrie McLean

Applicant (s) Signature: James W. Kin

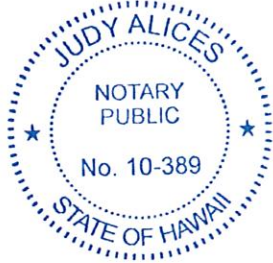
REPRESENTATIVE

Date: 1/30/18

Date: 1/30/18

Date: 1/31/18

Subscribed and sworn to before me this 29th, January, 2018.
WITNESS my hand and official seal.
My Commission expires: NOV 14 2018



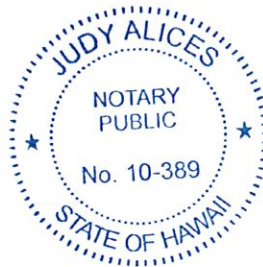
Judy Alices
Notary Public **Judy Alices**

Doc. Date: 1/29/2018 # Pages 2

Notary Name: Judy Alices Third Circuit

Doc. Description Affidavit

Judy Alices 1/29/2018
Notary Signature Date



93100-09-943

STATE OF COLORADO

CERTIFICATE OF TITLE

MANUFACTURED HOME

TITLE NUMBER

04R668066

ODOMETER

N/A

VIN

18499

YEAR MAKE BODY CWT/CAP/SIZE

07 ZIM MP 14X70

TAXABLE VALUE

15,045

PREVIOUS TITLE

OH

FUEL

DATE PURCHASED

10/25/93

DATE ACCEPTED

04/03/97

DATE ISSUED

03/02/97

ODOMETER LEGEND:

A - Actual Mileage

E - in excess of mechanical limits

N - Not actual mileage; WARNING-

ODOMETER DISCREPANCY

MAIL TO

NOS CARRIE
12900 MURPHY RD
ELBERT CO 80108

OWNER

NOS CARRIE
12900 MURPHY RD
ELBERT CO 80108

FIRST LIENHOLDER

FILE NUMBER

Signature below certifies under penalty of perjury in the second degree the release of the first lienholder's interest in the vehicle.

DATE FILED

Lienholder's Name

AMOUNT OF LIEN

LIEN EXTENDED TO

CO. NO.

MATURITY DATE

Authorized Agent Signature

Date

SECOND LIENHOLDER

FILE NUMBER

Signature below certifies under penalty of perjury in the second degree the release of the second lienholder's interest in the vehicle.

DATE FILED

Lienholder's Name

AMOUNT OF LIEN

LIEN EXTENDED TO

CO. NO.

MATURITY DATE

Authorized Agent Signature

Date

THE APPLICANT HAS BEEN DULY REGISTERED IN THIS OFFICE AS THE OWNER OF THE MOTOR VEHICLE DESCRIBED. SUBJECT TO LIENS AND ENCUMBRANCES IN THE ORDER SHOWN.

97104230221VJLC

EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF REVENUE

DATE DUPLICATE ISSUED

CONTROL NO.

D 2006979

TERENCE P. FAGAN

(This is not a title number)

KEEP IN SAFE PLACE - ANY ALTERATION OR ERASURE VOIDS THIS TITLE

DR-2001 (11/95)

VOID IF ALTERED

Public Record Property Information

Wednesday, January 24, 2018 Time: 8:23:38 AM

Personal Information

Schedule No: 4132000009

Owner Name: MCLEAN RONALD H
MCLEAN CARRIE

Location: 12900 MURPHY RD

Mailing Address: 12900 MURPHY RD
ELBERT CO 80106-8806

Previous Parcel

Replaced Parcel

Legal Description

SW4SW4 SEC 32-11-64 AS FOLS: BEG AT SW COR OF SD SEC,
TH N 0<40'31" E 1332.94 FT
TO NW COR OF SD SW4SW4, N 89<47'36" E 1306.23 FT TO
NE COR OF SW4SW4, S 0<37'57" W 1334.29 FT TO SE COR
OF SW4SW4, TH S 89<5'11" W 1307.21 FT TO POB, SUBJ TO
AND TOG WITH R/W EASEMENT AS DES BY BK 2806-855

Market Information (2017 Values)

Levy Year: 2017 Mill Levy: 65.102 Exempt Status: Not Exempt

Table	Use Code	2017 Market Value	2017 Assessed Value	Exempt
Land	SINGLE FAMILY RES.	\$148,145	\$10,670	
Land	WELL AND SEPTIC	\$5,000	\$360	
Land	SPECIAL PURPOSE	\$3,955	\$1,150	
Imp	FRAME VERY GOOD QUALITY	\$539,559	\$38,850	
Imp	DUPLEXES-TRIPLEXES	\$203,635	\$14,660	
Imp	Sheds/Miscl	\$6,958	\$500	
Imp	Sheds/Miscl	\$610	\$40	
Imp	Sheds/Miscl	\$515	\$40	
Imp	Sheds/Miscl	\$13,594	\$980	
Imp	Sheds/Miscl	\$4,861	\$350	
Imp	MOBILE HOME	\$0	\$0	
Imp	MOBILE HOME	\$0	\$0	
	Total Value	\$926,832	\$67,600	

Tax Entity and Levy Information

(District: SCF)

Taxing Entity	Contact Name	Contact Phone
EL PASO COUNTY	FINANCIAL SERVICES	(719) 520-6498

EPC ROAD & BRIDGE (UNSHARED)		(719) 520-6498
FALCON SCHOOL NO 49	BRETT RIDGWAY	(719) 495-1130
PIKES PEAK LIBRARY	MIKE VARNET	(719) 531-6333
FALCON FIRE PROTECTION	TRENT HARWIG	(719) 495-4050
UPPER BLK SQUIRREL CRK GROUND WATER	TRACY DORAN	(719) 347-0704
EL PASO COUNTY CONSERVATION	PAMELA DAVISON	(719) 632-9598

Sale Information

Sale Date	Sale Price	Sale Type
09/23/2010	\$0 -	

Land Information

Seq #	Use	Exempt	Area
1	SINGLE FAMILY RES.		39 acres
2	WELL AND SEPTIC		0
3	SPECIAL PURPOSE		1 acres

Residential Information

Bldg #	Year Built	Style	Total Above Grade Area
1	1997	One Story/Ranch	2,373
2	1976	Duplex	1,344

Commercial Information

Bldg #	Admin Code	Year Built	Neigh #	Area
1	FARM STRUCTURES (BARN)	1977	95	2,880
2	Sheds/Miscl	1999	95	192
3	Sheds/Miscl	1998	95	160
4	Sheds/Miscl	1997	95	1,668
5	Sheds/Miscl	1999	95	288

**AUTHENTICATION OF MANUFACTURED (MOBILE) HOME TAXES
COUNTY OF EL PASO
STATE OF COLORADO**

Issued Due to: MOVEMENT

Permit #: 20-9300-07-156
Schedule: 93000-07-156
Tax District: SBB

Projected Move: March 22, 2000
Expiration Date: April 21, 2000

DESCRIPTION OF HOME

Year: 1981 Size: 24X44
Make: ATL
VIN: 4710115047

MOVER:

FRONTIER MOVING
P.O. Box 81
Rockvale, CO 81244

PUC/TRANS/PLATE:

OWNER PER TAX RECORD:

Blue Rose Homes
1875 Main St
Colorado Springs, CO 80911

NEW OWNER/DESTINATION:

12920 Murphy Rd

LOCATION OF HOME:

1875 Main St

COUNTY: EL PASO

LIEN HOLDER:

** NONE **

LAND OWNER:

41000-00-100
Ronald H. McLean
12900 Murphy Rd.
Elbert, CO 80106-8806

Current Sale Price:

\$ n/a

I certify under penalty of perjury, the information provided the County Treasurer is true and correct to the best of my knowledge.

Date: 22 March 2000
Company/Owner Blue Rose Homes

Signature:


Blue Rose Homes (Owner)

I, the undersigned, County Treasurer in and for El Paso County, Colorado do certify that there are no unpaid taxes or unredeemed tax lien sales as appears of record in the office on the afore described manufactured home except as noted below:

1999 Payable In 2000	\$ n/a
Prior Year's Tax (Tax Lien Sale)	\$
Prorated Year's Tax (months)	\$
Total Taxes Due	\$ n/a
Authentication Form Fee	\$ 10.00

Mobile home located at Blue Rose Homes. MH moving out of inventory. No 1999 taxes due.

In witness whereof, I have set my hand and seal this 22 day of March 2000
Issued to: Blue Rose Homes (Owner)

By: jma

KEN L. KILE, TREASURER

COPY

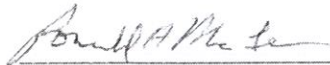
AFFIDAVIT

STATE OF Hawaii)
COUNTY OF Hawaii)ss.

The undersigned, being of lawful age and first duly sworn upon his oath, upon personal knowledge and not merely upon information and belief, deposes and states as follows:

1. My name is Ronald H. McLean.
2. I am a co-owner along with my wife, Carrie McLean, of that real property locate at 12900 Murphy Road, Elbert, CO 80106 ("Property). I purchased the Property in 1985. At that time the Property was not zoned. Carrie McLean was added to the title after 2010.
3. At the time of my acquisition there was a duplex which was built in 1976 and a residence and kennel which were built in 1997. See attached Data from the records of the El Paso County Assessor's Office regarding the Property.
4. In 1984 Carrie McLean purchased a 1984 Zimmer 14x 68 mobile home ("Mobile Home") in Ohio and it was titled in Colorado on October 25, 1996. In 1997, the Mobile Home was moved to and it was made a permanent part of the Property.
5. After adding the Mobile Home in 1997, I intended to add a modular home to the Property and began the process of acquiring an 1981 Atlantic manufactured home 24x40 ("Manufactured Home"), moving it to the Property and arranging for compliance with the applicable regulations. During that period we consulted with various contractors and officials regarding permanently placing the Manufactured Home on the Property. During that period we became aware that the county was considering zoning unzoned areas of the county. We also were aware that the county had delayed the implementation of the zoning plan to July of 2000. In early April, 2000, purchased the Manufactured Home through Castleton Inc., a Colorado corporation owned by Carrie McLean which ran the kennel (See attached Authentication of Colorado Manufactured Home Tax). The manufactured Home was moved on to and made a permanent part of the Property shortly before April 21, 2000. The address on the Property for the Manufactured Home was given an address of 12960 Murphy Road by the enumeration department of the El Paso County Planning and Community Development Department.
6. At no time did any representative of El Paso County with whom we dealt or who examined the Property or during the 18 plus years since advise us that the Manufactured Home was not in compliance with any county regulation, particularly a zoning ordinance.

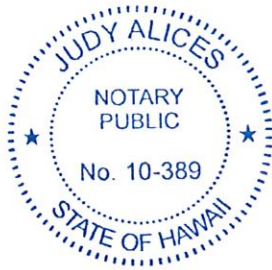
Dated this 29 day of January, 2018.



Ronald H. McLean

Subscribed and sworn to before me this 29th, January, 2018.
WITNESS my hand and official seal.

My Commission expires: NOV 14 2018



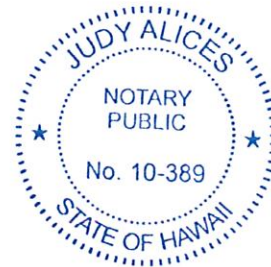
Judy Alices
Notary Public Judy Alices

Doc. Date: 1/29/2018 # Pages 2

Notary Name: Judy Alices Third Circuit

Doc. Description Affidavit

Judy Alices 1/29/2018
Notary Signature Date



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MCLEAN CARRIE

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Colorado Springs, CO 80911

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12920 Murphy Rd

LOCATION OF HOME:

1875 Main St

COUNTY: EL PASO

LIEN HOLDER:

** NONE **

LAND OWNER:

41000-00-100
Ronald H. McLean
12900 Murphy Rd,
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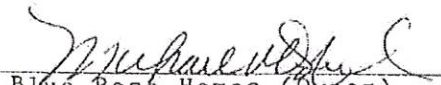
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Company/Owner Blue Rose Homes

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In witness whereof, I have set my hand and seal this 22 day of March 2000
Issued to: Blue Rose Homes (Owner)

By: jma

KEN L. KILE, TREASURER

COPY

El Paso County Assessor's Office

12900 MURPHY RD

PARCEL ID: 4132000009

PRIMARY USE: SINGLE FAMILY RES.

PARCEL SIZE: 40.0 Acs

ZONED: A-35

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1998 Aerial Imagery

