

Run Date: 1/9/2025
3:29 PM

Application Summary Sheet

Record Number: ENF23-00375
Record Type: Enforcement/Code/NA/NA
Record Type Alias: Enforcement Case
Record Status: Closed – Voluntary Compliance
Application Date: 1/26/2023 12:00:00 AM
Parcel Number: 6313326025
Assigned To: Sean Cope

Description of Work

RP WROTE:5539 cody mesa court was just approved for an owner occupied residence but the owner has not lived there and has no intention of living there. They have told the neighbors that but they are telling you something different. There seems no way of the city to enforce the laws it has established. How are you proving the owner lives there? Because they say so? How are you proving they are not renting it out more than 6 months of the year.

We have been told it is up to the neighbors to prove no one is living there. How can we do that? Is the city really asking us to spy on our neighbors?

Someone can come into our neighborhood spend a year gutting a home, rent it for a year as a hotel before the city can take any action?

You can look at the listing. They have no intention of living there the next 6 months. They have a home a few miles away. That is where they live.

They are violating the law.

<https://www.airbnb.com/rooms/732525893409368131>

Address Information

<u>Primary</u>	<u>Address Type</u>	<u>Street #</u>	<u>Pre Direction</u>	<u>Street Name</u>	<u>Street Type</u>	<u>Post Direction</u>	<u>Unit/Suite</u>	<u>Level</u>
Y		5539		CODY MESA	CT			
<u>Building</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>	<u>Plat #</u>				
	COLORADO SPRINGS	CO	80918					

Owner

<u>First Name</u>	<u>Last Name</u>	<u>Full Name</u>	<u>Address 1</u>	<u>Address 2</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Primary</u>
		DAGNE ESTIFANOS	5539 CODY MESA CT		COLORADO SPRINGS	CO	80918	Y

Licensed Professional

License #	License Type	Business Name	Address 1	Address 2	City	State	Zip
Last Name	First Name	Mobile Phone	Email				

Contact

Contact Type	First Name	Last Name	Organization Name	Recipient	Email	Primary Phone
Complainant	VIRGINIA	PHILLIPS			vphillips12345@gmail.com	
Address 1	Address 2	City	State	Zipcode		
		COLORADO SPRINGS	CO			

Custom Fields

ASI Type	ASI Name	ASI Value
CONCERN TYPES	Description	<p>RP WROTE:5539 cody mesa court was just approved for an owner occupied residence but the owner has not lived there and has no intention of living there. They have told the neighbors that but they are telling you something different. There seems no way of the city to enforce the laws it has established. How are you proving the owner lives there? Because they say so? How are you proving they are not renting it out more than 6 months of the year.</p> <p>We have been told it is up to the neighbors to prove no one is living there. How can we do that? Is the city really asking us to spy on our neighbors?</p> <p>Someone can come into our neighborhood spend a year gutting a home, rent it for a year as a hotel before the city can take any action?</p> <p>You can look at the listing. They have no intention of living there the next 6 months. They have a home a few miles away. That is where they live.</p> <p>They are violating the law.</p> <p>https://www.airbnb.com/rooms/732525893409368131</p>

[Custom Tables](#)

VIOLATIONS	1	Appeal Provisions	<p>IF YOU WISH TO CONTEST this Notice of Violation and Order to Abate, you must file an appeal with the City of Colorado Springs Planning Commission in accordance with §7.5.908 and §7.5.415 of the City Code, within 10 days of receipt of this Notice of Violation and Order to Abate.</p>
		Category	Short Term Rental Unit
		Code Description	<p>7.5.510: SHORT TERM RENTAL PERMIT:</p> <p>A. Purpose: The purpose of this Section is to facilitate the permitting of Short Term Rental subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods.</p> <p>B. Applicability: A Short Term Rental Permit shall be required prior to the operation of any Short Term Rental.</p> <p>7.3.301: RESIDENTIAL USES:</p> <p>A. Dwelling, Multi-family: In the OR and MX-N zone districts, this use is limited to no more than ten (10) dwelling units in a single structure.</p> <p>B. Manufactured Home Park: This use is only permitted when included in a PDZ district meeting the requirements of Part 7.2.7 (Planned Development Zone District) approved by City Council pursuant to Section 7.5.704 (Zoning Map Amendment (Rezoning)).</p> <p>C. Short Term Rental:</p> <p>1. Purpose and Intent: The purpose and intent of the Short Term Rental Permit is to facilitate the permitting of Short Term Rental subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods.</p> <p>2. Permit Required:</p> <p>a. A Short Term Rental may not operate without a Short Term Rental Permit from the City pursuant to Section 7.5.510 (Short Term Rental Permit).</p> <p>b. It shall be unlawful for any person to operate any Short Term Rental without a valid Short Term Rental, as approved by the Manager.</p>
		Code Section	Unified Development Code

VIOLATIONS	1	Conditions Observed	I (Sr. Code Enforcement Officer S. Cope IBM#5671) conducted an investigation and noted that this property is listed as a Short-Term Rental on the following internet hosting site. (https://www.vrbo.com/3132330) The internet listing advertise guest stays for less than thirty days at a time. The City of Colorado Springs Short Term Rental permit, (A-STRP-22-0261) expired on 10/31/2023 and is no longer active. This is a violation of City Code §7.3.301.C and 7.5.510: which makes it unlawful for any person to operate any short-term rental unit without a valid short-term rental unit permit. If violations remain on the property, Code Enforcement may assess re-inspection fees and/or issue a summons to appear in court. For questions/concerns, please contact Sr. Code Enforcement Officer Sean Cope at 719-499-4051 or sean.cope@coloradospring.gov
		Violation Date	12/20/2023
		Violation Status	Open

Fees

Fee Item	Assessed Amount	Assessed Date	Invoiced Amount	Invoice Number	Balance	Account Code	Allocation	Allo.Type
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Payments

Payment Date	Payment Amount	Payment Status	Fee Item	Fee Amount	Tran Amount	Tran Date	Invoice Number	Account Code	Allocation	Allo. Type
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Workflow

Workflow Task	Status Date	Task Status	Action By	Assigned To
Investigation	12/20/2023 12:00:00 AM	In Violation	Sean Cope	
Workflow Task	Status Date	Task Status	Action By	Assigned To
Enforcement	1/31/2024 12:00:00 AM	Violation(s) Abated	Sean Cope	
Workflow Task	Status Date	Task Status	Action By	Assigned To
Final Processing	1/31/2024 12:00:00 AM	Closed – Voluntary Compliance	Sean Cope	

Inspections

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	1/9/2023 12:00:00 AM	1/9/2023 12:00:00 AM	No Notice	Sean Cope

1/5/2023 - 0900 Hours: A Code Technician received a voice message from Tim Kaiser (719-360-9748). I returned the call and Tim wanted to say the owners have not stayed at the property for several weeks. He admitted the situation has not been a concern for them but does want them to comply with the city code. We discussed the ordinance, and I said that I will be at the property next week for an inspection. He thanked me for the help and conversation. SMC

Edit

12/15/2022 - 0941 Hours: I conducted a search utilizing the CSPD CAD and noted there are no calls for service for this address. I will update the re-inspection date and attempt contact at the property. SMC

Edit

11/29/2022 - 1325 Hours: A Code Technician received a call from Tim Kaiser (719-360-9748). He was told that a permit would not be approved supposedly from planning and or a code officer. We discussed his concerns and the code requirements. Also, I explained that any disturbances, loud parties, illegal parking should be directed to the Colorado Springs Police Department. Mr. Kaiser is not happy with the approval of the permit and believes the owners are not actively staying at the property and they do not have plans to ever stay at the property. I thanked him for his comments and ensured he had my contact information. SMC

Edit

11/15/2022 - 0830 Hours: I placed another call to Virginia Phillips, (719-290-8222). Virginia is very concerned that the owners falsified the application and are living at another location. In-addition she is concerned with her dog barking at strangers and guests on the property. We discussed the 185 day rule and I explained the time frame starts when the STR permit was issued, which was 10/25/22. I We also discussed some of the limitations on enforcing this ordinance and that at this time there are no violations. Lastly, I referred her to CSFD and CSPD regarding concerns that involve disturbances and or outdoor fires. I thanked her for the call and provided her my contact information if she has any questions or concerns. I then called the owner, DAGNE,ESTIFANOS G - (719-725-9999) and was unable to make contact or leave a voice message. I will update the re-inspection date and make another attempt at contact. SMC

Edit

11/14/2022 - 1530 Hours: I arrived at the home and made no contact. I did not observe any exterior blight violations. I returned a call from a voice message from the complainant, Virginia Phillips, 719-290-8222. I was unable to make contact or leave a voice message. I will update the re-inspection date and make additional attempts at contact. SMC

Edit

11/7/2022 - 0830 Hours: Permit # A-STRP-22-0261 was issued on 10/25/22. I sent the complainant and email and requested a return call to discuss the issues. Currently the owners are in compliance, and I will update the re-inspection date and await a reply. SMC

Edit

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	1/30/2023 12:00:00 AM	2/7/2023 3:15:00 PM	In Violation-14 Day	Sean Cope

1515 Hours: I arrived at the property and attempted contact no contact made. No violations observed on the property. Based on the complaint I will schedule another inspection and attempt contact.

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	2/22/2023 12:00:00 AM	2/23/2023 3:00:00 PM	In Violation	Sean Cope

I arrived at the property and attempted contact, no contact made. While I was at the property I was approached and contacted Tim Kaiser (719-360-9748). He said that he has not seen anyone at the property to include the owners. We discuss the STR ordinance and he thanked me for the help. No violations noted on the exterior of the property. SMC

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	3/20/2023 12:00:00 AM	11/27/2023 8:40:00 AM	In Violation	Sean Cope

I attached an email from Carli Hiben on November 21, 23. She stated the following: "5539 CODY MESA CT, COLORADO SPRINGS, CO 80918: They have not renewed their permit yet. The property manger reached out today to see what they can do about receiving a new permit, though."

I will allow a few days for voluntary compliance and then potentially serve a Notice of Violation for operating a STR without a permit. SMC

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	11/30/2023 12:00:00 AM	12/6/2023 2:30:00 PM	In Violation	Sean Cope

I received a return email from Carli H. She stated the following: "Hi Sean, We have not received a renewal application for 5539 Cody Mesa Ct or 1504 W Cheyenne Rd Thanks! Carli." The owners STR permit expired on 10/31/2023. I located the VRBO listing at (<https://www.vrbo.com/3132330>). The listing will only allow for a 30-day rental. The listing still shows the City issued permit #. I will schedule an inspection before the end of the week. SMC

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	12/8/2023 12:00:00 AM	12/20/2023 8:30:00 AM	In Violation-14 Day	Sean Cope

The this property is listed as a Short-Term Rental on Vacation Rental By Owner (<https://www.vrbo.com/3132330>). The internet listing advertise guest stays for less than thirty days at a time. The City of Colorado Springs Short Term Rental permit, (A-STRP-22-0261) expired on 10/31/2023 and is no longer active. I arrived at the property, attempted contact, no contact made. I posted the Notice of Violation to the front door. I will also have a true copy sent to the owner by way of regular mail. SMC

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	1/8/2024 12:00:00 AM	1/8/2024 10:15:00 AM	In Violation	Sean Cope

The owners VRBO internet listing at (<https://www.vrbo.com/3132330>) is active however I was not able to check availability and reserve any overnight stays. I will schedule an inspection at the property on January 9th. SMC

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	1/9/2024 12:00:00 AM	1/9/2024 8:30:00 AM	In Violation-14 Day	Sean Cope

I arrived at the property and I did not make any contact. The home did not appear to be occupied. I will schedule another inspection and monitor the case. SMC

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	1/24/2024 12:00:00 AM	1/16/2024 8:00:00 AM	In Violation-14 Day	Sean Cope

I arrived at the property, attempted contact, no contact made. It does not appear the property is currently being operated as a STR. I will keep the case open and schedule another inspection. SMC

Inspection Type	Scheduled Date	Completed Date	Status	Inspector
Reinspection	1/31/2024 12:00:00 AM	1/31/2024 7:45:00 AM	Violation(s) Abated	Sean Cope

0745 Hours: I arrived at the property, attempted contact, no contact made. I searched AirBnB and BluePillow and I did not locate any new or active listings. Also, I have not received any new complaints. At this time I believe the owners are compliant. Case abated. SMC

Inspection Guidesheets

Inspection Date	Inspection Type	Guidesheet Type	Item Status	Status Visible
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Comments

Comment Date	Comment Type	Comment Text
11/4/2024 9:33:18 AM	APP LEVEL COMMENT	CORA 16179686

Conditions

Description	Type	Condition Comment	Effective Date	Issued By	Status	Status date
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Activities

Number	Type	Assigned to Staff	Start Date	Due Date
5883327	Phone Call	SCOPE	3/17/2023 11:12:29 AM	3/17/2023 12:00:00 AM

[Description](#)

A Code Technician received a voice message from Mr. Kaiser (719-360-9748). Mr. Kaiser said things have been quiet and believes the owners will have until April 25th to meet the 185 rule and the owners have yet to stay on the property. However the owners were there last week conducting some yard work. He thanked me for all the help. SMC

Number	Type	Assigned to Staff	Start Date	Due Date
5890218	Phone Call	SCOPE	8/8/2023 3:31:24 PM	8/8/2023 12:00:00 AM

[Description](#)

I received a call from the Mr. Kaiser. He said that he has spoke with several city representatives and would like to share some ideas on enforcement. An Idea he is proposing is the ability to have access to Colorado Springs Utilities on days that are not rented out and there would be a noticeable drop in usage. Also, the owners should be subjected to spot inspections of the home. Mr. Kaiser will bring the idea up with Carli H and he appreciates our conversations regarding the matter. SMC

Number	Type	Assigned to Staff	Start Date	Due Date
5898169	Phone Call	SCOPE	12/29/2023 9:44:07 AM	12/29/2023 12:00:00 AM

[Description](#)

I received a call from the owners (857-294-2029). I returned the call and left a voice message with my contact information and I requested a return call. SMC

Number	Type	Assigned to Staff	Start Date	Due Date
5898170	Phone Call	SCOPE	12/29/2023 10:30:11 AM	12/29/2023 12:00:00 AM

Description

I recieved a return call from the owner, DAGNE ESTIFANOS (857-294-2029). He said they are not currently operating the STR and may apply for a permit before spring. I reminded him that he cannot advertise for stays less than 30-days at a time. Also, advertising for guest stays less than 30-days at a time is prohibited. I will schedule a reinspection and monitor the case. SMC