



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Appeal of an Administrative Decision to City Planning Commission

Project Name: Metal Carport
Site Address: 930 Nolte Dr W. Colo. Spgs Co. 80916
Tax Schedule Number: 6424210013
Type of Application being appealed: Notice of Violation and Order to Abate
Include all file numbers associated with application: Case# 2008874
Project Planner's Name:
Administrative Decision Date or Date of Notice and Order: October 21, 2020

SUBMITTAL REQUIREMENTS: Submit an application for an appeal to City Planning Commission to the City Land Use Review office (30 S Nevada, Suite 105, Colorado Springs, CO 80903) with the following items included:

- An appeal statement including justification of City Code 7.5.906.A.4:
Criteria For Review Of An Appeal Of An Administrative Decision: In the written notice, the appellant must substantiate the following:
Identify the explicit ordinance provisions which are in dispute.
Show that the administrative decision is incorrect because of one or more of the following:
It was against the express language of this zoning ordinance, or
It was against the express intent of this zoning ordinance, or
It is unreasonable, or
It is erroneous, or
It is clearly contrary to law.
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.
A copy of the NOTICE and ORDER from the issuing agency (if applicable).
For an appeal of a notice and order, you are stating that one or both of the following are true:
You are not in violation of City Code and believe the official is in error; and
The abatement period is unreasonable and should be lengthened.
A check for \$176 payable to the City of Colorado Springs.

CONTACT INFORMATION:

Appellant's Name: Robert Gallagher Telephone (719) 393-3202
Address: 930 Nolte Dr W. City Colorado Springs
State: CO Zip Code: 80916 e-mail: galled11@aol.com

APPELLANT AUTHORIZATION:

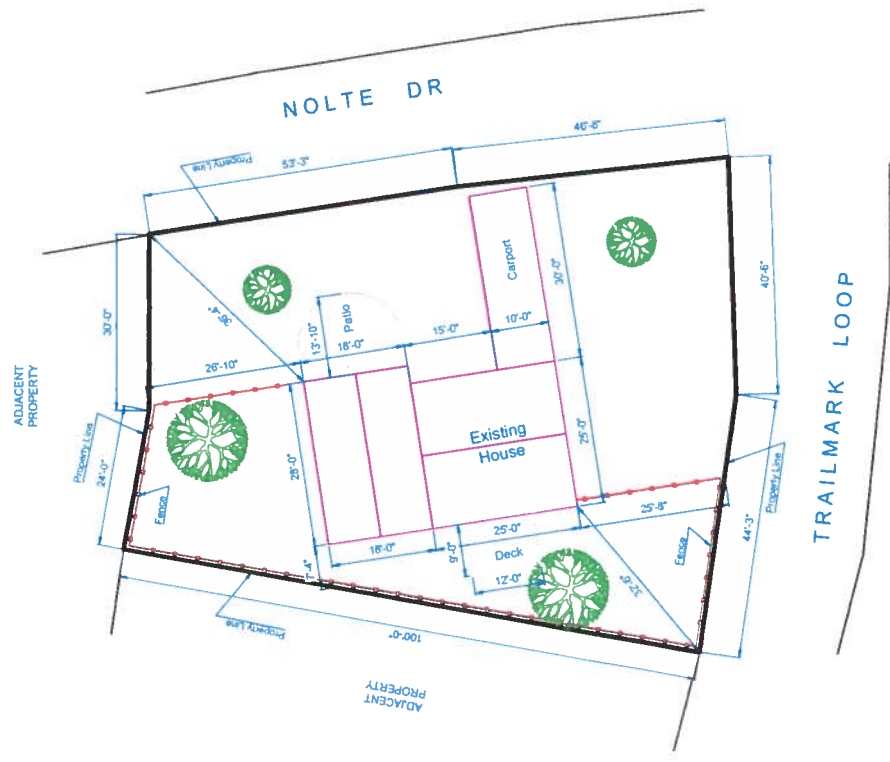
The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form in all respects true and accurate to the best of my (our) knowledge and belief. I (we) familiarized myself(ourselves) with rules, regulations and procedures with respect to preparing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

[Handwritten signature]

Date 10/27/2020



930 Nolte Dr W
Colorado Springs, CO 80916
Scale : 1" = 20'



City Authorization:

Payment \$ 176.00

Date Application Accepted 10/28/20

Receipt No: 38282

Appeal Statement _____

Intake Staff: Hannah Van Nimwegen

Completed Form _____

Copy of Notice and Order (if applicable): _____

Assigned to: _____



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

[Return to Fee Calculator](#)

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

Intake Staff:	
Date:	10/28/2020
Planner:	Hannah Van Nimwegen
Receipt Number:	38282
Check Number:	2350
Amount:	\$176.00
Received From:	Robert R. Gallagher

CITY OF COLORADO SPRINGS, STATE OF COLORADO
Manager – Neighborhood Services Division
Address: 30 S. Nevada Ave. Suite 105, Mail Code 155
Colorado Springs, CO 80901

TO:

**GALLAGHER ROBERT R
930 W NOLTE DR
COLORADO SPRINGS CO, 80916-2061**

and OCCUPANTS OR OTHER PERSON WITH AN
INTEREST IN THE PROPERTY KNOWN AS:

**930 W NOLTE DR
COLORADO SPRINGS CO, 80916-2061
RESPONDENT**

Tax Schedule Number
6424210013

Case # 2008874

NOTICE OF VIOLATION AND ORDER TO ABATE

WHEREAS, it has been made to appear to the Manager – Land Use, Development and Planning, City of Colorado Springs, State of **GALLAGHER ROBERT R 930 W NOLTE DR COLORADO SPRINGS CO, 80916-2061 (“Respondent”)**, has violated the Additional Standard for Specific Uses Allowed in Residential Zones requirements of the Code of the City of Colorado Springs 2001, as amended (“City Code”) §7.3.105 (A) (1) (a) in the following particulars:

- I.** The property at the approximate location **930 W NOLTE DR COLORADO SPRINGS CO, 80916-2061** is zoned **R1-6 Single-family residential**
- II.** **R1-6 Single-family residential** zone allows for single-family residences and their accessory uses. All accessory structures are subject to residential zoning standards and the setback standards
- III.** Prior to **September 30, 2020** Respondent constructed an accessory structure “carport” in the property’s 25 foot front yard setback area. Accessory structures are not permitted within this **25’** front yard setback regardless of size or height.
- IV.** The carport is on the City of Colorado Springs Right of Way by about six feet.

YOU ARE HEREBY ADVISED that abatement of this zoning violation is your responsibility.



PLANNING & DEVELOPMENT DEPARTMENT
Neighborhood Services Division
PO Box 2169 MC 1525
Colorado Springs, CO 80901
(719) 444-7891

NOTIFICATION OF CARPORT AND SETBACK ZONING REGULATION

September 30, 2020

Code Enforcement Case # **2008874**

GALLAGHER ROBERT R
930 W NOLTE DR
COLORADO SPRINGS CO, 80916-2061

RE 930 W NOLTE DR
COLORADO SPRINGS CO, 80916-2061- Setback regulations for carports and additions Parcel Identification
Number: 6424210013; Legal Description: LOT 15 BLK 2 TRAILMARK III COLO SPGS; Property zoning:
PUD AO Single-family residential

Dear Property Owner,

A complaint has been filed alleging the freestanding carport, constructed on the property, violates the City of Colorado Springs zoning regulations for setback requirements.

Freestanding carports may not require a building permit. However, carports are considered accessory structures and must comply with zoning regulations for accessory structure setback and height requirements identified in subsection 7.3.105.A (Accessory Uses And Structures) of zoning regulation code. The property is zoned, R1-6 Single-family residential, which requires accessory structures (carports) to be placed no closer than five-feet 5' from the side property line and are not permitted within the twenty-five 25' front setback of the property as measured from the property line.

A field inspection indicates the freestanding carport located in the front yard of the property is encroaching into the required 25' front yard setback. The structure appears to be located approximately **negative six (-6')** feet from the front property line, where 25' is required. Therefore, this letter is our request for your voluntary cooperation in resolving this zoning violation by doing one of the following:

1. Removing, relocating, or modifying the carports in order to meet the required setbacks for the zoning requirements of this property.
2. Should you choose to explore a possible variance for the current shed location you must submit a site plan for review to the Colorado Springs Planning Department. Contacting the City of Colorado Springs Planning Department to schedule a pre-application meeting with a City Planner to discuss the possibility of a variance to allow the encroachment to remain in the current location. However, meeting justification for a variance is challenging. You must schedule a pre-application meeting on-line by going to www.coloradosprings.gov/planning. For general questions, contact City Planning at 719-385-5905.

I am asking that you contact me with your timeline to remove the carport, or schedule a pre-application meeting with a City Planner, by **October 16, 2020**, to ensure that this matter is not advanced to the next level of code enforcement.

I may be reached at 719-499-4989 or you may reach me by e-mail at Kurt.Arnoldussen@coloradosprings.gov.

Additionally, property owners, whether knowingly or unknowingly, are responsible for the abatement of zoning code compliance on their property.

Sincerely,

K. Arnoldussen
Senior Code Enforcement Officer
CC: Case Number: **2008874**