

FW: 15 Feb Re-sent email objection : My 1-Nov'18 Reply : J Doherty Reply : 28 Polo Drive - Non-Use Variance, Broadmoor Resident Concerns

Thelen, Lonna

Sun 2/17/2019 1:51 PM

To: Lobato, Elena <Elena.Lobato@coloradosprings.gov>;

Elena,
Please include this in the City Council packet for Feb. 26.
Thanks,
Lonna

Lonna Thelen, AICP, LEED AP BD&C

Principal Planner | South Team

Phone: (719) 385-5383

Email: lthelen@springsgov.com

From: jimdoherty [mailto:jim.doherty01@comcast.net]
Sent: Friday, February 15, 2019 7:01 PM
To: Thelen, Lonna <Lonna.Thelen@coloradosprings.gov>
Cc: gerald McLaughlin <gmsprings@me.com>; jim.doherty01@comcast.net
Subject: 15 Feb Re-sent email objection : My 1-Nov'18 Reply : J Doherty Reply : 28 Polo Drive - Non-Use Variance, Broadmoor Resident Concerns

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Hello Lonna, I got the notice today for 28 Polo Drive public hearing on 26 Feb so I am emailing once again my objection noted in my 1 Nov 2018 email.

Below in my 1 Nov email (& further below is my 30 Oct email to Lonna including your reply which I am still amazed Bruce is allowed to come back for a 2nd hearing after he already built a new house sideways on east side of the lot),

RE-STATING MY OBJECTION: Bruce's 2nd attempt at sub-division should be rejected out of hand as it show his total disregard for town planning/permit regulations (noted in #1 and #2 below) and the fact that neighborhood objections/appeal over-turned his 2017 lot sub sub-divide request.

Sincerely Jim Doherty 10 Polo Pony Drive

From: jimdoherty
Sent: Thursday, November 1, 2018 10:47 PM
To: Thelen, Lonna ; jim.doherty01@comcast.net
Subject: 1-Nov'18 Reply : J Doherty Reply : 28 Polo Drive - Non-Use Variance, Broadmoor Resident Concerns

Thanks Lonna for your reply.

1. Yes I see Bruce was within his right to build/get permit for one very large house on the "single" 28 Polo Drive lot – **HOWEVER it was obvious to me and all my neighbors when we noticed that his new very large house set up sideways on the lot close to road/very close to east side of lot, that Bruce was ignoring his 2017 defeated lot sub division and with his new house lot placement, he was planning to continue until he gets granted a future 2nd lot sub-division - I don't understand why a planner statement/provision was not included with his house lot layout/permit approval based on Bruce reputation and the 2017 defeated lot sub division(For example a statement such as "planning for one house granted on this lot SUBJECT to no future lot sub-division re-application")?**
2. I live at 10 Polo Pony Drive and when I look out my front window or door each day I see Bruce's huge original monster house over-shadowing the neighborhood (looks like an apartment building & totally out of place) which he built at junction of 7th St & Polo drive and I am told at that time he skirted planning regulations (It was before we moved to Col Springs and purchased our current home 13 years ago)....
 1. So he already had a bad reputation and allowing a 2nd attempt to sub divide 28 Polo Drive is just insulting to the established neighbors who remember ~15 years ago when he tore down a small house and built that huge out of place house.

For this very reasons above, Bruce's 2nd attempt at sub-division should be rejected out of hand as it show his total disregard for town planning/permit regulations (noted in #1 and #2 above) and the fact that neighborhood objections over-turned his 2017 lot sub sub-divide request.

Sincerely Jim Doherty

(It is also aggregating for me and all my neighbors having to take time and compose/write the same objecting email letters a year later)

From: [Thelen, Lonna](#)

Sent: Thursday, November 1, 2018 12:28 PM

To: [jimdoherty](#)

Subject: RE: J Doherty Reply : 28 Polo Drive - Non-Use Variance, Broadmoor Resident Concerns

Jim,

Thanks for the questions. The previous submittal was for the exact same proposal as is applied for today – to subdivide one lot into 2 lots for 2 single-family homes. As the lot stands without any applications, it is one whole platted lot and there was one home built on the property. The property owner has the right to use the one whole platted lot and build within the allowances of the R zone district. That is the choice that he made to construct the single-family home that is currently on the property. He did go through a building permit review process and because he had a whole platted lot and met the height, setbacks and lot coverage for the R zone district, his permit was approved and he built the home that is currently on the site.

The request he is making is for 2 lots thereby giving him the ability to legally build a second home. If he requests a second home/unit now, he would not be allowed to build a second home.

Let me know if you have other questions.

Thanks,

Lonna

Lonna Thelen, AICP, LEED AP BD&C

Principal Planner | South Team

Phone: (719) 385-5383

Email: lthelen@springsgov.com

From: jimdoherty [mailto:jim.doherty01@comcast.net]

Sent: Tuesday, October 30, 2018 12:07 AM

To: Lisa Sacco <info@lissacco.com>; Thelen, Lonna <lthelen@springsgov.com>; jim.doherty01@comcast.net

Subject: J Doherty Reply : 28 Polo Drive - Non-Use Variance, Broadmoor Resident Concerns

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I echo Lisa nice summary below. In the previous appeal I wrote a couple of emails objecting to the original re-zoning attempt of the out of compliance lot. Unfortunately I was unable to attend the local community meeting last week (if I had attended, I would have asked for floor time to state my concerns below):

I lived in Mass and had a home in Andover and still own a 2nd home on coast line in southern Maine where building codes are strictly enforced, I am an engineer + I hold a current Mass construction supervisor license, so here is an neighbor/independent licensed contractor observations:

1. **I dont??? understand how a new house got built on a lot and then to allow a re-zoning appeal to be re-resurrected sound crazy, especially after the neighborhood signed a petition to oppose the re-zoning of 28 Polo Drive.** I had assume that this new house on that lot would be in compliance just like the house that got demolished ??? With that assumption then the ???2nd sub-divided lot??? would not meet minimum lot size or the rear minimum dimension (Just do the math with the the 2nd lot size/dimensions).
 - o However, I imagined a further re-zoning attempt was pending when to my shock I saw that the existing house being quickly demolished at the same time as original re-zoning appeal/rejection and immediately new house constructed south-to-north sideways orientation on the lot in line with this current re-zoning attempt to put 2nd house on 2nd out of conformance lot.
 2. **New England/Mass New house permit Process: BEFORE a existing house demolition and foundation excavation could be started, the town code planner/code enforcement officer ALWAYS required a lot to be registered with local deeds office showing lot size/dimensions and a APPROVED building permit with home foundation/plot plan drawn up showing lot size with front/rear/side set backs in compliance with local town zoning requirements. If an out of compliance was discovered then a planning code variance would be submitted/ruled on by the town planning board (usually in the 2 towns where I had homes not granted except in a proven hardship case).**
 - o In certain cases of out of compliance built home additions for example built where zoning regulations were deliberately skirted/no planning permit was obtained could result in new building demolished (Also the registered contractor could have their license suspended/revoked if guilty of involvement) ??? I not sure if home builders are required to be licensed contractors in COS?
 3. Because of #1 and #2 above, **I am totally puzzled as to why this new house building permit was approved in the first place and a new house allowed to be build with open/rejected re-zoning on 28 Polo Drive lot??**
- From the above I am totally opposed to re-zoning 28 Polo Drive lot, especially after a new house is already built on the lot. **In my opinion IT??S WAY TOO LATE NOW TO CONSIDER LOT RE-ZONING, RE-ZONING SHOULD HAVE BEEN RE-APPEALED/SETTLED ONCE AND FOR ALL WELL BEFORE ANY NEW HOUSE CONSTRUCTION WAS STARTED.**

Sincerely

Jim Doherty 10 Polo Pony Drive

From: [Lisa Sacco](#)

Sent: Monday, October 29, 2018 11:04 AM

To: lthelen@springsgov.com

Subject: 28 Polo Drive - Non-Use Variance, Broadmoor Resident Concerns

Dear Ms. Thelen:

I am writing to express my concern over the re-application of the previously defeated proposal for two nonuse variances that will allow the developer, 28 Polo LLC, to create two smaller lots within the Broadmoor community. The newly proposed lots do not meet the minimum dimensional requirements of the neighborhood and prioritize the financial gain of a single developer over the concerns of hundreds of committed, residents and community members.

In August 2017, more than one hundred Broadmoor households, who are directly affected by this proposal, signed a petition to oppose the re-zoning of 28 Polo Drive. The re-zoning of 28 Polo Drive will set a precedent that will begin to erode the unique character, environment and historic identity of the Broadmoor neighborhood. Across the country, historic neighborhoods, like the Broadmoor, with unique architecture framed by mature landscapes are increasingly rare, impossible to replicate - and should be protected for their cultural, historic and environmental value. In 2017, the Colorado Springs City Council members voted to support the concerns of Broadmoor homeowners and to protect the wider Broadmoor community from the short term financial gain of a single petitioner.

Colorado Springs is experiencing fast-paced development - so it is critical that we protect our remaining historic neighborhoods and environmental assets from incremental and unnecessary development which prioritizes the short term gains of developers over the future of the wider Colorado Springs community.

A repeat of this process one year later is onerous - but the Broadmoor community opposes re-zoning and remains determined to protect the character, identity, environmental beauty and cultural legacy of our historic neighborhood for the future citizens of Colorado Springs.

One additional area of concern: the attached notice (mailed October 11th) from the Planning and Development Land Use Review Division did not list the location, date or time of the community meeting and many concerned community members, myself included, were not able to attend the meeting to express their concerns in person.

Sincerely,
Lisa Sacco

THE PLANNING & DEVELOPMENT DEPARTMENT

LAND USE REVIEW DIVISION

Dear Property Owner,

DEV

WHY YOU RECEIVED THIS LETTER

You have received this letter because we want to let you know about

... have received this letter because we want to let you know about a neighborhood meeting to discuss a potential development project near your property. More information can be found to the right and on the back of this letter. We invite you to take part in the planning process by attending the neighborhood meeting, emailing, or mailing us your thoughts, concerns, support, or ideas in relation to this project. Residents' written comments will be included as part of the public record and forwarded to the applicant for review and consideration as their design process moves forward.

HOW WE NOTIFY CITIZENS

This notice has been sent to you because the El Paso County Assessor's Office indicated that you own property near the proposed development site. Because of outdated records, vicinity to the project site, or rental situations, some neighbors might not have received this letter. Please talk to your neighbors and/or tenants regarding this potential project and invite them to submit their feedback.

ADDITIONAL INFORMATION FOR THIS PROJECT

Additional information, including the application and plans, can be found on our database located at www.coloradosprings.gov/LDRS Use the file number(s) on the right of this page to search for this project. You can also review the application and plans in our office at 30 S. Nevada, Suite 105, Colorado Springs, CO 80903. We are open Monday-Friday from 9am to 5pm. If you have any questions, please

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Monday-Friday from 8am to 5pm. If you have any questions, please contact the planner listed on the right. After a decision has been made regarding this project, any person may appeal that decision.

We look forward to hearing from you,



Peter Wysocki, AICP - Director of Planning & Development

A DECISION HAS NOT BEEN MADE ON THIS DEVELOPMENT. ANY PERSON HAS THE RIGHT TO APPEAL A DECISION that is made administratively, by the City Planning Commission, the Downtown Review Board, or the Historic Preservation Board. A \$176 fee, an appeal statement, and a completed appeal application must be filed no later than ten days after the decision from which the appeal is taken. Refer to chapter 7 article 5 of the City Code for further information (www.coloradosprings.gov/citycode). Questions regarding appeals can be answered through our website, by coming into our office, or by contacting Katie Sunderlin at sunderka@springsgov.com or 719-385-5773.

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