
Administrative Determination re 9420 Arroya Lane - Urgent

8 messages

Sonia Zaheer <sonia@robinsonandhenry.com>

Thu, Jul 28, 2022 at 11:27 AM

To: kariparsons@elpasoco.com

Cc: ryanhowser@elpasoco.com, David Hannum <david@robinsonandhenry.com>

Bcc: LENORE RAFF <lraff1@msn.com>

Dear Ms. Parsons:

My client, Lenore Raff, has been eagerly awaiting the County's favorable decision on her request for an administrative decision that her property, located at 9420 Arroya Lane (the "Property"), be grandfathered for use as a "commercial stable." We initially sent a letter on her behalf on January 5, 2021 (the "Letter"), detailing the facts surrounding the property's use as a boarding facility or a farm since 1955. Having received no determination, guidance, or response from El Paso County, Ms. Raff then applied for a special use permit, requesting the same authorization, in June 2022. As a result, she was informed by you that somehow due to a glitch in the County's system, her request for an administrative decision was overlooked, and her request for the administrative determination based on the Letter was revived.

At this time, Ms. Raff requires the County's decision on the Letter immediately. We have provided the facts and arguments in the Letter for the determination that the Property should be allowed to operate as a horse boarding facility, based on its prior use for the same or similar purpose since 1955, and Ms. Raff's continuous use of the Property as a commercial stable since her acquisition of Property in 1992. In fact, the County's records will show that the sign for Ms. Raff's current farm, "Vantage Point Farm," is either the same sign post or located in the exact same location as those for the previous farms that operated on the Property.

Moreover, there are three facilities within two miles of the Property actively operating as horse boarding facilities: (i) Buck's Quarter on Burgess Road; (ii) AppleCross Farm on Burgess Road; and (iii) Faunwood on Goodson Road. These facilities have been operating as such for an extended period of time, and without any known zoning action against them.

The inexcusable delay in reaching an administrative decision on the Letter by the County has caused severe negative consequences for Ms. Raff. She recently learned that PPRBD will not issue the necessary building permits, allowing the ongoing construction on the Property to be completed. Ms. Raff has been constructing living quarters for her eighty-four-year old mother at the Property and has expended significant sums of money towards the construction. I am informed by her general contractor, Springs Home Improvement, that her construction costs will rise significantly if the construction has to be delayed, as she might be in breach of her construction contract and the contract will need to be rebid.

Ms. Raff is suffering from several negative health consequences due to the stress caused by the county's delayed decision on the Letter. She is not only concerned about the delay in construction on the Property, she also stands to lose her only source of income to support herself and her mother - her farm on the Property. Ms. Raff is a good, tax-paying citizen of the County, who deserves immediate relief.

We believe that Ms. Raff has several legal claims against the County if she is denied the use of the Property as a "commercial stable," due to her continuous use, prior use since 1955, County's allowed use of neighboring properties as commercial stables, and due to the delay in County's decision on the Letter. At this time, Ms. Raff is requesting an immediate decision on the Letter. Please provide the County's decision no later than (5) business days of this email, by close of business on August 4, 2022. Alternatively, Ms. Raff is prepared and willing to take all necessary legal action against the County.

Please contact me should you like to discuss anything regarding this matter.

Best regards,
Sonia Zaheer

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Sonia Zaheer

Attorney at Law | Robinson & Henry, P.C.

Main: (303) 688-0944 | Direct: (720) 597-3668

2 North Cascade Ave., Suite 1000 | Colorado Springs, CO, 80903

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LENORE RAFF <lraff1@msn.com>

Thu, Jul 28, 2022 at 6:08 PM

To: Sonia Zaheer <sonia@robinsonandhenry.com>, "kariparsons@elpasoco.com" <kariparsons@elpasoco.com>

Cc: "ryanhowser@elpasoco.com" <ryanhowser@elpasoco.com>, David Hannum <david@robinsonandhenry.com>

Sonia,
Thank you. This is well stated.
Lenore

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From: Sonia Zaheer <sonia@robinsonandhenry.com>

Sent: Thursday, July 28, 2022 11:27:35 AM

To: kariparsons@elpasoco.com <kariparsons@elpasoco.com>

Cc: ryanhowser@elpasoco.com <ryanhowser@elpasoco.com>; David Hannum <david@robinsonandhenry.com>

Subject: Administrative Determination re [9420 Arroya Lane](#) - Urgent

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Ryan Howser <RyanHowser@elpasoco.com>

Fri, Jul 29, 2022 at 12:22 PM

To: Sonia Zaheer <sonia@robinsonandhenry.com>, Kari Parsons <kariparsons@elpasoco.com>, Ashlyn Mathy <AshlynMathy2@elpasoco.com>

Cc: David Hannum <david@robinsonandhenry.com>

Sonia,

The determination project (ADM212) has been pending resubmittal of documentation from the owner/applicant since at least 4/14/21. We had sent a request for resubmittal of proof of documentation of the existing use on 4/14/21 (the initial review fee wasn't paid until the end of March) and did not receive the documentation we need in order to make a determination. This determination had been pending submittal request for over a year and the project was closed out. We recently re-opened it and sent a submittal request in June of 2022 requesting the same information (I believe you or a representative of the property owner had contacted us). We still have not received the documentation we need in order to make a determination of nonconforming use on this property.

On 7/1/22, I issued the following comment in EDARP:

Submission request has been sent to applicant requesting additional information provide proof of operation and existence of business according to the dates mentioned in the applicant's ADM request letter. Please provide documentation.

The burden of proof lies on the applicant to provide the documentation we need in order to make a determination. If you can provide us with substantial evidence that the use of the property has remained uninterrupted since prior to it being a zoning nonconformity, then we will be able to make a finding of nonconforming use.

Please let me know if you have any questions at this time. We will be unable to make a determination without the necessary evidence.

Thanks,



Ryan Howser, AICP

Planner III

Planning & Community Development

2880 International Circle, Suite 110

Colorado Springs, CO 80910

719.520.6317 (Office)

<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in EDARP go to: <http://ecpdevplanreview.com>

To review all El Paso County projects in **EDARP** go to: <https://ecpdevplanreview.com/>

To review the [El Paso County Land Development Code](https://library.municode.com/co/el_paso_county/codes/land_development_code) (2021) go to: https://library.municode.com/co/el_paso_county/codes/land_development_code

From: Sonia Zaheer <sonia@robinsonandhenry.com>

Sent: Thursday, July 28, 2022 11:28 AM

To: Kari Parsons <kari@elpasoco.com>

Cc: Ryan Howser <RyanHowser@elpasoco.com>; David Hannum <david@robinsonandhenry.com>

Subject: Administrative Determination re 9420 Arroya Lane - Urgent

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Ashlyn Mathy <AshlynMathy2@elpasoco.com> Fri, Jul 29, 2022 at 12:36 PM
To: Ryan Howser <RyanHowser@elpasoco.com>, Sonia Zaheer <sonia@robinsonandhenry.com>, Kari Parsons <kariparsons@elpasoco.com>
Cc: David Hannum <david@robinsonandhenry.com>, "lraff1@msn.com" <lraff1@msn.com>

Sonia and Lenore,

Based on this information and due to there already being an existing ADM file open (ADM212), it is recommended to add a request to ADM212 for the determination of parcel legality at [9420 Arroya Lane](#), this way we can avoid another fee that the applicant would be required to pay. If there are any questions, please reach out and have a great day!

Ashlyn Mathy

Planner I

El Paso Planning & Community Development
[2880 International Circle](#)
Colorado Springs, CO 80910
(719) 520-6300 (Main)
(719) 520-6447 (Direct)

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Ryan Howser <RyanHowser@elpasoco.com> Fri, Jul 29, 2022 at 12:37 PM
To: Ashlyn Mathy <AshlynMathy2@elpasoco.com>, Sonia Zaheer <sonia@robinsonandhenry.com>, Kari Parsons <kariparsons@elpasoco.com>
Cc: David Hannum <david@robinsonandhenry.com>, "lraff1@msn.com" <lraff1@msn.com>

I would agree with this – the original ADM request did not include a request for parcel legality, but I would recommend combining the two requests to eliminate the second fee. We can complete one determination with all the information you need.

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Sonia Zaheer <sonia@robinsonandhenry.com> Fri, Jul 29, 2022 at 4:17 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Cc: Ashlyn Mathy <AshlynMathy2@elpasoco.com>, Kari Parsons <kariparsons@elpasoco.com>, David Hannum <david@robinsonandhenry.com>, "lraff1@msn.com" <lraff1@msn.com>

Mr. Howser:

Ms. Raff would like to do the following:

1. Have the administrative determination made that her property is authorized for its current use as a horse boarding facility, or a "commercial stable," based on the communications and arguments already submitted to the County, including the Letter and all emails; and
2. Add a request to her current file, ADM212, for the determination of parcel legality at 9420 Arroya Lane.

Again, she needs the County's favorable decisions immediately, as described in my email to you yesterday.

Please let me know if I can answer any further questions to assist with an expedited decision.

Thank you.

Best regards,
Sonia Zaheer
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Sonia Zaheer <sonia@robinsonandhenry.com>
To: LENORE RAFF <lraff1@msn.com>, blaraff@aol.com

Fri, Jul 29, 2022 at 4:19 PM

FYI. Please see below my response to the County today. Thank you.
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Kari Parsons <kariparsons@elpasoco.com>
To: Sonia Zaheer <sonia@robinsonandhenry.com>
Cc: Ryan Howser <RyanHowser@elpasoco.com>, David Hannum <david@robinsonandhenry.com>

Mon, Aug 1, 2022 at 7:50 AM

Sonia- I see that you have been corresponding with Mr. Howser via email. Mr. Howsers assessment identifying the applicant's responsibility to make a submittal into EDARP is accurate. Please submit the requested and update d letter to include both requests.



Kari Parsons
Senior Planner
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2880 International Circle
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719.520.6306 719.373.8562
<https://planningdevelopment.elpasoco.com/>

To review all El Paso County projects in **EDARP** go to: <https://epcdevplanreview.com/>

To review the [El Paso County Land Development Code \(2021\)](https://library.municode.com/co/el_paso_county/codes/land_development_code) go to: https://library.municode.com/co/el_paso_county/codes/land_development_code

PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

From: Sonia Zaheer <sonia@robinsonandhenry.com>
Sent: Thursday, July 28, 2022 11:28 AM
To: Kari Parsons <kari@elpasoco.com>
Cc: Ryan Howser <RyanHowser@elpasoco.com>; David Hannum <david@robinsonandhenry.com>
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Dear Ms. Parsons:

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