

RE: Leah Zehnder's application for 11130 Burgess Lane ALQ for Permanent Occupancy

To Whom It May Concern:

I'm sure you've heard from other people living on Burgess Lane and although we did not receive a notice, Barbara Rodda notified us so we could give you our opinion on Leah's application. We have lived in our home on Burgess Lane for over 45 years.

We do not want to have the trailer (which would be the second dwelling) to be permitted to permanently stay on the property. One of our big concerns is the trailer is set back on the property with a narrow dirt driveway leading to it and we have concerns on whether the fire department can access the road if there is a fire or other emergency. We also do not want to set the standard of any property owner putting a permanent second dwelling on their property to use as a rental or business.

We agree with what was written previously:

1. The well and the area they were permitted to serve does not include an additional living structure, which could contain an additional 1 to 3 bedrooms and bathrooms. Well permits are very specific on this and theirs is as well.
2. The same goes for the septic system, they are sized, engineered, and approved for a specific number of bedrooms or possibly bathrooms.
3. "This special use is compatible with the master plan of the neighborhood." On the contrary, this proposal is in direct violation of the Jan-Lee Covenants which specifically state that "No structure of a temporary nature, tent, shack, garage, basement, barn, trailer home, etc. shall be occupied or used as a residence temporarily or permanently..." All properties in the Jan-Lee subdivision are encumbered by, and subject to, the terms and conditions of these restrictive covenants adopted in 1963 and recorded with the Clerk and Recorder of El Paso County.
4. "There is another special use that was approved at 11165 Burgess Lane." In this case, the property owner did not add a second dwelling unit. He added on to his existing home by building a second story addition over his garage space. It is an extension of the original building, looks just like the rest of his home and is completely compatible with his home and property. He and his wife live in the home, and his adult daughter occupies the addition over the garage. (It has never been used as a rental, nor occupied by non-family members.) In the case of the property at 11130 Burgess Lane, Leah Zehnder is an absentee owner and we have no idea who Sonja Gumber might be, so we doubt that the trailer occupant is an immediate family member.
5. "The special use is in harmony with the neighborhood." This could not be further from the truth. Every other parcel on Burgess Lane contains ONE single-family home (in addition to some out-buildings, such as barns, workshops, etc.) None have multiple residential dwellings. The second-dwelling proposal for the property in question at 11130

Burgess Lane is to legalize and make permanent a 1998 single-wide trailer and is certainly not in harmony with anything in the neighborhood.

6. "It was originally approved by the neighbors." The original property owner, Frank Jarocki, had a brother who became disabled and needed a place to live. Mr. Jarocki asked the neighbors if we would allow him to bring a trailer onto his property on a TEMPORARY basis as an accommodation for his brother. This was understood by all to be a temporary accommodation to meet the medical care and housing needs of his brother. As a way to be kind to a very long-standing neighbor in genuine need, we approved this proposal. Unfortunately, after the deaths of both the owner and his brother, the property was ultimately sold to the Zehnders and, instead of removing the trailer, they have used it as a rental unit. This was never our intent or understanding as neighbors, and, if we had known that this trailer would become a permanent fixture, we would never have approved it in the first place.

Several complaints have been made by our neighbors to El Paso County Code Enforcement over the ensuing years (2011-2023). They were informed by Code Enforcement that the trailer could NOT be used as a dwelling place and/or a rental unit. Inspectors have come out and citations issued, which we assume are in your records. There have been two law enforcement raids of this property because of illegal marijuana grows, and it is our understanding that at least some of the crews who were tending the marijuana were being housed in this same trailer.

Because legalizing and making permanent occupancy of this trailer is not consistent with the applicable master plan, is not in harmony with the character of the Burgess Lane neighborhood and is not compatible with the existing and allowable land uses in the surrounding area, we are asking that this proposal be denied and, if possible, the trailer removed from the property at 11130 Burgess Lane.

Thank you,

Tom R Peach

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