

EL PASO  **COUNTY**
COLORADO

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

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

January 25, 2021

ATTN: Joseph Polonsky

RE: Administrative Determination for 4381 Garman Dr.

File: ADM-21-003
Parcel ID: 7109001015

Dear Mr. Polonsky:

A request has been made for an interpretation regarding the above referenced parcel to confirm that the property is considered legally conforming with regards to lot size pursuant to the El Paso County Land Development Code (2019). In order to determine if the property is considered conforming, the parcel 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."

The property was legally platted as Lots 1 through 10, Meyer's Meadow Addition on August 27, 1955 (Plat No. 1414). The lots have since been combined for tax purposes. The lots have been legally combined through the merger by contiguity process (PCD File No. MER-21-001). Therefore, the resulting parcel is considered a legal lot.

Compliance with Zoning Regulations for Conformity:

The property was zoned A-1 (Agricultural) on January 3, 1955, when zoning was first initiated for this portion of the County. Due to changes in the nomenclature of the Code, the A-4 zoning district was been renamed as the RR-0.5 (Residential Rural) zoning district. The RR-0.5 zoning district

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

www.ELPASOCO.COM

has a minimum lot size of one-half acre (0.5), and the subject property has a lot size of 7.09 acres after completion of the merger.

The lot size is considered conforming after the merger by contiguity because it conforms with the minimum lot area requirement of the RR-0.5 zoning district, was legally created prior to the adoption of subdivision regulations, and was legally existing when zoning was implemented.

Discussion and Conclusion:

The parcel is considered a legal lot due to it being created prior to the subdivision regulations and is considered conforming.

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.

Sincerely,

A handwritten signature in black ink that reads "Craig Dossey". The signature is written in a cursive, flowing style.

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