

# EL PASO

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# COUNTY

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DEVELOPMENT SERVICES DEPARTMENT  
MAX L ROTHSCHILD P.E. DIRECTOR

January 22, 2018

RE: ADM-18-003 Administrative Determination-Lot size  
620 Pioneer Camp View  
Colorado Springs, CO 80133  
Schedule # 7110000003

Ryan Woerner  
15831 Wildhaven Lane  
Colorado Springs, Colorado 80921

To Whom It May Concern:

A request has been made to the El Paso County Development Services Department for a determination of non-conforming status and eligibility for a residential building permit and for any zoning code violations for the property located at parcel number 7110000003. Authorization of building permit issuance is contingent upon a parcels' compliance with both the subdivision and zoning regulations of the El Paso County Land Development Code.

### **Compliance with Subdivision Regulations**

The 4.94 acre parcel is described as a tract in SE4NW4 of R/W of AT+SFY, EX D+R G RR SEC 10-11-67. This parcel was legally created on August 22, 1967. The parcel thus meets the definition of legal lot as contained in the El Paso County Land Development Code, as amended, which defines a legal lot as a lot, parcel, or tract of land created by a legal conveyance; shown on an approved subdivision plan or legally prepared survey; created by approval of the County Commissioners in conformance with any subdivision regulations in effect at the time of approval; by contract for deed or by deed, each being dated prior to July 19, 1972.

### **Compliance with Zoning Regulations**

The parcel was zoned to the predecessor zone district for the current RR-5 (Residential Rural) district on January 4, 1955. The RR-5 district requires a minimum lot size of 5 acres. As an existing legally created lot at the time zoning was implemented, the parcel is considered non-conforming.

The El Paso County Land Development Code defines a legally nonconforming lot as a legally created lot or parcel of land which due to subsequent amendments of the Land Development Code or to the zoning or rezoning of the parcel does not conform with the minimum lot area requirements of this Code.

Section 5.6.7 of the El Paso County Land Development Code includes specific provisions for building in nonconforming circumstances, as listed below:

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



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**Nonconforming Lot or Parcel Due to Lot Size**

*A lot or parcel that is nonconforming due to lot size shall be subject to the following provisions when a building permit for a dwelling or habitable addition is requested. A non-habitable addition or accessory improvement (e.g., a garage, deck, or tool shed) on a lot or parcel where a dwelling already exists is not subject to the requirements of this Section. An existing dwelling, located on a lot or parcel that is nonconforming due to lot size that is destroyed or partially destroyed by fire shall be subject to the restoration provisions of this Code.*

**Nonconforming Lots Considered Conforming**

*A legal lot or zoning lot that is nonconforming as a result of the minimum lot size requirement within the applicable zoning district shall be considered to be exempt from the minimum lot size requirement where:*

- *Central water and sewer are both provided and the area of the legal lot is at least 60% of the minimum lot area required by the applicable zoning district; or*
- *Central water is provided and the area of the legal lot is at least 20,000 square feet; or*
- *No central water or central sewer is provided and the area of the legal lot or zoning lot is at least 2.5 acres.*

**Discussion and Conclusion**

The parcel is classified as a legal lot due to its creation date of August 22, 1967, but was initially considered nonconforming due to lot size. However, specific provisions in the Land Development Code result in the parcel being considered conforming based upon the provision identified above even though the parcel does not meet the minimum five (5) acre lot size requirement of the RR-5 (Residential Rural) zoning district. This determination is based upon there being no provision of central water or central sewer and because the area of the legal lot or zoning lot is at least 2.5 acres.

With these circumstances, a home can be built anywhere on the property, provided the location adheres to the 25 foot setbacks and a building permit authorized by the County is secured. No special approval process is required.

Also, there are no open code violations associated with this parcel at this time.

If you have any questions or concerns regarding this determination, please contact myself or Gabe Sevigny, Planner 1, at (719) 520-7943 or gabesevigny@elpasoco.com

Sincerely,



Craig Dossey  
Executive Director  
El Paso Planning and Community Development Department

cc: Gabe Sevigny, Planner 1  
ADM-18-003