



# THE PLANNING & DEVELOPMENT DEPARTMENT APPEAL TO CITY PLANNING COMMISSION

Complete this form if you are appealing an **Administrative** decision to City Planning Commission.

### APPELLANT CONTACT INFORMATION:

Appellants Name: Matthew Wingert Telephone: 719-439-6159  
Address: 1641 Apache Tr. City Colorado Springs  
State: CO Zip Code: 80905 E-mail: wingertmk@gmail.com

### PROJECT INFORMATION:

Project Name: STR 1187 STR 1188 STR 1317  
Site Address: 118 N. Corona St. 120 N. Corona St.  
Type of Application being appealed: Denial of short-term rental renewal application  
Include all file numbers associated with application: \_\_\_\_\_  
Project Planner's Name: Carli Hiben  
Hearing Date: \_\_\_\_\_ Item Number on Agenda: \_\_\_\_\_

### YOUR APPEAL SUBMITTAL SHOULD INCLUDE:

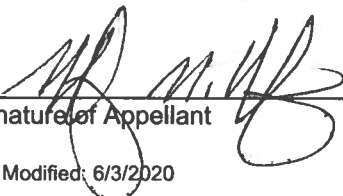
1. Completed Application
2. \$176 check payable to the City of Colorado Springs
3. Appeal Statement.
  - See page 2 for appeal statement requirements.

Submit **all** 3 items above to the **Land Use Review office (30 S Nevada, Suite 105, Colorado Springs, CO 80903)**. Appeals are accepted for 10 days after a decision has been made. Submittals must be received no later than 5pm on the due date of the appeal. Incomplete submittals and / or submittals received after 5pm or outside of the 10 day window will not be accepted. If the due date for the submittal falls on a weekend or federal holiday, the deadline is extended to the following business day.

If you would like additional assistance with this application please contact the Land Use Review office at 385-5905.

### APPELLANT AUTHORIZATION:

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I(we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

  
Signature of Appellant

25 Oct 2021  
Date

**THE APPEAL STATEMENT SHOULD INCLUDE THE FOLLOWING**

- If you are appealing a decision made Administratively the following should be included in your appeal statement:
  1. Verbiage that includes justification of City Code 7.5.906.A.4
    - i. Identify the explicit ordinance provisions which are in dispute.
    - ii. Show that the administrative decision is incorrect because of one or more of the following:
      1. It was against the express language of this zoning ordinance, or
      2. It was against the express intent of this zoning ordinance, or
      3. It is unreasonable, or
      4. It is erroneous, or
      5. It is clearly contrary to law.
    - iii. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

**CITY AUTHORIZATION:**

Payment: \$ 176.00

Date Application Accepted: 10-25-21

Receipt No: 40238

Appeal Statement: ✓

Intake Staff: CBH

Completed Form: ✓

Assigned to: CBH

## Mr. Matthew Wingert's Appeal of Expired STR Permits Due to Property Transfer

22 Oct 2021

On 15 Oct 2021, Appellant Matthew Wingert received an email indicating (not a formal Notice and Order to Abate) from the Land Use Review Division ("the Division") denying his short-term rental license renewal for the property at 118 that includes the addresses 118 and 120 N. Corona St. ("the property"). The correspondence indicated that to appeal the denial, a formal written appeal was required by 25 October 2021. Please consider this Mr. Wingert's formal appeal of the Division's decision.

The 15 Oct correspondence from the Division indicated that the renewal requests were denied as "the titles of this property transferred in December 2020 from Matthew Wingert to Corona Property Holding LLC and that such transfers results in the expiration of the Short-Term Rental ("STR") permit pursuant to City Code Section 7.5 1702.B that particular provision states:

The short-term rental unit permit does not run with the property but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.

For the reasons discussed herein, Mr. Wingert hereby formally appeals that decision.

Please find below a summary of relevant facts:

- a. The property located at 118 N. Corona St. and includes the addresses of 120 N Apt A and Apt B. Corona St. was purchased by Mr. Wingert on or about November 2007.
- b. He operated 118 and 120 N. Corona St. as long-term rentals until 2017. At that time, a significant investment was made to update and remodel to operate as short-term rentals.
- c. In October of 2019, Mr. Wingert applied and was granted non-owner occupied STR permits for all residential units on the property. The title for the property was held solely by Mr. Wingert at that time.
- d. Mr. Wingert renewed permits for property in 2020.
- e. The property has operated for three years in compliance with all STR ordinances with zero community complaints.
- f. In December of 2020 the property was quit claimed from Matthew Wingert to Corona Property Holding LLC, during a loan refinance to an entity solely owned and controlled by Mr. Wingert. The objective of the transfer was to provide liability protection of personal assets from the risks of the STR enterprise.
- g. When transferring the property to the Corona Property Holding LLC, there was not a change or of transfer of ownership. The Articles of Incorporation for the LLC documenting sole ownership are available upon request.

**APPEAL STATEMENT**

- h. The Department discovered the title transfer during the permit renewal process in Oct 2021 and denied the permit 15 Oct 2021.
- i. Mr. Wingert and his wife, Michelle, have directly managed the STR properties since 2017 both before and after the December 2020 change.

Mr. Wingert appeals the denial of his renewal request by the Division on account of such denial being (2) against the express intent of the ordinance, (3) unreasonable, (4) erroneous, and (5) contrary to law. See City Code Section 7.5.906.A.4.

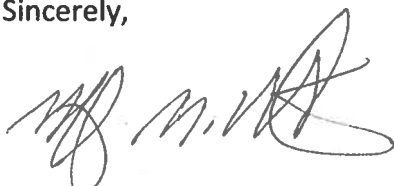
Mr. Wingert submits that the intended purpose of City Code Section 7.5.1702.B is to ensure that legal control over the properties being benefitted by a STR permit does not transfer away from the individual or entity to whom the permit was initially granted. Such circumstance would have the effect of severing the relationship between the applicant/permit holder and the City of Colorado Springs in a manner that would make it more difficult to ensure compliance with applicable STR regulations. Mr. Wingert's actions do not contravene the spirit of the ordinance. Instead, Mr. Wingert simply engaged in financial and legal maneuvering for the purpose of (1) ensuring proper management of the property, (2) limiting his personal liability and (3) ensuring the continued affordability of the property.

Through these actions there is no appreciable or conceivable detriment to the community or to the Division. Conversely, the position taken by the Division is adverse to the economic prosperity of the City of Colorado Springs and limits the availability of affordable short-term rentals to Colorado Springs citizens and visitors.

Furthermore, the position taken by the Division, if followed to its logical conclusion, leads to absurd results. For example, if Mr. Wingert were to legally change his name the permits would also expire under the same rationale. It is certainly not the intent of the ordinance to limit nominal legal name changes. For the purposes of this discussion, the ownership of 118 N Corona St from Mr. Wingert individually to an entity owned and controlled by Mr. Wingert individually is tantamount to a legal name change.

For these reasons and others, Mr. Matthew Wingert respectfully requests that the denial of his STR renewal application be overturned. Thank you for your time and consideration.

Sincerely,



Matthew Wingert



**City of Colorado Springs  
Planning Department  
Fee Receipt**

[Return to Fee Calculator](#)

<b>Application</b>	<b>Department</b>	<b>Amount</b>	<b>Applicant</b>	<b>AnnexDisc</b>
Appeal of Administrative Decision	Land Use Review	\$176.00		
<b>Total Fees</b>		<b>\$176.00</b>		

<b>Intake Staff:</b>	Carli Hiben
<b>Date:</b>	10/25/2021
<b>Planner:</b>	Carli Hiben
<b>Receipt Number:</b>	40238
<b>Check Number:</b>	4057
<b>Amount:</b>	\$176.00
<b>Received From:</b>	Matthew Wingert STR Appeal