

# Agency Review Comments

## Project

**Project Name**

5925 Coyote Lane ADM

**Applicant**

Patti Berens

**File Number**

ADM2177

**Project Manager**

John Green ( johngreen@elpasoco.com )

**Status**

Active

**Created**

12/17/2021 3:27:32 PM

## Review Comments (1)

| Agency                    | Comment   | Date                       |
|---------------------------|---|----------------------------|
| PCD<br>Project<br>Manager | Deed indicates the property consisted of the southern half of the northwest quarter and all of the southwest quarter section in 1964. This would equate to approximately 240 acres and does not indicate that the current parcel has existed in it's current format since 1964. Please submit additional information demonstrating that the parcels boundaries have not changed since the inception of subdivision regulations in 1972. | 1/12/2022<br>8:29:24<br>AM |

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# Heritage Title Company

Making Transactions Personal



Everett & Doris Eis

July 7, 1964

Creation Date

Deed 353952

Master Parcel 33000-00-113

MASTER PARCEL (part of ORIG 183 AC owned by Eis)  
3300000107

33-000-00-128

33-000-00-11

107 (orig 183 AC owned by  
EIS) 3526952

35-00-00  
113 20 AC

Now  
6035 Coyote lane  
3315000014  
20 AC

114 163 ACRES

~~added~~ 9 new  
properties

including  
14128 Parker  
Kurt & Mary  
Coyote

3315000015  
3/9/1982  
BK 3540 pg 322  
10 AC

~~11400~~  
6030  
331508129

5/21/75  
2752 2752  
pg 319  
Now  
3315000011  
10 AC

115

10 AC  
5740  
331500007  
2/1974  
BK 2636  
pg 204

REF ~~331508129~~  
Split Nov 13(?)  
1973

John +  
Patric  
(Pruett) Book 2634 pg 802

(curia 1)  
(another doc)

Nov 14  
1973 Peter + Beatrice  
Muller Book 2637 pg 18



6035 Coyote Ln - 240, 1964

↓

Nov 1973 ↘

Pruett

Warranty Deed

Bk 2634 pg 802

(Clerk + Recorder)

---

5925 Coyote Lane 1964

↓

100 Everett EIS -

356952

↓

5/21/1975 -

→ Doug P  
↓ 10 acres

Book 2752 pg 319

1976 - Assessor  
DATE

Kenneth G. Rowberg  
Planning Director

Carl E. Schaefer  
Assistant Director

## El Paso County Planning Department



April 7, 1998

Arlene Little  
7820 C & S Road  
Fountain, Colorado 80817-2920

5925 Coyote

RE Assessor's Schedule 33000-00-128  
Coyote Lane

You have requested information regarding the legality of a 10-acre tract located on Coyote Lane and identified as Assessor's Schedule #33000-00-128.


Planning Department records reflect that Doris and Everette Eis entered into a number of contracts to sell 10-acre tracts of land in this area around 1970, not recording the deeds until the land was paid off. The Department has tracked the original conveyance deeds for the parcels surrounding the parcel in question and find that all of them were signed prior to July 17, 1972. You have provided an Affidavit from Karl Parker that he entered into a sales contract to purchase the subject property in 1970.

As a result of this information, this Department considers the property, as described in the attached Affidavit, as legally created pursuant to El Paso County regulations since it was created prior to July 17, 1972.

It should be noted, however, since this parcel was created prior to El Paso County's adoption of Subdivision Regulations, typical subdivision-related issues such as water and wastewater service, soils and geology concerns, drainage and erosion control, and access have not been addressed.

Should you have any questions, please contact Mark Gebhart of my office.

Sincerely,

  
Kenneth G. Rowberg, Director

cc: File: EX-74-009

Kenneth G. Rowberg  
Planning Director

*K. J. N. CURTIS MALINELL*

Carl F. Schueler  
Assistant Director

## El Paso County Planning Department



March 31, 1999

Dear Property Owner:

Our records indicate that your property was wholly or partially unzoned as of March 25, 1999, and was comprehensively zoned to the A-35 (Agricultural) District by the Board of County Commissioners as of that date. Attached is a copy of the A-35 zone district which now applies to your property. If you own more than one property it is possible that more than one district will apply.

The Planning Department realizes this issue has been extremely controversial and divisive. We are committed to trying to make the transition as smooth and reasonable as possible. Two-way communication will be essential in making this work. The Planning Department has a number of more detailed explanations and question and answer materials available at our office at 27 East Vermijo or at the County's web site at [www.co.el-paso.co.us](http://www.co.el-paso.co.us).

### Existing Uses, Buildings and Parcels

The immediate effect of zoning on most property owners will be limited either because the uses, buildings and property sizes will be fully conforming with the zoning or because preexisting conditions will be considered eligible for legal nonconforming status (grandfathering), provided they have been otherwise legally established prior to zoning. If you believe you are in the second category (for example, you have three (3) dwelling units in a zone district which allows a maximum of two (2)), we recommend you keep documentation which provides evidence that the nonconforming condition existed prior to zoning. Examples of potentially appropriate documentation include Assessor's records, utility bills, business licenses or other official correspondence and photographs for which the date can be authenticated. If you request, the Planning Department will make a formal determination of nonconforming status. We have a short form available for use with these requests (optional). This step, however, is not required.

### Planned Uses and Buildings

The best way to deal with planned future land uses and buildings is to contact the Planning Department. In many cases the answer will be a simple "yes, you can" provided you meet a few requirements, or "no, you cannot" without rezoning or obtaining a Variance of Use which allows deviation from the zoning. A minority of situations will be complicated and thus require more detailed consideration.

### Building Permits

Under the Zoning Plan approved by the Board of County Commissioners' action on March 25, 1999, no building in areas zoned by this action will require a permit from the Pikes Peak Regional Building Department until April 3, 2000. Part of the rationale for this decision was to accommodate buildings that are now under construction. A second reason was to allow the County more time to develop a proposal for additional permanent exemptions from the Building Code which would apply specifically to the A-35 (Agricultural) District. During this period we will also be working on an administrative process to address buildings which are under construction as of April 3, 2000.

**AFFIDAVIT**

RECEIVED  
APR 10 1998

WATER RESOURCES  
STATE ENGINEER  
COLO.

STATE OF COLORADO

COUNTY OF EL PASO

Before me, the undersigned authority, personally appeared Karl Otto Parker, who, being first duly sworn, deposes and says:

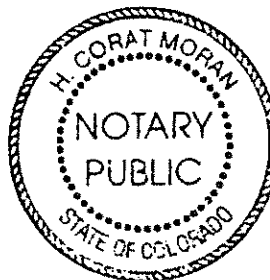
1. In June, 1970, Mary Lynn Parker, to whom I was then married, entered into an installment land contract with Doris H. Eis for the purchase of the land described in Exhibit A.
2. In 1972 Mary Lynn Parker and I were divorced. As part of our property settlement agreement, Mary Lynn Parker transferred to me her interest, as contract vendee, in the property described in Exhibit A. I then began making payments myself to Doris H. Eis on the land contract.
3. Mary Lynn Parker died in June, 1974.
4. I continued to make payments to Doris H. Eis, and, after the final payment was made, Doris H. Eis conveyed the legal title to the property to me by deed dated January 12, 1982, recorded March 9, 1982, in Book 3540 at Page 322.

*Karl Otto Parker*  
 \_\_\_\_\_  
 Karl Otto Parker

Subscribed and sworn to this 17th day of December, 1997, by Karl Otto Parker.

*H. Corat Moran*  
 \_\_\_\_\_  
 Notary Public

My Commission Expires  
06/07/01



97127162

97 OCT 30 PM 2:10

~~XXXXXXXXXX~~  
097127762

PATRICK KELLY  
EL PASO COUNTY CLERK & RECORDER, CO

RECEIVED  
JAN 26 1998

500  
100

WALTER REYNOLDS  
STATE ENGINEER  
COLO.

# WARRANTY DEED

THIS DEED, Made this 26th day of September, 1997, between

**Karl Otto Parker**

of County of El Paso, State of Colorado, grantor, and

**Arlene Little**

whose legal address is 7820 C & S Road, Fountain, CO 80817, grantee:

STATE DOCUMENTARY

OCT 30 1997

FEE 220

*Doc fee \$22.20*

**WITNESSETH**, That the grantor for and in consideration of the sum of **Twenty-Two Thousand and 00/100 (\$22,000.00)** DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, the grantee's heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of El Paso and State of Colorado described as follows:

A parcel of land in the West half of Section 15 in Township 13 South, Range 63 West of the 6th P.M., described as follows: Beginning at the Northeast corner of the South half of the Northwest quarter of said Section 15; thence South along the East line of the West half of said Section 15 a distance of 1928 feet to the point of beginning of the tract of land to be described, thence West and parallel with the South line of said Section 15 a distance of 880 feet; thence North and parallel with the East line of the West half of said Section 15 a distance of 495 feet; thence East and parallel with the South line of said Section 15 a distance of 880 feet; thence South along the East line of the West half of said Section 15 a distance of 495 feet to the point of beginning.

also known by street and number as: **5925 Coyote Lane, El Paso County, CO**

**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

**TO HAVE AND TO HOLD** the premises above bargained and described, with the appurtenances, unto the grantee, the grantee's heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, the grantee's heirs and assigns, that at the time of the ensembling and delivery of these presents, the grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

**General taxes for the year 1997 and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.**

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee, the grantee's heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

**IN WITNESS WHEREOF**, the grantor has executed this deed on the date set forth above.

*Karl Otto Parker*  
Karl Otto Parker

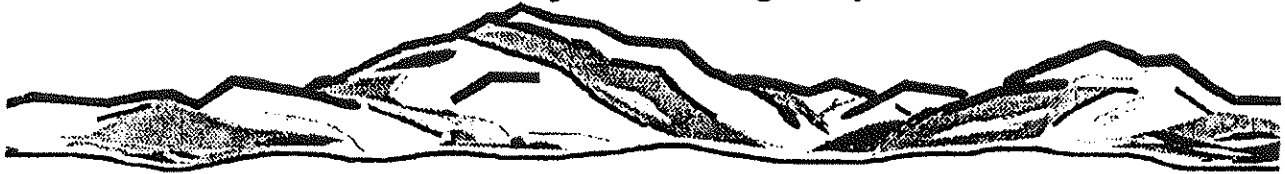


Kenneth G. Rowberg  
Planning Director

*F. J. N. CURTIS MALINELL*

Carl F. Schueler  
Assistant Director

## El Paso County Planning Department



March 31, 1999

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Judith Espinoza  
RE: Follow up email to our phone conversation earlier today.  
Sep 25, 2019 at 11:22:14 AM  
Patti Berens

Hi Patti,

The parcel located at 5740 Coyote Ln (TSN 33150-00-007) and parcel located at 6060 Coyote Ln (TSN 33150-00-011) are legal non-conforming, and are geographically the same as they were when created in July 1964. The parcels were re-numbered on to section map 33150 from section map 33000 in 2003. These two 10-acre parcels are zoned in A-35 zoning district.

There is an existing zoning code violation for 3 rentals on parcel located at 5740 Coyote Ln (TSN 33150-00-007). The attached Principle Use and Accessory Use tables identifies uses which may be located on a lot or parcel within each zoning district.

El Paso County ("EPC") Land Development Code ("LDC") Section 5.1.2, states the following.

5.1.2. Types of Uses and Limit on the Number of Uses per Lot or Parcel

5.1.2.1. Single-Family Residential Uses. Single-family residential uses shall be limited to one (1) lot or parcel. This shall not apply to mobile homes or manufactured homes located on a lot or parcel. The number of mobile homes or manufactured homes shall be limited to one (1) per lot or parcel. The number of mobile homes or manufactured homes shall be limited to one (1) per lot or parcel. The number of mobile homes or manufactured homes shall be limited to one (1) per lot or parcel. The number of mobile homes or manufactured homes shall be limited to one (1) per lot or parcel.

Please note the following EPC LDC section regarding nonconforming pre-1976 mobile homes.

5.6.6. Lots and Specific Facilities and Uses

5.6.6.1. Nonconforming Pre-1976 Mobile Homes. Nonconforming pre-1976 mobile homes shall be limited to one (1) per lot or parcel. The number of nonconforming pre-1976 mobile homes shall be limited to one (1) per lot or parcel. The number of nonconforming pre-1976 mobile homes shall be limited to one (1) per lot or parcel. The number of nonconforming pre-1976 mobile homes shall be limited to one (1) per lot or parcel.

The EPC LDC is available on line for review at [https://library.municode.com/co/el\\_paso\\_county/codes/land\\_development\\_code](https://library.municode.com/co/el_paso_county/codes/land_development_code).

The original inquiry on these two parcels can be referenced in file number PS19194.

Should you or your client(s) have any additional inquiries regarding these parcels, please contact our front desk at (719) 520-6300 and request to speak with the Planner-Of-The-Day for an Administrative Determination-Zoning Interpretation, Determination of Nonconformity, Zoning Compliance Request. The cost for this service \$262. Additional research can be requested on these parcels at an hourly rate of \$50.

Judy Espinoza  
Administrative Technician I

El Paso County  
Planning & Community Development  
2880 International Circle  
Colorado Springs, CO 80910  
Business Hours: 7:30am – 4:30pm MST  
Phone: (719) 520-6318  
Fax: (719) 520-6695

**From:** Patti Berens [<mailto:merit.pattiberens@gmail.com>]  
**Sent:** Sunday, September 22, 2019 8:32 PM  
**To:** Judith Espinoza  
**Subject:** Re: Follow up email to our phone conversation earlier today.

**CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.**

Hi Judy

The potential Buyer emailed me this evening. Have you been able to find out any information yet?



Patti Berens, Broker Associate, MRP, ABR, GRI  
**Merit Co, Inc**  
6710 S. US Hwy 85-87  
Fountain, CO 80817  
[merit.pattiberens@gmail.com](mailto:merit.pattiberens@gmail.com)  
719-671-2723 (cell)  
719-390-7877 (office)  
Web [Home Solutions by Patti](#)  
Web [Patti Berens on Realtor.com](#)

“  
Helping you buy or sell your home is my passion.  
Doing it right is my mission.”

On Mon, Sep 16, 2019 at 3:43 PM Patti Berens  
<[merit.pattiberens@gmail.com](mailto:merit.pattiberens@gmail.com)> wrote:

Hello Judith

I'm representing a client on the sale of her properties located on Coyote lane in Peyton. The parcels are zoned A-35, are 10 acres in size, have a permitted well and septic. Each parcel has 2 or 3 mobiles, are currently rented and have been there for years.

I just received a call today from a potential Buyer stating she spoke with someone name Carrie(?) in zoning and was told that the mobiles could not be replaced in the future because the zoning is illegal. Will you please clarify and address this issue? Seller has the properties listed as income property because of the rental potential. I've confirmed with Colorado Division of Water that the mobiles could be replaced and still in compliance with water law because of the well permit on file. I wrote to PPRD and asked if there would be a problem with replacement because of the well/septic. I was told no as long as septic passed inspection.

Will you please clarify this issue for me regarding building permits, zoning and mobile replacements over the next several years? The mobiles are not purged and all 1982 or older. Each mobile has its own electric meter. Interested parties want to know that as replacement is required, that they will be able to replace the mobiles with like kind. (Per Colorado Division of Water new residences can't have more bedrooms than existing mobiles). This request is for replacement only. All potential buyers are told they can't increase the number of mobiles due to water law and told to call Co

DOW with questions.

All mobiles are noted on the county assessors office with VIN numbers as are the real properties.

Sched#: 3315000007

Sched#: 3315000011

Another question, if purchased as land, can someone remove the mobiles and build a residential property with the current zoning? The call I received today seemed to indicate that no building permit would be issued because the zoning is illegal.

If I'm sending this to the wrong department will you please point me in the right direction?

Thank you in advance for a response as detailed as possible. I will add it to the file to discuss with Seller and provide to all potential Buyers.

[ ]

Patti Berens, Broker Associate, MRP, ABR, GRI  
**Merit Co, Inc**

6710 S. US Hwy 85-87

Fountain, CO 80817

[merit.pattiberens@gmail.com](mailto:merit.pattiberens@gmail.com)

719-671-2723 (cell)

719-390-7877 (office)

Web [Home Solutions by Patti](#)

Web [Patti Berens on Realtor.com](#)

JOHNSON

RD.

11 x 8.5 printed August 31, 2010 by airmapping from Image r:/Current\_Map\_Images/33150

|   |  |  |  |  |  |  |                            |  |                             |  |
|---|--|--|--|--|--|--|----------------------------|--|-----------------------------|--|
| <p>495.0</p> <p>880</p> <p>Johnson</p> <p>495.0</p> |  |  | <p>495.0</p> <p>880.0</p> <p>DeLong</p> <p>495.0</p> |  | <p>495.0</p> <p>880.0</p> <p>Cris</p> <p>495.0</p> |  | <p>880.0</p> <p>Little</p> |  | <p>880.0</p> <p>Spindle</p> |  |
|---|--|--|--|--|--|--|----------------------------|--|-----------------------------|--|

COYOTE

LN.

|            |  |            |  |            |  |            |  |
|------------|--|------------|--|------------|--|------------|--|
| <p>880</p> |  | <p>880</p> |  | <p>880</p> |  | <p>880</p> |  |
|------------|--|------------|--|------------|--|------------|--|

From Map 33150

