

## Hiben, Carli B

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**From:** Julie Volk <julie.thompsonvolk@gmail.com>  
**Sent:** Wednesday, July 27, 2022 5:03 AM  
**To:** Hiben, Carli B  
**Subject:** Re: 4643 Poleplant Dr STR Denial Appeal Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Yes, I can attend at September 14th.

Have a great day,  
Julie

On Tue, Jul 26, 2022, 11:04 AM Hiben, Carli B <[Carli.Hiben@coloradosprings.gov](mailto:Carli.Hiben@coloradosprings.gov)> wrote:

Hello, Julie,

As a follow-up to the email below, would you be willing to agree to attend the September 14, 2022 Planning Commission meeting, even though that is 51 days and is longer than the 48 day provision in Code? Please confirm and let me know if you have any questions.

Thank you,

Carli Hiben

Program Coordinator

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5089

Email: [Carli.Hiben@coloradosprings.gov](mailto:Carli.Hiben@coloradosprings.gov)

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**From:** Hiben, Carli B  
**Sent:** Tuesday, July 26, 2022 10:26 AM  
**To:** Julie Volk <[julie.thompsonvolk@gmail.com](mailto:julie.thompsonvolk@gmail.com)>  
**Cc:** Hester, Morgan <[Morgan.Hester@coloradosprings.gov](mailto:Morgan.Hester@coloradosprings.gov)>; Cope, Sean <[Sean.Cope@coloradosprings.gov](mailto:Sean.Cope@coloradosprings.gov)>  
**Subject:** RE: 4643 Poleplant Dr STR Denial Appeal Application

Hello,

Thank you for sending me your appeal submittal.

Please note that all applicants are responsible for items that are heard at Planning Commission (i.e. appeals, development plans, zoning changes, etc.). Staff will be sending out postcards to the surrounding property owners within 1,000 feet of your property, notifying them of the appeal of the denial of your short term rental application. We will have a poster prepared which will have to be posted on your property. As the applicant, you are required to pick up the poster and post it somewhere on your property 10 days prior to the public hearing. The cost for the postcards and the poster will be at the expense of the applicant/appellant and will be due at the time in which you pick up your poster.

*Per City Code Section 7.5.906: APPEALS, "A-1. Scheduling Appeals: 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. The Department shall place the appeal on the agenda of the next regularly scheduled meeting of the Planning Commission or an FBZ Review Board occurring a minimum of twenty (20) days and a maximum of forty eight (48) days thereafter. After a public hearing, the Planning Commission or an FBZ Review Board shall have the power to affirm, reverse, or modify these decisions."*

As you submitted your appeal on July 25, 2022, we cannot meet the 20 day minimum to make it on the August 10, 2022 City Planning Commission agenda and we cannot meet the 48 day maximum to make it on the September 14, 2022 City Planning Commission agenda. A special meeting will have to be scheduled for your appeal. I will provide you with an update on your hearing as soon as I am able.

Please let me know if I can answer any other questions.

Thank you,

Carli Hiben

Program Coordinator

Land Use Review Division

City of Colorado Springs

Office: (719) 385-5089

Email: [Carli.Hiben@coloradosprings.gov](mailto:Carli.Hiben@coloradosprings.gov)

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**From:** Julie Volk <[julie.thompsonvolk@gmail.com](mailto:julie.thompsonvolk@gmail.com)>

**Sent:** Monday, July 25, 2022 6:32 PM

**To:** Hester, Morgan <[Morgan.Hester@coloradosprings.gov](mailto:Morgan.Hester@coloradosprings.gov)>; Cope, Sean <[Sean.Cope@coloradosprings.gov](mailto:Sean.Cope@coloradosprings.gov)>; Hiben, Carli B <[Carli.Hiben@coloradosprings.gov](mailto:Carli.Hiben@coloradosprings.gov)>

**Subject:** Re: 4643 Poleplant Dr STR Denial Appeal Application

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Greetings,

Per your request Ms. Hiben, attached please find the required appeal application and the exhibits I would like attached to it. You reported today you would forward this to the "manager." Thank you for doing that.

Have a nice evening,

Julie

On Sat, Jul 23, 2022 at 4:57 PM Julie Volk <[julie.thompsonvolk@gmail.com](mailto:julie.thompsonvolk@gmail.com)> wrote:

Greetings,

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. 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).

I have contacted Mr. Cope to request "the application" required to file an appeal and have learned there isn't an application per say, but instead just criteria I need to outline in my requested appeal. Please consider this email my "application" for appeal.

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.*

*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=IwAR1xE22vnVR700tI95EOxOv2pUJaUBWcdeqvDn3e9yRjllMsk1Ohyw2yZQQ> 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, 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, if the manager is not already included on this email. Lastly, would you be willing to kindly reply to this email and its application for appeal so I know it has been received?*

*Thank you,*

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Julie Thompson-Volk  
Court Visitor  
P: 719.229.3932  
F: 719.325.8946

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