

# EL PASO COUNTY



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

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

June 30, 2020  
ATTN: Jason Adams

RE: Administrative Determination for 16154 N Meridian Rd

File: ADM2017  
Parcel ID: 4130000001

Chuck Broerman  
07/01/2020 02:17:50 PM  
Doc \$0.00 5  
Rec \$33.00 Pages

El Paso County, CO



220093882

Dear Mr. Adams:

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

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."

According to data obtained from the Property Assessor's records, the property has existed in its current form since at least 1971. A copy of a map depicting the lot configuration as it existed in 1971 is attached herein. Since the parcel was created before June 17, 1972, the parcel is considered a legal lot.

#### Compliance with Zoning Regulations for Conformity:

The property was zoned A-4 (Agricultural) on July 17, 1973 (PCD File No. P73025Z). In 1991, due to changes in the nomenclature of the Code, the A-4 district was renamed RR-3 (Rural Residential). In 2007, the RR-3 district was again renamed RR-5 (Residential Rural). The RR-5 zoning district has a minimum lot size of five (5) acres and the subject property has a lot size of 4.11 acres.

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)

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 is considered nonconforming because it does not conform with the minimum lot area requirement of the RR-5 zoning district, was legally created prior to the subdivision regulations, and was legally existing when zoning was implemented.

Section 5.6.7 of the Code sets forth specific review criteria in order to determine the conformity of a lot:

**Determination of Conformity.** To determine a nonconforming lot as conforming, all the following criteria shall be met, as applicable:

- The creation of the lot or parcel was in conformance with all applicable regulations at the time of its creation;  
*The lot meets this criterion due to its creation date preceding the adoption of subdivision regulations.*
- The lot or parcel is currently in compliance with all use regulations and conditions and restrictions of any applicable special use or variance of use;  
*No special use or variance of use approval has been issued for the parcel and the applicant has not indicated an intent to initiate a new one.*
- The lot or parcel complies with the requirements and criteria of the merger by contiguity provisions of this Code;  
*This criterion does not apply as the applicant does not own any adjacent property.*
- All contiguous legal lots under the same ownership have been combined through a merger by contiguity process to create a zoning lot unless the PCD Director has authorized a remainder lot or parcel to be considered nonconforming;  
*This criterion does not apply as the applicant does not own any adjacent property.*
- For existing dwellings, verification provided by an El Paso County Certified Inspector that there is no evidence of wastewater related issues or that any wastewater issues are being remedied;  
*This criterion does not apply as there is currently no dwelling on the property.*
- For a new dwelling, a soils test has been submitted demonstrating sufficient area for the onsite wastewater treatment system and a private well to be installed meeting all internal and external lot minimum horizontal setback requirements;  
*This criterion does not apply as no new dwelling is being proposed for this site.*
- For a new dwelling, documentation of water availability, including but not limited to, a copy of the well permit, evidence of a water tap, or a copy of a water commitment letter has been provided;

*This criterion does not apply as no new dwelling is being proposed for this site.*

- At least 30% of the zoning lot is considered buildable after exclusion of land identified as containing 100 year floodplain and 30% slopes;  
*Per GIS data, the property does not contain any land within any 100-year floodplain nor does it contain any land with 30% slopes.*
- The lot or parcel meets one of the following lot size requirements:
  - Central water and sewer are both provided, and the area of the zoning lot is at least 20,000 square feet, or is 60% of the minimum lot area required by the applicable zoning district, whichever is less, or;
  - Central water is provided, but central sewer is not provided, and the area of the zoning lot is at least 20,000 square feet, or;
  - No central water or central sewer is provided and the area of the zoning lot is one acre or more.

*The area of the lot is greater than one acre and the property is served by well and septic, meeting the third requirement.*

The lot meets the above requirements and therefore can be considered a conforming lot.

**Discussion and Conclusion:**

The parcel is considered a legal lot due to it being created prior to adoption of the subdivision regulations and is considered nonconforming due to lot size. As outlined in the analysis above, the property meets all the required criteria for the Planning and Community Development Director to make a determination of conforming lot size per Section 5.6.7 of the Code. Therefore, the lot is considered conforming under the provisions therein.

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

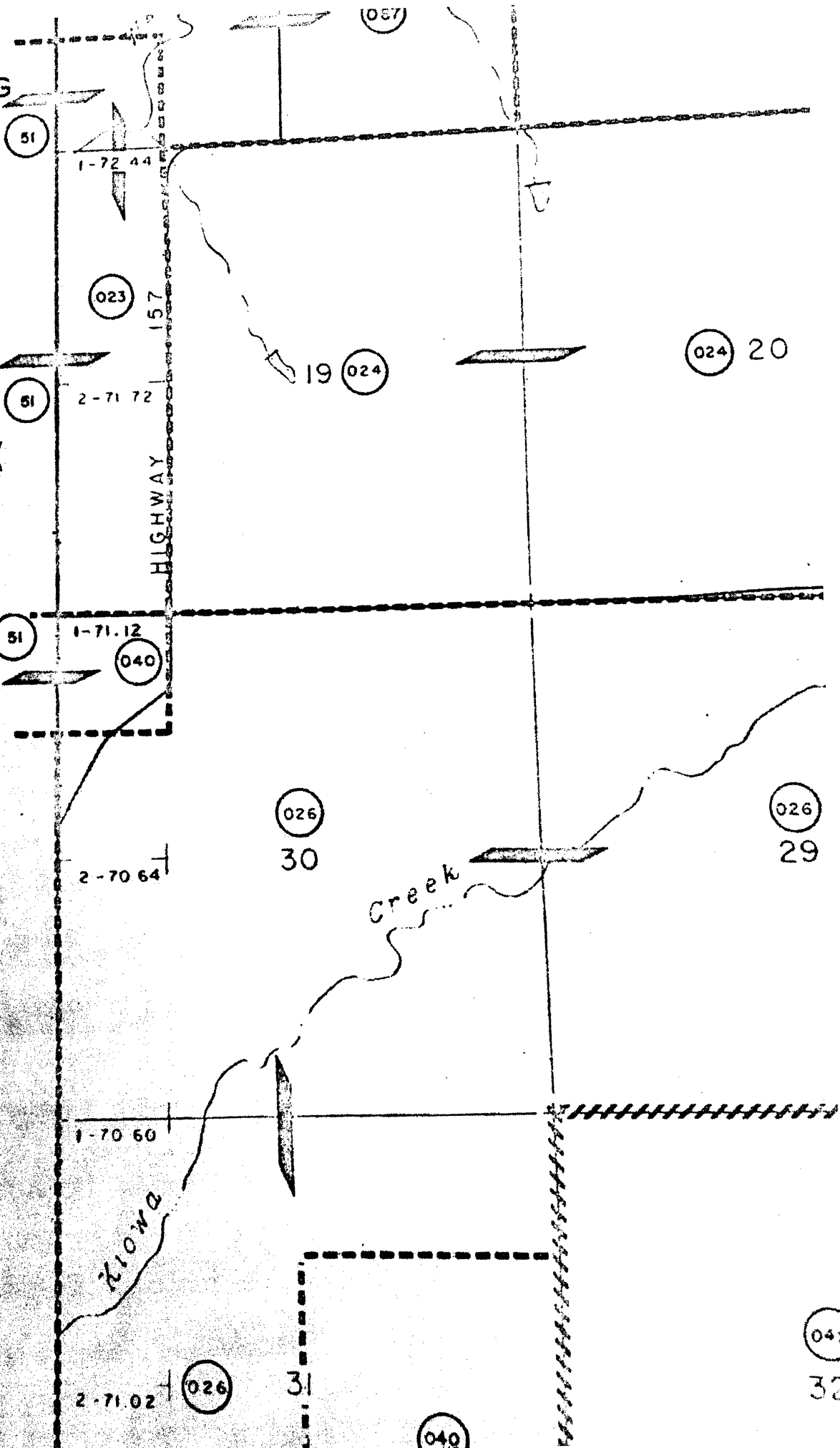
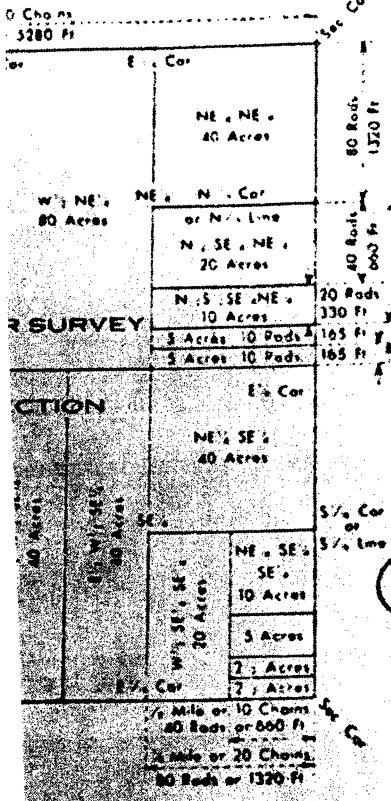
If you have any questions or concerns regarding this determination, please contact myself or Ryan Howser, Planner I, at (719) 520-6049 or [ryanhowser@elpasoco.com](mailto:ryanhowser@elpasoco.com).

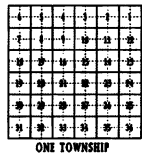
Sincerely,



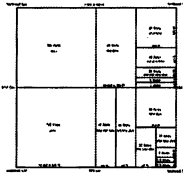
Craig Dossey  
Executive Director  
El Paso County Planning and Community Development Department

ADJOINING  
51000





ASSESSOR



December 30, 2018

SCALE OF FEET  
0 500 1000 1500 2000

- © Copyright 2015 El Paso County
- © Copyright 2015 Colorado Springs Utilities

All Rights Reserved

This document is prepared for internal use only and El Paso County makes no claim as to the accuracy or completeness of this document.

41000

