



# 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: Julie Thompson Volk Telephone: 719-229-3932  
Address: 19714 Lindenmere Dr City: Manitou CO  
State: CO Zip Code: 80132 E-mail: Julie.ThompsonVolk@gmail.com

### PROJECT INFORMATION:

Project Name: Short Term Rental  
Site Address: 4643 Poleplant Dr Colorado Springs CO 80918  
Type of Application being appealed: Short Term Rental  
Include all file numbers associated with application: Code Enforcement 2205665  
Project Planner's Name: N/A  
Hearing Date: TBD Item Number on Agenda: TBD

### 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.

Julie Thompson Volk  
Signature of Appellant

7/25/2022  
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.

Please see attached Exits A, B & C.

Thank you,  
Julie

**CITY AUTHORIZATION:**

Payment: \$ 176.00

Date Application Accepted: 7/25/2022

Receipt No: 41490

Appeal Statement: yes

Intake Staff: CBH

Completed Form: yes

Assigned to: CBH

# Exhibit A

Julie Thompson-Volk  
Appellant

19714 Lindenmere Drive  
Monument, CO 80132

P: 719.229.3932  
E: [Julie.ThompsonVolk@Gmail.com](mailto:Julie.ThompsonVolk@Gmail.com)



July 14, 2022

Julie Volk  
4643 Poleplant Drive  
Colorado Springs, CO 80918  
[julie.thompsonvolk@gmail.com](mailto:julie.thompsonvolk@gmail.com)

**RE: Short Term Rental Permit Denial – 4643 Poleplant Drive**

Dear Ms. Volk,

This letter is to formally notify you that as of July 14, 2022, Staff has made the finding that the Short Term Rental (STR) permit submitted for 4643 Poleplant Drive on May, 23, 2022 for a new non-owner occupied STR permit does not meet the City Code review criteria, specifically Section 7.5.1704.D, thus resulting in a denial:

*"No non-owner occupied short term rental unit shall be located in R, R1-6000, or R1-9000 single-family zoning districts or single-family PUD zoning districts. Where an owner occupied short term rental unit is owned by an active duty military service member whose permanent duty station is within El Paso County, the Manager shall waive this requirement for the owner for up to one (1) year if the service member receives orders to report to a temporary duty station outside of El Paso County."*

The property at 4643 Poleplant Drive is zoned as a single-family PUD zone district and therefore does not permit a non-owner occupied STR property as a use.

Alternatives to this decision include the following –

1. Continue to operate as an owner occupied STR which was originally approved in 2019 and renewed in 2020 and 2021 by residing in the home for a minimum of one hundred and eighty-five (185) days which meets the definition of 'Owner Occupied' pursuant to Section 7.2.201 'Definitions Enumerated'; or
2. Rent the property as a long-term rental, renting for over thirty (30) days at a time, which does not require a permit.

Please be aware that as there is no active STR permit for this property, continuing to operate an STR from this property is a zoning violation, pursuant to Section 7.5.1702.A of City Code.

If you have any legal questions, we suggest that you retain an attorney as we are not able to provide legal advice on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan Hester".

Morgan Hester, AICP, CNU-A  
Planning Supervisor  
Land Use Review

CC: Carli Hiben, Program Coordinator  
CC: Tom Wasinger, Code Enforcement Supervisor

# Exhibit B

Julie Thompson-Volk  
Appellant

19714 Lindenmere Drive  
Monument, CO 80132

P: 719.229.3932  
E: [Julie.ThompsonVolk@Gmail.com](mailto:Julie.ThompsonVolk@Gmail.com)



PLANNING & DEVELOPMENT DEPARTMENT  
Neighborhood Services Division  
PO Box 2169 MC 730  
Colorado Springs, CO 80901  
(719) 444-7891

## SHORT TERM RENTAL PERMIT REQUIRED

July 18, 2022

VOLK JEROME D  
THOMPSON-VOLK JUILE C  
19714 LINDENMERE DR MONUMENT CO, 80132

RE: **Code Enforcement Case Number: 2205665**  
**Address: 4643 POLEPLANT DR COLORADO SPRINGS CO, 80918**  
**Parcel Identification Number: 6313322019**  
**Zoning: PUD AO (Planned Unit Development w/ and Airport Overlay)**

Dear VOLK JEROME D and THOMPSON-VOLK JUILE C

It has been made to appear to the Code Enforcement Administrator, City of Colorado Springs, State of Colorado That the property listed above has operated as a Short-Term Rental (STR) without a city issued STR Permit. City Code §7.5.1702 requires a Short-Term Rental Permit for lawful operation of all short-term rental properties. Please be aware that as there is no active STR permit for this property, operating a STR from this property is a zoning violation, pursuant to Section 7.5.1702.A of City Code Therefore, this letter is our request for your voluntary cooperation in resolving this violation by doing one of the following:

1. Before submissions of a short-term rental application please visit (<https://coloradosprings.gov/planning-and-development/page/short-term-rentals>) where you will find additional information and permit review criteria. If you prefer, you can submit your application and payment in person at the City Administration Building, Planning Land Use Review, 30 S. Nevada Ave. Ste 701, Colorado Springs, CO 80903.
2. Operate as an owner occupied STR by residing in the home for a minimum of one hundred and eighty-five (185) days which meets the definition of 'Owner Occupied' pursuant to Section 7.2.201 'Definitions Enumerated'; or rent the property as a long-term rental, renting for over thirty (30) days at a time, which does not require a permit.
3. Cease operating any part of your property as a short-term rental (guest stays less than 30-days at a time) and remove all short-term listings from all listing sites.

On or about July 14, 2022, the Short-Term Rental permit submitted for 4643 Poleplant Drive was administratively denied by the Land Use Review Division (see attachment). Appeals Of Administrative Decisions 7.5.906: Any person aggrieved by an appealable administrative decision made by the Manager may file a formal appeal application with the Department within ten (10) days from the date of the final decision. After a public hearing, the Planning Commission or an FBZ Review Board shall have the power to affirm, reverse, or modify these decisions.

For questions pertaining to this letter, please contact: [sean.cope@coloradosprings.gov](mailto:sean.cope@coloradosprings.gov)

Sincerely,

Sean Cope, IBM# 5671 - Senior Code Enforcement Officer (719-499-4051). CC: STR Program Coordinator

# Exhibit C

Julie Thompson-Volk  
Appellant

19714 Lindenmere Drive  
Monument, CO 80132

P: 719.229.3932  
E: [Julie.ThompsonVolk@Gmail.com](mailto:Julie.ThompsonVolk@Gmail.com)

Per City of Colorado Springs Code 7.5.906, I believe I am able to appeal the decision made regarding my Short Term Rental Permit for 4643 Poleplant Drive. My permit was denied and I do not believe it should have been. The applicable ordinances do not prevent one from changing from an owner occupied to a non-owner occupied unit. That is not specified anywhere in writing within the ordinances. Please review the July 14, 2022 letter from Morgan Hester, AICP, CNU-A (Appellant Exhibit A) and July 18, 2022 letter from Sean Cope, IMB#5671 (Appellant Exhibit B).

Below please find the requirements of an appeal and then in italics, please find my comments as they relate to the specific requirement.

a. Identify the explicit ordinance provisions which are in dispute. *Ordinance No. 18-112 and Ordinance No 19-101*

b. 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 There is no language in these ordinances that prevent changing from an owner occupied short term rental (STR) to a non-owner occupied STR. These ordinances do not allow for the denial of my permit, as my initial application was filed in May of 2019, when non-owner occupied STRs were allowable in this neighborhood. Therefore, this denial is against the expressed language in the zoning ordinance. Additionally, Section 7.5.1704 Review Criteria A-H have been met with my permit renewal request. This permit renewal shall therefore be renewed. Lastly, the criteria outlined in 7.5.1705, Conditions of Approval, has been met. This denial is against the expressed language of these ordinances.*

(2) *It was against the express intent of this zoning ordinance, or I was unable to find the express intent of these ordinances specified within these ordinances; however, I wish to highlight Section 7.5.1706 which outlines the "rules and regulations" of ordinance 18-112. I have not violated any of these rules or regulations; therefore, I believe I am operating my permit within the expressed intent of the ordinance and the denial of my permit renewal request was inappropriate*

(3) *It is unreasonable, or For the reasons I've stated above, I believe this denial is unreasonable.*

(4) *It is erroneous, or For the reasons I've stated above, I believe this denial is erroneous.*

(5) *It is clearly contrary to law. For the reasons I've stated above, I believe this denial is not supported by Ordinance No. 18-112 and/or Ordinance No 19-101*

c. 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. *The benefits of this denial would be that I attended the City Council Meetings on Short Term Rentals in 2019. I learned there are several people (hosts)*



*who are damaging the reputation of STRs and creating a nuisance for their neighbors. I heard some city council members speak negatively of STRs and openly express their desire to eliminate them. Denying my permit would make people who don't like STRs very happy!*

*The adverse impacts would be that I will likely make this home a long term rental. I was a long term landlord in Colorado Springs from 2004 until 2018. During that time, my tenants regularly did not park their vehicles as instructed, did not maintain trash service as required, did not follow HOA guidelines/rules, did not maintain the home and/or the lawn and I did not have five hundred thousand dollars in liability insurance. As a STR, none of those issues are concerns.*

*As a long term landlord, Colorado Springs Police Department was called to my home on numerous occasions. One of my tenants, was a nurse who was addicted to pain medications. She wasn't handling them appropriately and police replied. Other tenants had domestic violence disturbances. Police responded. A tenant allowed a "friend" to stay who then became a squatter. This person cut all of the clothing of my tenant, cut all electrical wires for my appliances (i.e. washer, dryer, stove, fridge, microwave, etc.) Police responded. I was informed El Paso County Child Protective Services (The Department) was at my long term rental as a result of concerns of child abuse. The Department did not contact me personally, so I cannot confirm that allegation. As a STR, the Police and/or Child Protective Services have never been to my home. If this home is converted to a long term rental, there is a significantly higher probability the Police Department will be required to provide support which will cost the City/Tax Payer funds.*

*My home has been an STR for several years. My neighbors have not complained that I have an STR at my home. My neighbors did complain when I had a long term tenant in my home. The switch from a STR to a long term rental will have very negative impacts for my neighbors, the neighborhood and likely the community as a whole.*

*While this home was an STR, my neighbors and the city of Colorado Springs had a home that was compliant with all planning, zoning, building, and other City codes. There were no concerns about violations of noise, housing, and public health ordinances of the City and the home was compliant with all other City fire and safety ordinances. My STR guests abided by parking requirements. There were no large social/commercial events at my home. I was available twenty-four hours per day. These things will likely not happen when my home is converted to a long term rental.*

*I employ several people to help me operate my STR. If this permit is denied, those people will lose their jobs.*

*I pay sales and lodging taxes to the city as required. If this STR permit is denied, the City of Colorado Springs will lose that income.*

*A comprehensive study of the impact of STRs in Colorado has just been completed. The results are available here: <https://news.airbnb.com/colorado-economic-impact-report/?fs=e&s=cl&fbclid=IwAR1xE22vnVR70Otl95EOxOv2pUJaUBWcdeqvDn3e9yRjllMsk1Ohyw2yZQQ> This study outlines significant benefits to communities with STRs. These benefits include the economic output and additional tourism activities that STRs support, the additional tax revenue generated by STRs and the guests who stay in them, the additional jobs created by STRs and there isn't an impact to local housing supply.*

*I am self-employed. I do not have employer provided health insurance, retirement or other common benefits. The income I receive from my STR helps me pay my health insurance premiums and medical costs for myself and my family. Additionally, this income is helping me with my retirement planning and will help with the costs of my children's college tuition.*

*During the city council meetings in 2019, several city council members spoke positively about STRs. Those members would be in favor of me continuing to operate my STR. Several community members spoke positively about STRs. They also would be in favor of me operating my STR. These people would be happy if my permit was renewed.*

*Lastly, again, this home has been an STR for several years. I have not received any complaints during that time. It has not been a burden to the community in any way because I have been a good host and followed these ordinances. I believe the burdens you are placing on me far outweigh the benefits that would be accrued by the community.*

*In closing, I believe I'm required to send this application to the "manager." Unfortunately, the "manager" has not been disclosed to me. Please forward this appeal application to the manager.*