

Miranda Benson

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**From:** PCD Hearings  
**Sent:** Tuesday, September 10, 2024 12:23 PM  
**To:** PCD Hearings  
**Subject:** FW: Heydlauff

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**From:** Kimberly Hale <[halekimberly@rocketmail.com](mailto:halekimberly@rocketmail.com)>  
**Sent:** Tuesday, September 3, 2024 6:32 PM  
**To:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>  
**Subject:** Re: Heydlauff

Hey Ryan. Yes, I will continue to fight the access to his property off of my driveway. He doesn't even have legal access to intended lots 3 and 4 off of Cloven Hoof Rd, which I believe is a requirement of yours to approve plating and even if the easement would stand up in court, it only covers 1 dwelling, the dwelling on what would be lot 2. You can't just assume that it would cover another lot, with another dwelling, that your going to create thru plating, ie lot 1. The supposed deed doesnt cover anything about creating new lots or new dwellings and having access to them thru it. This warranty deed he has is 50 years old and does not follow the chain of title, for everytime the house was sold or even any time the house was sold. I will also argue adverse possession, you have to have owned the property for at least 7 years, believed it to be yours and paid the taxes and maintained it. All of which we have done. That Colorado law allows me to simply say there is no eavesment on my driveway, which would mean he has no legal access off of Cloven Hoof Rd. to any of the properties you intend to plat there, so your board should not agree to the replating until he has a way to access the properties. I have retained an attorney about this matter. He has someone living in 1 of the properties already and that gentleman uses the driveway access off of highway 105, which is on the county accessors website as Mr.Joyners access to his properties. There is also a posted sign at the entrance off of highway 105 with his dwellings address numbers. I do have the pictures for all of this. The driveway is now in horrible disrepair because of the foundation construction he did on the house closest to my driveway. I have ample photos and videos to prove such. I believe it should be your boards decision to reschedule the plating, until this matter can be settled and Mr. Joyner can show you his legal access to all 4 intended properties off of Cloven Hoof Rd. I believe it should be Mr. Joyners responsibility to prove why he is allowed to use my driveway, for his 4 vacation rental properties, which will have a large amount of traffic, and random people that we don't know, more than it is my responsibility to prove why he cant. These homes are off of a dirt road and we are using a dirt driveway that is only wide enough for 1 vehicle. I've reached out to talk about this with Mr. Joyner, to set a meeting and he never called me back. Who will be maintaining this driveway and access to his properties? I believe there's more to be figured out before you can approve the replat. Thank you for your consideration on this matter. Sincerely, Kimberly Heydlauff

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On Tuesday, September 3, 2024 at 01:27:41 PM MDT, Ryan Howser <[ryanhowsers@elpasoco.com](mailto:ryanhowsers@elpasoco.com)> wrote:

Kim,

Thanks for sending this over – this confirms my suspicion that the ordinance you are quoting is only applicable to the City of Colorado Springs; it would not also apply to unincorporated El Paso County. El Paso County does not regulate short term rentals.

That being said, this wouldn't have an impact on his ability to subdivide the lots – the plat doesn't automatically approve or designate the properties as short term rentals. It's not relevant to the review criteria for a plat.

I am assuming you will still want to bring up the access in the hearing – please confirm, and also if you are comfortable, can you let me know in writing what your specific concerns are regarding the access? That way, we can easily print out your email to me and forward it to the Planning Commission members so they can be more prepared to take your questions.

Thanks,

Ryan

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**From:** Kimberly Hale <[halekimberly@rocketmail.com](mailto:halekimberly@rocketmail.com)>  
**Sent:** Tuesday, September 3, 2024 12:50 PM  
**To:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>  
**Subject:** Heydlauff

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This is a county ordinance for El Paso County, Palmer Lake is considered El Paso County. I have the phone number for the Attorney for the title company and my personal attorney as well. We are hoping to hear from the title company regarding this by tomorrow evening at the latest. Please let me know if I can send anything else. Thank you so much! Kim Heydlauff