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May 12, 2020

El Paso County Board of Adjustment
2880 International Circle
Colorado Springs, CO 80910

Re: Application for Lot Size Variance, Parcel ID No. 51230-00-015

Dear Members of Board:

Please accept this letter as attached to and made a part of the Application for a Lot Size Variance and El Paso County Assessor Parcel ID No. 51230-00-015.

HISTORY OF PROJECT

This project is in front of the Board on an application to approve a lot size variance to allow lot sizes of less than 5 acres. The Circle A Subdivision Filing No. 1 map ("Subdivision") was originally submitted as a minor subdivision of the entirety of El Paso County Assessor Parcel ID No. 51230-00-015 (the "Property") into three lots. The application for administrative approval was denied. While historically assessed as a 15 acre parcel, the Property has recently been measured with modern surveying methods as 14.867 acres. The Subdivision was submitted to subdivide the Property into Lot 1, 4.957 acres, Lot 2, 4.960 acres, and Lot 3, 4.950 acres. The Property is zoned RR-5.

RELIEF REQUESTED

The property owner, Mr. Daniel Andres, trustee of the Daniel B. Andres Trust ("Mr. Andres"), is requesting approval of the application for a lot size variance to allow lot sizes of less than 5 acres on the Circle A Subdivision Filing No. 1 Map. If this application is approved, Mr. Andres requests to submit a minor subdivision application subdividing the Property into Lot 1, 4.957 acres, Lot 2, 4.960 acres, and Lot 3, 4.950 acres.

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STATEMENTS IN SUPPORT

The Property is currently assessed as one 15 acre parcel, and has been since at least 1965. Andres was deeded the property in 1995 has paid taxes since that time on the assumption the 15 acre designation was correct. The Property has historically been described in the real property records of the County as **the South Half of the South Half of the Southwest Quarter of the Northeast Quarter and the North Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter in Section 23, Township 11 South, Range 65 West, in El Paso County, Colorado.** Following the traditional aliquot description and the assumption a section is 640 acres, the above description equates to 15 acres. It wasn't until Mr. Andres began the subdivision process, as he wished to create two additional lots for his two children to build homes for their families, and modern surveying techniques were employed to map the Property and to locate the monumented corners, that it was discovered the Property is actually 14.867 acres.

The lot size variances of Lot 1, Lot 2 and Lot 3 from the RR-5 zoning requirement of 5 acres are insignificant and negligible when viewed in context. The largest variance is 0.050 of an acre, or 2,178 square feet. The smallest of the proposed lots is 215,622 square feet, or 99% of the zoning requirement of 217,800 square feet.

Mr. Andres has reached out to his adjoining neighbors in an attempt to purchase 0.133 acres, but none of neighbors were interested in selling. While his neighbors were not interested in selling a portion of their properties, Mr. Andres was able to obtain letters from most of his neighbors stating they do not oppose the Subdivision. Letters from the following neighbors are attached to this application:

1. Brian Neff, 16995 E. Goshawk Road
2. Daniel & Mandy Weber, 17075 E. Goshawk Road
3. Arvin Loudermilk, Trustee, 17115 and 17165 E. Goshawk Road
4. Kenneth & Tanya Vigil, 17250 E. Goshawk Road
5. Brandy Gilcrease, 17320 E. Goshawk Road
6. Matthew & Donna Royal, 17410 E. Goshawk Road
7. Vernon Richards, 17215 E. Goshawk Road

While we appreciate that if the requested relief is granted, Mr. Andres will be able to submit a minor subdivision application for three saleable lots, please know Mr. Andres' goal is not to subdivide and sell lots to strangers. Rather, his goal is to create one lot for his own home and one lot for each of his children, to allow them to build homes for their families which will be served

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by individually permitted wells, service from MVEA and all buildings properly permitted through PPRBD.

CONCLUSION

Section 5.5.2 (B) (1) of the El Paso County, Colorado Land Development Code allows the Board of Adjustment to hear and decide appeals to the Board where it is alleged there is an error in a decision made by the Planning and Community Development Department. For the reasons set forth above, Mr. Andres believes the strict application of the five acre minimum lot size for the proposed Subdivision results in peculiar and exceptional practical difficulties and exceptional and undue hardships upon him, and that the lot size variance requested in the application should be granted.

Pursuant to Section 5.5.2 (B) (2) (a) of the El Paso County, Colorado Land Development Code, the Board of Adjustment is authorized to grant a variance from the strict application of any physical requirement of the Code "... based upon equitable consideration, finding that the burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the specific piece of property and ... [t]he variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts or serve as reasonably equivalent substitute for current zoning requirements..." In addition, granting the requested variance would not result in any of the actions prohibited under Section 5.5.2 (3).

In support of this Appeal, Mr. Andres puts forward that the Board's approval of this application is equitable in light of his particular parcel and the proposed Subdivision plan serves as a reasonably equivalent substitute for the current zoning requirements. The requested variance would not be detrimental to anyone and these unique circumstances compel that strict application of the requirement of the Code not be required.

Sincerely,



Sara M. Frear

SMF:af