

CITY OF COLORADO SPRINGS, STATE OF COLORADO
Manager – Land Use, Planning and Development
Address: 30 S. Nevada Ave. Suite 105, Mail Code 155
Colorado Springs, CO 80901

TO:

**DEVON K BOWEN and OCCUPANTS OR OTHER
PERSON WITH AN INTEREST IN THE PROPERTY
KNOWN AS:**
2215 FARRAGUT AVE
Colorado Springs, CO 80907
RESPONDENT

**Tax Schedule Number
6405110027**

NOTICE OF VIOLATION AND ORDER TO ABATE

WHEREAS, it has been made to appear to the Manager – Land Use Review, Planning and Community Development, City of Colorado Springs, State of Colorado that Devon K Bowen, 2215 Farragut Ave, Colorado Springs, CO 80907 (“Respondent”), has violated Ordinance 16-19, an ordinance amending section 201 (Definitions Enumerated) of part 2 (Definitions) of article 2 (Basic provisions, definitions and land use types and classifications) and section 102 (general standards) of part 1 (general standards) of article 4 (site development standards) of chapter 7 (planning, development and building) of the code of the City of Colorado Springs 2001, as amended, pertaining to fences and accessory structures, as amended (“City Code”) §7.2.201 in the following particulars:

- I. The property at the approximate location of 2215 Farragut Avenue, Colorado Springs, CO 80907 is zoned R-1 6000.
- II. A R-1 6000 zone district allows for single-family residences and their accessory uses.
- III. On or about January 27, 2015, Respondent constructed, in the front yard setback area along the southern property line including the side yard setback area, a fence which exceeds the height limit established in §7.4.102 A and now Zoning Ordinance 16-19. Additionally, on or about February 15, 2015, Respondent constructed an “arbor” type structure approximately eight feet (8’) in height in the front yard setback area (along the front property line) where accessory structures are limited to a maximum of six feet (6’) in height in violation of §7.3.105 A. (Now Ordinance 16-19)
- IV. Notice of this zoning land use violation was provided to Respondent on or about July 16, 2014 by USPS regular mail service and voluntary compliance by Respondent was requested.

- V. Respondent through his attorney challenged the interpretation and application of the provisions of the fence and accessory structures provisions of the City of Colorado Springs Zoning ordinances to the Colorado Springs Zoning Commission who upheld the interpretation and application of the ordinance provisions as applied BUT did amend a part of the definitions and method for measuring height as now found in Ordinance 16-19 of the city zoning ordinance.
- VI. On March 30, 2016 Respondent was noticed by USPS regular mail service to abate the zoning violations noted in City of Colorado Springs Zoning Ordinance 16-19.
- VII. On May 2, 2016 a field inspection determined that no action has been taken Respondent to abate these violations.

YOU ARE HEREBY ADVISED that abatement of this zoning violation is your responsibility.

NOW THEREFORE, you are hereby **ORDERED** to remove the unlawful fence installation and arbor structure within **ten (10)** days from the date of the issuance of this NOTICE.

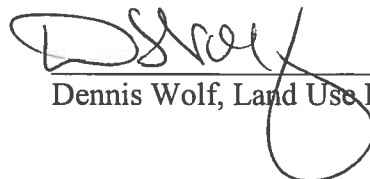
YOU ARE HEREBY ADVISED that failure to comply with this Notice of Violation and Order to Abate may result in the issuance of a criminal summons pursuant to City Code §§7.5.1008(A), (E). You are further advised that failure to comply with this Notice of Violation and Order to Abate may result in direct abatement by the Manager pursuant to City Code §7.5.1008(B) and that you may be assessed additional re-inspection fees pursuant to City Code §7.5.1008(C).

***IF YOU WISH TO CONTEST** this Notice of Violation and Order to Abate, you must file an appeal with the City of Colorado Springs Zoning Commission in accordance with §§7.5.1007 and 7.5.906 of the City Code, within 10 days of receipt of this Notice of Violation and Order to Abate.*

If you have any questions regarding this NOTICE, please contact Dennis Wolf, Land Use Inspector at 385-5353.


DONE THIS this 4 day of MAY 2016.

FOR THE MANAGER – LAND USE, PLANNING AND DEVELOPMENT


Dennis Wolf, Land Use Inspector

CERTIFICATE OF SERVICE

I hereby certify that I have mailed by USPS Certified Mail, Return Receipt Request a true copy of the foregoing **NOTICE OF VIOLATION AND ORDER TO ABATE** by USPS postal service to the address which appears on the assessment roll of the County of El Paso on this 4 day of MAY, 2016 at 7:35 am/PM

By: 
Dennis Wolf, Land use Inspector

Certified Mail Receipt # 7015 1660 0000 1509 3190
