



January 10, 2025

Re: 5539 Cody Mesa Court – Permit Application Status

Dear Mr. Estifanos,

On October 31, 2024, your owner occupied Short Term Rental (STR) Permit for the property at 5539 Cody Mesa Court (“Property”) in the City of Colorado Springs expired. You submitted a “late renewal application” for the STR Permit over two months later on January 3, 2025. However, there is no late renewal process for STR Permits, each of which expires after one year, and your submission must be treated as an application for a new STR Permit.

This letter is to formally notify you that the Short Term Rental (STR) Permit application is hereby denied. Your request for an owner occupied Short Term Rental Permit is denied due to the following:

- The application for an owner occupied short term rental at the Property does NOT meet the Unified Development Code (UDC) review criteria, specifically City Code Section 7.3.301.C.4.b:

*No non-owner occupied Short Term Rental shall be located in the R-E, R-1 9, or R-1 6 zone districts or single-family PDZ districts.*

- Owner occupied short term rentals are those properties that are actually occupied by the property's owner for no less than one hundred and eighty-five (185) days per year (City Code Section 7.6.301). The Austin Heights Homeowner’s Association provided the attached affidavit, which lists numerous STR violations, including that the STR at the Property is operating as a non-owner occupied Short Term Rental. Because evidence indicates the Property is non-owner occupied and it is in a single-family zone district, an STR is not permitted per the UDC.

At this time, your previously valid permit expired on October 31, 2024, and no renewal or new permit has been granted. You must cease any and all operation of a short term rental at the Property. A short term rental may not operate without a Short Term Rental Permit from the City pursuant to City Code Section 7.5.510. It is unlawful to operate any short term rental without a valid Short Term Rental Permit.

If you believe this denial for a Short Term Rental Permit at the Property was made in error, you may submit an appeal to the City Planning Commission. The appeal request must be submitted within 10 days after the denial of the application (by **Tuesday, January 21, 2025**). The appeal

would be heard at a public hearing before the City Planning Commission, during which you would present your case, the public may present evidence, and the Planning Commission members would decide to uphold or deny the appeal. The fee for the appeal request is \$176.00.

Below is a link to the form for an appeal submittal. All submittals, including appeals, are submitted and processed through our online electronic submittal system (please see the links below).

[https://coloradosprings.gov/system/files/2024-02/03\\_appeal\\_of\\_an\\_administrative\\_decision\\_to\\_city\\_planning\\_commission\\_10-09-2023.pdf](https://coloradosprings.gov/system/files/2024-02/03_appeal_of_an_administrative_decision_to_city_planning_commission_10-09-2023.pdf)

<https://aca-prod.accela.com/COSPRINGS/Default.aspx>

Thank you,

**Carli Hiben**

Program Administrator

Planning Department

City of Colorado Springs

Office: (719) 385-5089

Email: [shorttermrentals@coloradosprings.gov](mailto:shorttermrentals@coloradosprings.gov)

## AFFIDAVIT OF JOHN R. HENNIGER

I, John R. Henniger, being of lawful age, having first been duly sworn, do state and affirm as follows:

1. I currently serve as the President of the Board of Directors of Austin Heights Homeowners Association, Inc. (the "Association"). The Association acts by and through its Board of Directors.

2. I reside at 4583 Cedarmere Drive, Colorado Springs, Colorado.

3. I am personally familiar with the property located at 5539 Cody Mesa Court, Colorado Springs, Colorado 80918 (the "Property"). The current owner of the Property, and at all times relevant for this affidavit, is Mr. Estifanos Dagne.

4. I have reviewed the Short-Term Rental License Annual Affidavit executed by Mr. Dagne on September 30, 2022. Mr. Dagne made false representations in that Affidavit, in violation of City Code Section 9.3.104.

5. Specifically, Mr. Dagne falsely represented that the Property was his primary address, and he falsely represented that he resides in the Property for not less than 185 days per year. Upon personal information and belief, Mr. Dagne has never resided at the Property for 185 days in any year since he began listing the Property for rent in October of 2022.

6. Upon information and belief, Mr. Dagne spent approximately 14 months having the Property renovated after purchasing the Property in August of 2021.

7. Neighbors have reported to the Board of Directors that in August of 2022, they spoke with Mr. Dagne and he informed them that he was going to begin listing the Property on Airbnb and, when asked if he would be living at the Property, he stated he would not be.

8. To the best of my knowledge and belief the Property has only been used as a non-owner-occupied short-term rental property by Mr. Dagne since October of 2022.

9. Mr. Dagne's use of the Property as a nonowner occupied short-term rental property has led to numerous problems for neighbors of the Property. Those complaints by neighbors and other residents within the Association include:

- a. Loud parties at the Property going late into the night.
- b. Numerous guest vehicles being parked within the small cul-de-sac it is located on.
- c. Sidewalks being blocked by guest vehicles.
- d. Guests staying at the Property appearing to be intoxicated and wandering around the cul-de-sac and entering neighbor's yards and driveways.
- e. Police being called to the Property.

See attached videos.

10. Below is a list of other neighbors who have experienced residential neighborhood disturbances from Short-Term renters at the Property. We suggest that the City contact them directly:

- Timothy Kaiser & Ann Kaiser, 5538 Cody Mesa Ct., Colorado Springs, CO 80918 [Andyandopie@gmail.com](mailto:Andyandopie@gmail.com); [tigerbopster@yahoo.com](mailto:tigerbopster@yahoo.com);
- Kevin Hansen & Isaura Hansen, 5526 Cody Mesa Ct., Colorado Springs, CO 80918 [Kevinh80918@me.com](mailto:Kevinh80918@me.com);
- James Phillips & Virginia Phillips, 4865 Calverton Pl., Colorado Springs, CO 80918 [retired1james@gmail.com](mailto:retired1james@gmail.com); [vphillips12345@gmail.com](mailto:vphillips12345@gmail.com); and
- Randal Hartman & Luella Hartman, 4803 Jamesport Dr., Colorado Springs, CO 80918 [rhartman54@gmail.com](mailto:rhartman54@gmail.com).

11. As part of the Short-Term Rental Application Requirements, Mr. Dagne acknowledged and agreed to the following:

- I also understand that should the Short-Term Rental become a nuisance, hazard or unreasonably interfere with the quiet enjoyment of other people’s premises, in accordance with 7.5.1707, that this Short-Term Rental Permit will be revoked by the City of Colorado Springs.

12. As set forth above, the current use of the Property is a nuisance to the neighborhood and community.

13. I, both on behalf of the Association and individually, strongly oppose the renewal of continuation of the Short-Term Rental License previously issued to Mr. Dagne for the reasons set forth above.

  
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 John R. Henniger  
 john\_henninger@comcast.net

STATE OF COLORADO    )  
   ) ss  
 COUNTY OF EL PASO    )

Subscribed and sworn to before me on November 26, 2024.

My commission expires: 10-02-2025

Notary ID: 19974017379

Notary Public: 

