



Appeal of an Administrative Decision to City Planning Commission

Project Name: 100 Marland Rd South-Garage Expansion

Site Address: 100 Marland Rd South Colorado Springs, CO 80906

Tax Schedule Number: 7501200020

Type of Application being appealed: Hillside Site Plan

Include all file numbers associated with application: \_\_\_\_\_

Project Planner's Name: Kerri Schott

Administrative Decision Date or Date of Notice and Order: January 17, 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. - PLEASE SEE ATTACHED
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: Fairway Estates HOA, c/o Ted Rubley

Telephone (719) 471-7500

Address: P.O. Box 38445

City Colorado Springs

State: CO Zip Code: 80937 e-mail: invfxinc@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.

By: Bruce M. Wright, Attorney for Fairway Estates HOA
Signature of Appellant

Date: Jan. 22, 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 1/22/2020

Receipt No: 30154

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

Intake Staff: GTW

Completed Form \_\_\_\_\_

Copy of Notice and Order (if applicable): \_\_\_\_\_

Assigned to: \_\_\_\_\_

**Appeal Statement**  
**100 Marland Rd. South – Hillside Site Plan**

The administrative approval of this Hillside Site Plan is improper for the following reasons:

- The April 9, 1998 approval for a previous addition to this property required completion and finalization of a plat for this property as a condition to any improvements. This requirement was never satisfied. No further improvements should be allowed until this plat requirement has been satisfied.
  
- The site plan violates the following Hillside Overlay Zone site designation review criteria (City Code §7.3.504(H)(2)):
  - Terrain disturbance has not been minimized;
  
  - Existing scrub oak and pine trees have not been preserved significantly and adversely impacting the appearance of the streetscape and character of the neighborhood; and
  
  - Visual impacts upon offsite areas have not been reasonably mitigated and existing vegetation has not been preserved to soften the structural mass of the proposed building in a highly visible area.
  
- There are multiple alternative sites on this 1.82 acre parcel to locate the proposed garage addition which would have little or no impact on adjoining properties due to the extensive existing vegetation and topography. Locating the garage addition twelve feet from the common drive for Fairway Estates and removing virtually all of the existing screening vegetation results in an undue burden on the adjoining properties when alternative locations are available within the 100 Marland Rd. South property which would function every bit as well as the proposed location, and not have any adverse impact on adjoining properties.



**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>		

<b>Intake Staff:</b>	Cody Webb
<b>Date:</b>	1/22/2020
<b>Planner:</b>	Kerri Schott
<b>Receipt Number:</b>	36154
<b>Check Number:</b>	1268
<b>Amount:</b>	\$176.00
<b>Received From:</b>	Flynn & Wright, LLC - 100 S Marland