



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: 8720 Anglemood Court LLC Telephone: 719 362 5873
Address: 915 Pinon Ranch Vw City Colorado Springs
State: CO Zip Code: 80907 E-mail: ryan@advancedrental.co

PROJECT INFORMATION:

Project Name: _____
Site Address: 8720 Anglemood Court, Colorado Springs CO 80920
Type of Application being appealed: Notice of Violation and Order to Abate
Include all file numbers associated with application: Case # 2007725
Project Planner's Name: SHAWN COPE, NEIGHBORHOOD SERVICES
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.


Signature of Appellant

9/2/2020
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: \$ _____

Date Application Accepted: _____

Receipt No: _____

Appeal Statement: _____

Intake Staff: _____

Completed Form: _____

Assigned to: _____

First off, I want to highlight that we really do care about our neighbors. We've taken steps to ensure that they can enjoy the neighborhood as much as we do, and we continue to think creatively about how we can ensure our short-term residents treat the house and the neighborhood as though they live there. This is our goal, and I believe that this is the City's goal.

Steps taken to-date

To date, we've taken a variety of steps on a number of levels to ensure our short-term residents act like longer term residents and act reasonably.

1. For every guest, we have a guestbook highlighting key rules, which we also state on our listing. Guests must agree to our rules prior to booking.
2. For most short-term residents we also make them aware that we don't allow parties and make sure they understand we don't allow anyone not on the reservation to stay at the house. In addition to providing this information to short-term residents in our rules, we also mention this manually to ensure each guest understands, especially if we're remotely concerned about a reservation.
3. Following an issue last year on 9/29/19 we installed cameras on the exterior of the home and check them regularly for all short-term residents, more frequently during weekends and for short-term residents that we're concerned about.
4. In addition to checking cameras we also have driven by on multiple occasions where we had concerns about a short-term resident's stay.
5. In situations where a guest violates our terms (as happened on 9/29/19), we have taken action as soon as we knew about it to cancel the remainder of their reservation. We highlight in our terms for new bookings that we have done this in the past and are willing to do it again.
6. We adopted a smart booking management tool that works to get longer stays while still allowing us to fill gaps.
7. Following an issue this year on 2/15/20, we installed an interior noise monitor to give us an indicator of when to check our cameras and alert us ahead of time for short-term residents that are more likely to be noisy (even where it may not be noticeable to neighbors).
8. Following this event we also increase our monitoring of video feeds, as well as guest reach outs. When we see short-term residents outside later in the evening we generally send a message asking them to be mindful of their noise level.
9. In addition to all of this proactive monitoring, we have also given neighbors a phone number to call and we respond quickly any time neighbors do notify us of an issue. This hasn't happened often, but we do respond quickly on any issue we are notified of.

Regarding Police Incidents

For several of these calls we're not able to confirm an issue and it appears police couldn't either. In fact, in looking over police records now that we have received them, I wanted to draw attention to a couple of points:

1. Police only confirmed any issue on 2 of the 7 dates listed (the ones I listed above).
2. Police actually verified that 2 of 7 issues were *not* valid.

3. On the confirmed issue of 2/15/20, the guest on the reservation (Shawn Baker) was one of the callers, apparently surprised that it was happening. Another was a tip that reported they had seen it on SnapChat.
4. Linda Orlicky has called 3 times, twice the police verified there was no issue (in 19 minutes and 39 minutes). In the latest one on 7/5/20 they didn't send someone out. That was about people in the pool at 2pm in the afternoon. I believe playing in a pool in the summer in the afternoon constitutes reasonable residential activity.
5. Excluding Linda Orlicky's complaints, there are 4 dates with calls, only 2 of which were actually confirmed by police.

I honestly struggle to lend any real credibility to Linda Orlicky and her complaints, as they were shown by police to be invalid and frivolous. Her complaints and surrounding details practically dispute themselves. As a small piece of anecdotal evidence, my first interaction with Ms. Orlicky was the day we were moving into the house. My wife parked in the driveway with her front tires in the driveway and the back of her car hanging over the asphalt of the cul-de-sac due to other cars in the driveway (again, we were moving in). Linda pulled up and blared her horn at my wife, chewing her out saying she couldn't park there, where clearly there was no obstruction to her own driveway. Suffice it to say that Linda is, in my opinion, an unhappy and ultimately unreasonable person. To be honest, the fact that she hasn't called more speaks to the fact that we're doing a good job in our management of short-term residents.

Regarding the 4 other days where police were called I wanted to touch on each briefly.

1. 9/29/19 - Neighbors didn't call us on this one. It appears police had a reasonable conversation with the guest, but it's unclear what the noise level was actually like. However, as a result of this event we did ask the guest to leave once we found out about it and also added cameras on the outside of the property.
2. 10/6/19 - Neighbors didn't call us, and the police couldn't confirm this issue. We actually drove by to check on these short-term residents around 11pm and things were reasonably quiet. On talking with Ralph who called this in later, he indicated things picked up at 11:30. I'm not sure how significant the noise level was between when we checked it out and when police arrived, but clearly it wasn't an issue by the time police made it out.
3. 2/15/20 - For the next 4 months checking cameras and our other proactive steps was working for us. On this one we checked cameras frequently the night before (Valentine's Day), as well as a bit after 10pm on that night, in addition to a verbal conversation with the guest prior to the stay. The guest on the reservation (Shawn Baker) was one of the callers, apparently surprised that it was happening. Another was just a tip that reported they had seen it on SnapChat. This seems to indicate that one of the guests did this without the main renter's knowledge, which is perhaps why our attempt to screen wasn't successful. Following this event we installed an interior noise monitoring system to help us combat noise in the house as well. We also further tightened up our house rules, messaging, and surveillance.

4. 8/16/20 - Again I want to draw attention to the fact that this event occurred 6 months after the last one. I believe this highlights that much of what we're doing is working. We did get a call from neighbors and called the guest asking them to take it inside. They did and we also sent someone by the property to ensure compliance. Our compliance efforts were clearly successful, as the police never stopped by the property on this occasion.

In all situations where neighbors have called us we have asked the guest to be mindful of the neighbors (with varying degrees of strength as the situation warrants). Often we honestly feel the neighbor was being over sensitive, but we do message the guest regardless. We're trying to maintain a good balance here, but reasonable residential activity is the right of any resident, regardless of the length of their tenancy. This is true for our neighbors as well as our short-term residents. We're still working on finding a balance between our neighbors and our short-term residents and are motivated to continue improving this.

Next Steps

Going forward we're still committed to being good neighbors and continually improving our monitoring to ensure a reasonable and mutually enjoyable environment for both our neighbors and our short-term residents. We also believe strongly in the property rights of our neighbors and our own, and we want to be a part of making Colorado Springs a great city to be in from a number of fronts. I believe this aligns with the City's goals as well.

I received the following list of recommendations from Sean Cope, which we will strive to implement moving forward:

1. Recommend reaching out to the local neighbors and providing them the good neighbor letter.
2. Work with the neighbors to help manage expectations.
3. Educate guests on the ordinances and expectations for the neighborhood.
4. Adjust minimum rental stays. For example; One overnight could potentially attract parties and large events.
5. Installation of interior/exterior decibel meters. I've had conversations with other STR operators and the use of decibel meters has proven to be very beneficial.
6. Installation of exterior cameras to monitor parking and the exterior of the property.

As you'll see at the top of the document, we already have worked toward items 2,3,4, 6, and part of 5. We intend to continue to work on all of these and more. As I mentioned to Sean on the phone, we intend to write a more personal note with additional details to address items 1 and 2 and include a magnet (on order) so that neighbors have our information handy. We also have on order a more advanced noise monitoring system that will alert us to both indoor and outdoor concerns. Regarding item 2, we have posted additional signs highlighting the city's noise ordinance that we will continue to monitor for effectiveness.

I cannot deny that we're learning on the job a bit, but I believe that we have gotten much better as we have gone along, and I believe this shows. As I've mentioned, we're continually

committed to finding workable solutions that are a good fit for both our neighbors and our short-term residents.

In Closing

I am not going to dispute that issues have occurred. I do believe that the volume of complaints and the severity of the issues has been overstated, and, in all but one instance, do not rise to a level sufficient to constitute a violation of the City's noise ordinance restrictions. Certainly we will continue to do our best to ensure peaceful cohabitation with our neighbors and we continue to think creatively about how best to achieve this. Additionally, we've been both responsive and proactive in our attention to issues as we are informed of them. At virtually no other house in the city are neighbors able to get fast resolutions from a problem with a neighbor with proactivity that exceeds City code. I would kindly ask that the City withdraw the notice to abate, as while there is always room for improvement (and, again, we will), the issues are far outweighed by our proactivity in addressing any such issues.



**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		
Total Fees		\$176.00		

Intake Staff:	
Date:	9/3/2020
Planner:	Drew Foxx
Receipt Number:	37870
Check Number:	1041
Amount:	\$176.00
Received From:	Advanced Rental Solutions LLC - 915 Pinon Ranch Vw (Shaun Cope - Neighborhood Services Appeal)

