



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: 309 N. 28th LLC / Matt Tolooee (Owner) Telephone: 719-310-5185
Address: 106 N. Tejon St. City Colorado Springs
State: CO Zip Code: 80903 E-mail: team@metro-realestategroup.com

PROJECT INFORMATION:

Project Name: Short Term Rental
Site Address: 309 N. 28th St., Colorado Springs, CO 80904
Type of Application being appealed: short term rental
Include all file numbers associated with application: : STR-1200
Project Planner's Name: Carli B. Hiben
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

10/07/2021

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: \$ 176.00

Date Application Accepted: 10/7/2021

Receipt No: 40158

Appeal Statement: yes

Intake Staff: CBH

Completed Form: yes

Assigned to: CBH

STR Appeal form addition:

- i. The ordinance which are in dispute are the following: City Code Section 7.5.1702.B states: *"The short-term rental unit permit does not run with the property, but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner."*
- ii. Item #2 - It is unreasonable. This is the best choice to pick, however, we do not think it is necessarily "unreasonable." Rather, we want to further explain the situation so both parties have more clarity on the matter.
- iii. This property has been a Short-Term Rental for many years with great rating from AirBnb and VRBO (super Host status). There have never been any issues with the guests that are hosted at this property and, as a matter of fact, they have added to the sense of community in the neighborhood.

The property was originally owned by ET Investments LLC, which Matt Tolooee is 50% owner, and now the property is under its own LLC; but the same person (Matt) as the owner. The decision to transfer title was solely a strategic decision by the owners to hold properties under their own individual LLCs as opposed to all under one company.

The property has been maintained and managed by the same property management company who will continue to do an excellent job maintaining the property to ensure the neighborhood appeal and property values stay strong.


[Return to Fee Calculator](#)

**City of Colorado Springs
Planning Department
Fee Receipt**

<u>Application</u>	<u>Department</u>	<u>Amount</u>	<u>Applicant</u>	<u>AnnexDisc</u>
Appeal of Administrative Decision	Land Use Review	\$176.00		
Appeal of Administrative Decision	Land Use Review	\$176.00		
Appeal of Administrative Decision	Land Use Review	\$176.00		
<u>Total Fees</u>		<u>\$528.00</u>		

Intake Staff:	Carli Hiben
Date:	10/7/2021
Planner:	Carli Hiben
Receipt Number:	40158
Check Number:	741389
Amount:	\$528.00
Received From:	Dariush M. Tolooee