



The Huerfano County Board of Adjustment will hold a Public Hearing on **Thursday, April 20, 2023 1:30pm** at the Huerfano County Courthouse, Commissioners' Chambers, 401 Main Street, Suite 309, Walsenburg, Colorado. The purpose of the hearing is to receive public comment concerning Land Use Application 23-09. The applicant, Theresa McMahon, is seeking a Variance to develop parcel number 26330, a non-conforming, two-acre parcel located near the intersection of County Road 550 and 570. The parcel is in the Agricultural zone district.

The complete application is available for review online at www.huerfano.us/departments/land-use/ and click on Land Use Applications by year.

Inquiries can be made during normal business hours in the Huerfano County Land Use Office, 401 Main Street, Suite 304, by telephone at 719-738-1220 ext. 117.

Zoom Meeting Information:

<https://us02web.zoom.us/j/83429735658?pwd=S2ZISENWK0ZHR3Y0RkxBOEp3c2xGdz09>

Meeting ID: Meeting ID: 834 2973 5658 Passcode: 91523 Join by phone: (877) 853-5257 US Toll-free

Request Summary

With this Application Theresa McMahon (the Applicant) requests the following:

A Variance from §1.03.02 in which the minimum lot area in the Agricultural Zone is 35 acres. A variance may be requested pursuant to §9.02 of the Land Use Code to allow the right to develop a non-conforming parcel. §1.16 (8) of the Land Use Code defines conditions by which lots are to be considered conforming or non-conforming. The parcel measures two (2) acres and is located near the intersection of 550 and 570, slightly over 5.5 miles southwest of Gardner (Parcel Number 26330).

The subject property is zoned Agriculture. Zoning standards for this district are set forth in LUR Section §1.03 and require a minimum lot size of 35 acres.

Property History

This parcel was first recorded in its current form in 1972.

In 1945, the parcel was part of a much larger parcel, including one-eighth of section 30. Ownership of this larger parcel by Cleo Marion Denton and Sherman J Denton is recorded as an Indenture under Reception No. 167694.

In 1948, all of section 30 is described in a warranty deed as part of a much larger parcel, owned by the same people as the indenture in 1945.

A search of book-page numbers listed in the legal description reveals that the legal description has not changed since the first record in October of 1972. Senate Bill 35, which required counties to pass regulations to require an approval process for the creation of parcels smaller than 35 acres was passed on May 5, 1972. Huerfano County adopted subdivision regulations on September 11, 1972. The deed for this property was notarized on October 5, 1972; it is, therefore, assumed that this represents a non-conforming lot.

331-830 – September (no date on deed, notarized October 5), 1972 Quitclaim Deed, Cleo Marion Denton and Sherman J Denton sold the parcel in its current form to Alma R Kimbrel and John N Kimbrel.



0 500 1,000 ft  23-09 VAR Vicinity Map

Based on the legal description of this parcel, it is a rectangular-shaped parcel with north-south sides measuring 290.2 ft and east-west sides measuring 300.2 ft., implying that a portion of this parcel is on the south side of 550, and its appearance is not as it is depicted on the Assessor's map above. The parcel outlined in white approximates the legal description. It is possible that both 550 and 570 intersect this parcel, making the area of the parcel outside the right-of-way less than the two acres described in the legal description, which does not mention the County roads.

The nearest dwellings to this property are to the southeast – one at approximately 450 ft from the intersection of 550 and 570, the other approximately 1400 ft. from the intersection. To the southwest, there is another residence approximately 2,400 ft from the intersection. To the northeast, there is another dwelling approximately 1200 ft. away.