



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: M. Irene Verstraete, managing member Happy Places II, LLC Telephone: 719-406-2122
Address: 201 Springridge Ct. City Colorado Springs
State: CO Zip Code: 80906 E-mail: ireneverstraete@gmail.com

PROJECT INFORMATION:

Project Name: STR - 0950
Site Address: 1046 E. Monroe ST
Type of Application being appealed: Short term rental renewal application
Include all file numbers associated with application: Permit # 0950
Project Planner's Name: Carli Hibben
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.

M. Irene Verstraete
Signature of Appellant

August 2, 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: 8/2/2021

Receipt No: 39722

Appeal Statement: Attached

Intake Staff: KDD

Completed Form: _____

Assigned to: Carli Hiben

August 2, 2021

Appeal Statement

Appellant: M. Irene Verstraete, managing member, Happy Places II, LLC

I am appealing City Code 7.5.906.A. in dispute of the expiration of my permit #STR- 0950 pursuant to Code 7.501702.B.

I, the appellant, am directly affected by the expiration of my permit. I am appealing because the administrative decision is unreasonable.

I purchased my investment property in May 2019. After making some upgrades and furnishing it, my home was ready for short-term renters. I created an account on the Airbnb site and applied for a permit with the Planning and Development Department of Colorado Springs. My permit #0950 was granted on August 16, 2019. My first guests stayed on August 19, 2019. Because I received my permit prior to the December 2019 rules I was grandfathered in to be able to have a non-owner occupied STR.

In the past I was a landlord of a long term rental. After having my home destroyed a few too many times or having to take tenants to court for non-payment and/or eviction I chose to become a short term renter. This way I was able to control who stayed in my home. I chose to only allow guests with confirmed verified ID's (government ID with photo, confirmed phone number, email, payment information, and over the age of 25) who had reviews between 4 and 5 stars on the Airbnb rating system.

I managed all my own bookings and cleaned and maintained the house myself. This allowed my neighbors access to me whenever I was there and allowed me to closely monitor my house. My neighbors have my phone number, yet I never received any complaints about any of my guests. I received the "Super Host" award from Airbnb multiple times.

In August 2020, I, like many others during the pandemic, decided to update my legal estate. My lawyer highly recommended that I place my investment property in an LLC not only to limit my liability with what may occur at the property after the insurance reached the maximum limit, but it would also protect my investment property if I for any reason was sued personally. At that time I

APPEAL STATEMENT

changed the deed from my name to Happy Places II, LLC not realizing the consequences this would have for me.

July 20, 2021 I reapplied for my permit. Two days later I received an email stating it had expired due to the change of the deed. I emailed Carli Hiben with questions on how to proceed with an appeal. In her reply she included a link of the hearing on April 15, 2021 with Mr. Ian Kallenbach which I viewed.

While I understand why the code is in place to prevent permits from passing from one entity unto another entity my appeal is based on a point that no one else has addressed. While an LLC is currently considered an entity in the Code and an LLC can be transferred to another individual/individuals the Airbnb account cannot be transferred.

For example, if I transferred or sold my LLC to another entity and that entity wanted to keep the property as an Airbnb the new entity would have to create its own Airbnb account. The account includes personal background information, a recent photo, rules of the property, etc. The owner of the Airbnb listing must also provide banking account information to deposit the funds received from the Airbnb. Therefore, the new entity would need to apply for a new permit. Under the new code the new entity would then have to abide by the 185 day occupancy per year.

I feel the decision of the Planning Commission to not allow an individual to protect their assets is denying the individual's rights to legally protect themselves from any unforeseen litigation. We all know what Frank Azar can do!

In closing, I am a single, self-employed woman who created a nice place for tourists, people looking to relocate, and traveling nurses to stay and get the feel of our wonderful city by giving them the comfort of a home where they can have privacy, a kitchen, a backyard, and a place to bring their pets. In turn, with the profits from my STR I was able to help my two daughters pay for their college education. My daughters are gainfully employed and paying taxes; this benefits any community.



**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:	KDD
Date:	8/2/2021
Planner:	Carli Hiben
Receipt Number:	39722
Check Number:	4411
Amount:	\$176.00
Received From:	M Irene Verstraete - 201 Springridge Ct - STR-0950 Appeal fee