

CITY OF COLORADO SPRINGS

INTEROFFICE MEMORANDUM

DATE: November 30, 2020
TO: Peter Wysocki, Director of Planning
FROM: Sarah Johnson, City Clerk
SUBJECT: Notice of Appeal

ITEM NO. 6.E.: CPC CP 20-00146

An appeal has been filed by Robert Gallagher regarding the Planning Commission's action of November 19, 2020.

I am scheduling the public hearing on this appeal for the City Council meeting of January 12, 2021. Please provide me a vicinity map.

CC: Kurt Arnoldussen
Elena Lobato

Robert Gallagher
930 W Nolte Dr
Colorado Springs, CO 80916

Robert Ray Gallagher
930 W. Nolte Dr.
Colorado Springs, Co. 80916
(719) 393-3202
gallagherr407@gmail.com

CITY CLERK'S OFFICE
2020 NOV 30 P 2:47

November 29, 2020

To: City Council, Planning Commission

I am deeply concerned and feel like my rights as a tax paying citizen and a Combat Veteran are being taken from me. I protected our way of life and our freedom, yet I am told I can't protect my own vehicles in my own yard. How can I have a carport for 10+ years on my own property and a complaint from an unknown source (could be a renter, not even a home owner) cause me and at least 60 others to change our way of life. The representative for code enforcement even mentioned in the hearing they act on anonymous complaints.

The initial appeal on 19 November, 2020 was denied, the reason was violation of front setback. I am appealing the findings and timelines set in the initial appeal. In the hearing I (the applet) was granted the opportunity to give my side of the case in question and then phone lines were open to the residents for their input. The Commissioners in the hearing seemed taken by surprise on the carport case and did not seem to have a clear understanding of how wide spread the issue of carports are in the city, and how large the issue will become.

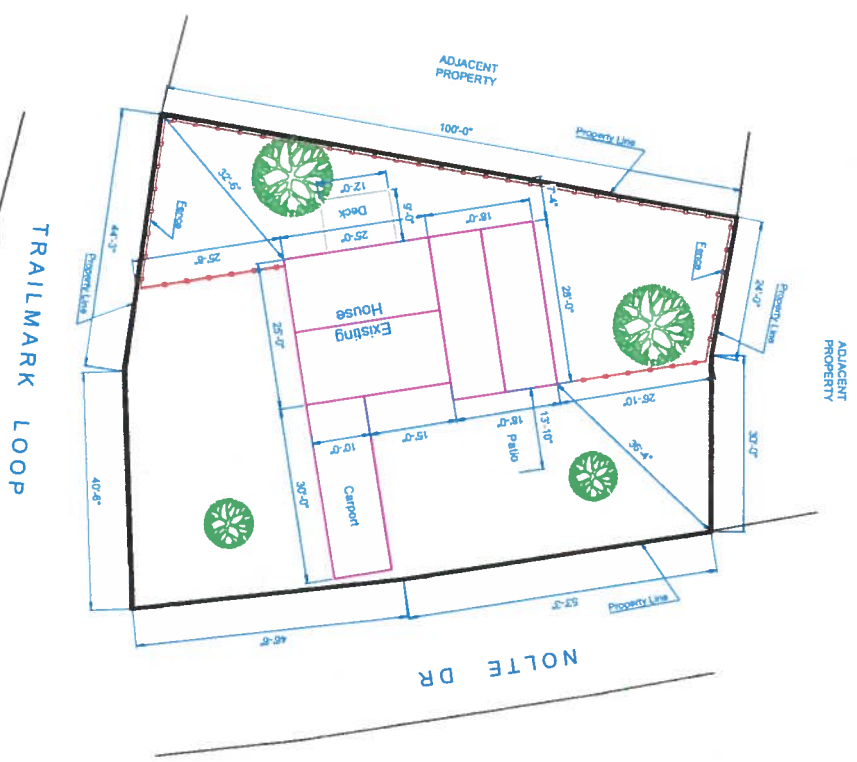
The public (residents) for the carports (Handicap, elderly, disabled Veterans, residents with carports) discussed necessity of the carports for their independent reasons, such as assisting the handicapped into their homes, assisting the elderly from falling, protecting vehicles from inclement weather, ability to build on their privately owned and tax paid properties. The commission heard all these facts and regardless of the reason IE. (Handicap, elderly, disabled Veterans, residents with carports), declined the appeal and set a deadline of 30 days to have the carport taken down.

I asked several questions in the opening of the hearing and repeated the same questions at closing statement yet I received no answers. I ask again, When was the setback established and by whom? Who creates and sets the timeline schedule, to include the deadline to take down the structure? Why can a stranger with a computer cause such an up rise and have the city and the citizens reacting to such a claim-less issue? I am writing our Congressman and asking the same questions, it doesn't make any sense!

I am deeply concerned, there are no benefits in the denial of the initial appeal, in fact there are adverse affects to myself and the citizens who have had these carports for several years without prior problems and are asked to immediately take the structures

down. Please take the time to consider the residents and protecting their assets as well as making life safer. No one is infringing on others and this case will only add stress and anger to an already stressed community.

Robert R Gallagher
MSG, US Army (Ret.)



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





CITY CLERK'S OFFICE
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

2020 NOV 30 P 2: 47

Appeal of City Planning Commission's
Decision to City Council

Project Name: _____
Site Address: 4839 Trailmark loop, Colo, Spgs Co 80916 / 930 W Noltz D
Tax Schedule Number: 6424210013
Type of Application being appealed: City Planning Commission Decision
Include all file numbers associated with application: _____
Project Planner's Name: _____
City Planning Commission Hearing Date: November 19, 2020

SUBMITTAL REQUIREMENTS: Submit an application for an appeal to City Council to the City Clerk's office (30 S Nevada, Suite 101, Colorado Springs, CO 80903) with the following items included:

> Appeal Statement:

- If the appeal is an appeal of a decision that was made administratively and then appealed to City Planning Commission, the appeal must include 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.
- If the appeal is an appeal of a City Planning Commission decision that was not made administratively initially, the appeal must identify the explicit ordinance provision(s) which are in dispute and provide justification to indicate how these sections were not met. For example if this is an appeal of a development plan, the development plan review criteria must be reviewed.

> A check for \$176 payable to the City of Colorado Springs.

CONTACT INFORMATION:

Appellant's name: Robert R Gallagher Telephone: (719) 393-3202
Address: 4839 Trailmark loop / 930 W Noltz D W City: Colo Spgs Co
State: Co Zip Code: 80916 e-mail: gallagherr407@gmail.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

Nov 29 2020

Date

** 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 \$ _____

Date Application Accepted _____

Receipt No: _____

Appeal Statement _____

Intake Staff: _____

Completed Form _____

Copy of Notice and Order (if applicable): _____

Assigned to: _____

CITY OF COLORADO SPRINGS

OFFICE OF THE CITY CLERK
30 S. NEVADA AVE., SUITE 101
COLORADO SPRINGS, CO 80903
719-385-5901



RECEIPT

DATE: 11/30/2020

Receipt #: 38137

License Type: PER SUB TYPE

Payment Type: Personal Check

Reference #: 2307

LICENSE NO: 10FDD-00000-#0001

Post Date: 11/30/2020

Receipt Total: \$176.00

PAYEE:
ROBERT GALLAGHER



For the Licensed Premises at:

Comments:

PAYMENT DETAILS:

| Description | Quantity | Amount |
|---------------------|-----------------|---------------|
| Planning Appeal Fee | 1 | \$176.00 |