

**CITY PLANNING COMMISSION AGENDA  
October 15, 2020**

**STAFF: SEAN COPE, SENIOR CODE ENFORCEMENT OFFICER**

**FILE NO:  
CPC AP 20-00130**

**PROJECT: APPEAL OF NOTICE AND ORDER TO ABATE ZONING VIOLATION  
8720 Anglewood Court  
COLORADO SPRINGS CO, 80920**

**APPLICANT/OWNER: 8720 Anglewood Court LLC  
Ryan Dekker  
915 Pinon Ranch View  
COLORADO SPRINGS, CO 80907**





### **PROJECT SUMMARY:**

1. **Project Description:** This is a request to appeal the Notice and Order to abate the zoning code violation issued to the owner of 8720 Anglewood Court, Colorado Springs, CO 80920 on August 25, 2020, for violation of short-term rental permit requirements.

The property is zoned R1-6000 (Single-Family Residential) and is located east of Summerset Drive, West of Lexington Drive, and directly south of Research Parkway. The rear yard of this property abuts Research Parkway. The property is one of six single-family residences on Anglewood Court, which is the cul-de-sac directly off of Westminster Drive.

2. **Applicant's Appeal Statement:** (see **Appeal Statement\_Ryan Dekker attachment**)
3. **Community Development Department's Recommendation:** Staff recommends the City Planning Commission uphold the Notice and Order and deny the appeal.

### **BACKGROUND:**

1. **Site Address:** 8720 Anglewood Court – Parcel Identification number 6234303005
2. **Existing Zoning/Land Use:** R1-6 (Single-Family Residential)
3. **Surrounding Zoning/Land Use:** All surrounding properties are zoned R1-6.
4. **Annexation:** 1982
5. **Master Plan/Designated Master Plan Land Use:** Briargate Master Plan
6. **Legal Description:** LOT 16 BLK 2 WEDGEWOOD AT BRIARGTE FIL NO 3 COLO SPGS

7. Zoning Enforcement Action: Repeated complaints of noise disturbances related to the permitted short-term rental use of this property have been received by Neighborhood Services and the Colorado Springs Police Department. Due to the volume and frequency of complaints received, a Notice and Order to abate the violations was served to the owner as a basis for future enforcement action in relation to the short-term rental use of this property if the conditions are not abated.
8. Physical Characteristics: The property is 13,683 square feet in size, zoned R1-6000, consisting of one single-family dwelling unit.

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

No stakeholder process is required with the issuance of a Notice and Order to Abate. The site will be posted and postcards mailed to notify property owners located within 500 feet of the subject property regarding the City Planning Commission hearing, posted for 10 days prior per current Code requirements.

#### **ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN:**

1. Timeline of the Notice and Order Issuance:

A complaint filed against the property alleges: Rental guests have caused disturbances within the neighborhood. The disturbances consisted of loud parties, yelling, and a large party attended by fifty underage guests.

On August 21, 2020, Neighborhood Services staff, pursuant to the complaint, conducted a records review utilizing the Colorado Springs Police Department (CSPD) Computer Aided Dispatch (CAD). The review indicated CSPD received ten calls for service between September 30, 2019 and August 19, 2020 (**see CSPD Calls for Service attachment**). The calls for service and call type are listed as follows: three noise complaints, four kegger-loud parties, one trespassing, one disturbance, and one parking violation. Upon investigation, staff determined that the owner, Ryan Dekker, is in violation of City Code 7.5.1706, Rules and Regulations, Section A that states, "All short term tenants shall abide by all applicable noise, housing and public health ordinances of the City and with all other City fire and safety ordinances."

On August 25, 2020, Staff mailed a copy of the Notice and Order to abate to the property owner listed by the County Assessor's Office as, 915 Pinon Ranch View, Colorado Springs, CO 80907. (**see Notice of Violation and Order to Abate August 25, 20 attachment**) Staff posted the property, 8720 Anglewood Court, Colorado Springs, CO 80920. Additionally, staff made contact with Mr. Ryan Dekker, the registered agent of 8720 Anglewood Court at 915 Pinon Ranch View, Colorado Springs, CO 80907 and personally served the Notice and Order. (**see SOS Registered Agent attachment**)

Staff explained to Mr. Dekker the reason for the Notice and Order was to eliminate activities resulting in complaints due to loud parties, "kegger parties," parking, and noise. If this Notice and Order is upheld there is no additional action against Mr. Dekker at this time. Neighborhood Services will continue to work with Mr. Dekker to reach voluntary compliance and maintain the residential qualities of this neighborhood. The closing statement in Mr. Dekker's appeal application states that he does not dispute that issues have occurred, but argues that the volume and severity has been overstated. The Notice and Order issued in this case does not require any specific changes to remediate past events, but only serves as notification that a problem appears to exist and a request to take some kind of further action at his discretion to prevent future similar occurrences. Furthermore, the Notice and Order only serves as a basis and written evidence to support further enforcement action if there is no improvement in the future. Withdraw of this Notice and Order, as requested by Mr. Dekker, would negatively impact Neighborhood Services' ability to address these conditions in the future if no action (or ineffective measures) are employed by Mr. Dekker should future complaints be received by Neighborhood Services or the Colorado Springs Police Department.

On September 3, 2020 Mr. Dekker filed an appeal of the notice and order.

*§7.5.906: APPEALS: A perfected appeal shall operate as a stay of the zoning enforcement decision unless the Manager certifies in writing that the condition giving rise to the decision constitutes an imminent hazard to the public health, safety and welfare or the violation is of a short term nature that*

*by the time an appeal hearing is held, the violation will have been terminated or moved to another site.*

2. Background:

The use of the property does allow for the operation of a licensed short term rental. Currently the owner, Ryan Dekker has an approved short term rental license, STR-0716. License issuance Date: 6/11/2020. License expiration date: 6/11/2021. Mr. Dekker applied and was granted a short term rental permit for this property prior to the code change currently prohibiting non-owner occupied short-term rentals in R1-600 zoning districts. Therefore, the current short-term rental use is legal non-conforming.

The following code regulations explain the reason for the notice of violation.

§7.5.1706: RULES AND REGULATIONS

It shall be a violation of this part for the owner or short term rental tenants to fail to comply with the following rules and regulations:

A. All short term tenants shall abide by all applicable noise, housing and public health ordinances of the City and with all other City fire and safety ordinances.

B. Parking in private driveways shall be utilized first with overflow parking on the street where permitted. Parking on-site in non-driveway areas (i.e., front yard areas, parkways and rear-yards) shall be prohibited.

C. No meals shall be prepared for or served to the short term tenants by the owner or the owner's agents.

D. Use of the short term rental unit for any commercial or large social events or gatherings, such as weddings, is prohibited.

E. The permit with all local contact information and emergency safety information shall be prominently displayed within the short term rental unit.

F. The City issued permit number shall be used in all rental marketing materials.

G. During the term that a short term rental unit is occupied by a short term tenant, the owner and/or the local contact person designated by the owner shall be available twenty four (24) hours per day, seven (7) days per week, for the purpose of responding within one hour to complaints regarding the condition or operation of the short term rental unit or the conduct of short term tenants. If the local contact person designated by the owner changes, then the owner shall update the permit on file within three (3) days. (Ord. 18-112)

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Staff believes that the Notice and Order to Abate meets the criteria as set forth in City Code.

3. Conformance with the City Comprehensive Plan:

Not applicable to a notice and order

4. Conformance with the Area's Master Plan:

Not applicable to a notice and order

**STAFF RECOMMENDATION:**

**CPC AP 20-00130 - APPEAL OF NOTICE AND ORDER TO ABATE**

Deny the appeal and uphold the Notice and Order to Abate violation issued against 8720 Anglewood Court on August 25, 2020, based on the finding that the appeal does not meet the criteria for granting an appeal as set forth in City Code Section 7.5.906.A.4.