



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Appeal of an Administrative Decision to City Planning Commission

Project Name: Metal Carport
Site Address: 4975 Norte, Nr. N. Circle 80916
Tax Schedule Number: 6424209007
Type of Application being appealed:
Include all file numbers associated with application: Case # 2008837
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: Colette C. Cook Telephone (719) 648-1066
Address: 4975 Norte Nr. N. City Colorado Springs
State: CO Zip Code: 80916 e-mail: cook.colette@ymail.com

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: Colette C. Cook Date: 10/27/2020

\*\* If you would like additional assistance with this application or would like to speak with the neighborhood outreach specialist, contact Katie Sunderlin at sunderka@springsgov.com (719) 726-1118.



**City Authorization:**

Payment \$ 176.00

Date Application Accepted 10/28/20

Receipt No: 38283

Appeal Statement \_\_\_\_\_

Intake Staff: Hannan 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		
<b>Total Fees</b>		<b>\$176.00</b>		

**Intake Staff:**

**Date:** 10/28/2020  
**Planner:** Hannah Van Nimwegen  
**Receipt Number:** 38283  
**Check Number:** 4260  
**Amount:** \$176.00  
**Received From:** Colette C. Cook & Dennis A. Gayton

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:**

**GAYTON DENNIS A, COOK COLETTE C**  
**4975 NOLTE DR N**  
**COLORADO SPRINGS CO, 80916-2050**

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

**4975 NOLTE DR N**  
**COLORADO SPRINGS CO, 80916-2050**  
RESPONDENT

**Case # 2008837**

Tax Schedule Number  
6424209007

**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 **GAYTON DENNIS A, COOK COLETTE C 4975 NOLTE DR N COLORADO SPRINGS CO, 80916-2050** (“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 4975 NOLTE DR N COLORADO SPRINGS CO, 80916-2050 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.

**NOW THEREFORE**, you are hereby **ORDERED** to relocate the accessory structure by the deadline identified in this notice and order to abate. The property must be brought into compliance with the accessory structure standards for a residential zone by or before **November 9, 2020**. **The accessory structure must be removed, from front yard setback and from the Right of Way.**

Should you choose to explore a possible variance for the current **carport** 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](http://www.coloradosprings.gov/planning). For general questions, contact City Planning at 719-385-5905.

**YOU ARE HEREBY ADVISED** that failure to comply with this Notice of Violation and Order to Abate may result in the issuance of a criminal summons pursuant to City Code §§7.5.1008(A), (E). You are further advised that failure to comply with this Notice of Violation and Order to Abate may result in direct abatement by the Manager pursuant to City Code §7.5.1008(B) and that you may be assessed additional re-inspection fees pursuant to City Code §7.5.1008(C).

***IF YOU WISH TO CONTEST** this Notice of Violation and Order to Abate, you must file an appeal with the City of Colorado Springs Zoning Commission in accordance with §§7.5.1007 and 7.5.906 of the City Code, within 10 days of receipt of this Notice of Violation and Order to Abate.*

If you have any questions regarding this NOTICE, please contact Kurt Arnoldussen, Senior Code Enforcement at 499-4989 or via e-mail at Kurt.Arnoldussen@Coloradosprings.gov

**DONE THIS this 21st day of October 2020.**

**FOR THE MANAGER – NEIGHBORHOOD SERVICES DIVISION**



\_\_\_\_\_  
Kurt Arnoldussen, IBM 6125  
Senior Code Enforcement Officer



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 # **2008837**

**GAYTON DENNIS A, COOK COLETTE C**  
**4975 NOLTE DR N**  
**COLORADO SPRINGS CO, 80916-2050**

RE: **4975 NOLTE DR N COLORADO SPRINGS CO, 80916-2050**– Setback regulations for carports and additions

Parcel Identification Number: **6424209007**; **Legal Description: LOT 10 BL K 6 PIKES PEAK PANORAMA FIL NO 3**; Property zoning: **R1 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](http://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](mailto: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: **2008837**