

EL PASO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Jim Egbert, Chair

FROM: Len Kendall, Planner I
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: VA-17-008
Project Name: Schaefer Additional Dwelling
Parcel No.: 73020-00-022

OWNER:	REPRESENTATIVE:
Dan and Mary Jo Schaefer 1250 W. Woodmen Rd. Colorado Springs, CO 80919	Dan Schaefer 1250 W. Woodmen Rd. Colorado Springs, CO 80919

Commissioner District: 3

Planning Commission Hearing Date:	1/16/2018
Board of County Commissioners Hearing Date	2/13/2018

EXECUTIVE SUMMARY

A request by Dan and Mary Jo Schaefer for approval of a variance of use legalize an existing additional dwelling on a two-acre parcel in the A-5 (Agricultural) zoning district. The parcel is located approximately 1.9 miles northwest of the intersection of Woodmen Road and East Rockrimmon Boulevard. The previous owner of the parcel built an additional dwelling above a garage in the rear half of the subject two-acre parcel. In 1996, the owner stated in a letter that the intent was for the structure above the garage to become the main dwelling for the property and that the original dwelling (built in 1958) would be converted to a workshop with a sink (C-96-111). Due to an illness in the family, the former owner applied for a variance of use (VA-02-011) to allow their daughter to live in the original dwelling located in the front half of the parcel. The variance was approved by the Planning Commission with conditions, but was withdrawn prior to being heard by the Board of County Commissioners. In 2007, an addition to the

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main dwelling was applied for and approved (ADD-07-456) by the County with the note that the additional dwelling (original structure) was non-habitable. Additions that were approved by the Planning and Community Development Department continued to occur onto the main house in the rear of the property. File number ADU-08-012 states that the original dwelling on the property was converted into a guest house. In the A-5 zoning district a guest house is allowed as an accessory use to the main dwelling and is only intended for short term occupancy for family members or guests. An additional dwelling would be considered a principal use as well as a dwelling that may be occupied full time.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: Approval of a variance of use to legalize an existing additional dwelling on a two-acre parcel in the A-5 (Agricultural) zoning district.

Waiver(s): There are no waivers associated with this request.

Authorization to Sign: There are no documents associated with this application that require signing by the Chair.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a variance of use, the following criteria may be considered:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;

- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

D. LOCATION

North:	A-5 (Agricultural)	Single Family Residential
South:	City of Colorado Springs	Single Family Residential
East:	A-5 (Agricultural)	Single Family Residential
West:	RR-2.5 (Residential Rural)	Single Family Residential

E. BACKGROUND

The property is located in the Woodmen Valley area of El Paso County just north and adjacent to the City of Colorado Springs. The property was originally zoned F (Forest and Recreation) in 1942 and was rezoned to A-2 (Agricultural) in 1979, and rezoned again to A-1 (Agricultural) in 1991. The property consists of two single-family dwellings: an original dwelling built in 1958, and an additional dwelling built in 1993 (LOG-92-1211). The County has received multiple complaints regarding use of the two dwellings on the subject property. The structure built in 1993 was initially constructed and used as a garage. In 1993, the owner applied for a Board of Adjustment (BOA) hearing requesting a lot size variance (BOA-93-081). The owner stated in the letter of intent the desire to construct a dwelling above the garage with the intent that it would be occupied by the applicant's parents. The BOA never heard the request due to the postponement of the hearing multiple times by the applicant. Under the current regulations a guest house with special provisions for extended family housing may be used as a dwelling for a family member in need of assistance, therefore, a BOA hearing would not be necessary under the current Code.

In 1996, the owner stated in a letter submitted to the Planning Department that, "we would like to turn our existing detached garage into our permanent residence. To accomplish this and stay within the zoning requirements for our area, we are going

to turn our current residence into storage, and shop space”. The original dwelling was rendered uninhabitable by removing the kitchen and bathroom facilities with the exception of one sink (C-96-111). An application submitted to and approved by the County authorized converting the garage to the main residence on the property and converting the original dwelling to a workshop (LOG-96-11110).

The owner applied for a variance of use (VA-02-011) requesting approval to have their daughter live in the cottage (original dwelling) due to illness. The variance application was heard and a recommendation for approval was made by the Planning Commission with specific conditions, but was withdrawn on August 8, 2002 before being heard before the Board of County Commissioners. In 2003, the applicant’s daughter moved into the house, an administrative decision was made on June 26, 2003, granting a six-month extension for the house to be utilized as a residence and that the structure will return to an accessory structure/use on or before January 4, 2004 (C-03-091). The previous owner was supposed to apply for a variance of use. The previous owner did not apply for the variance and a notice of violation was sent. In 2007, a request to construct an addition was applied for and approved (ADD-07-456) by the County with the note that the second dwelling (original dwelling) remain non-habitable as a dwelling. Additions that were approved by the Planning and Community Development Department continued to occur onto the main house in the rear of the property. Those approvals were appropriate due to the fact that the other structure was designated as non-habitable.

File number ADU-08-012 depicts the original structure on the property as being converted into a guest house pursuant to the updated Code allowing a guest house in the A-5 zoning district with a signed affidavit recorded on file to the Clerk and Recorder on November 17, 2008. The affidavit states that a kitchen is not allowed within a guest house unless an affidavit is signed and recorded in the Office of the El Paso County Clerk and Recorder, and that the owner agrees that the guest house proposed as part of this development application may not be leased or rented.

F. ANALYSIS

1. Land Development Code Analysis

The Land Development Code (2016) does not allow more than one dwelling in any of the residential zoning districts in the County. An additional dwelling is only allowed in the A-35 (Agricultural) zoning district. This property is zoned A-5 (Agricultural) and is currently nonconforming having two (2) acres where five (5) are required. The parcel was created in 1967 when the minimum lot size of parcels was 10,000 square feet in the F (Forest and Recreation) zoning district.

2. Zoning Compliance

An additional dwelling is not an allowed use in the A-5 (Agricultural) zoning district. If the variance of use is approved, the existing additional dwelling would be legalized subject to compliance with the conditions of approval. An additional dwelling is only an allowed use in the A-35 (Agricultural) zoning district.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Goal 13.1: Encourage an adequate supply of housing types to meet the needs of county residents.

Policy 13.1.1: Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.

Policy 13.1.2: Support the provision of land use availability to meet the housing needs of county residents.

Policy 6.1.3: Encourage new development which is contiguous and compatible with the previously developed areas in terms of factors such as density, land use, and access.

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

The proposed additional dwelling is located at the southern end of the parcel and is aligned with houses on the parcels to the east. The main dwelling unit is located almost 300 feet to the north, and is situated between the houses on the two adjoining properties to the west. The placement of the structures on the parcel and the integration with surrounding structures does not give the immediate impression that there are two homes on one parcel. The addition of another single-family residence on this property would increase the housing supply located within the County. Although the subject property is zoned A-5, which is a five (5) acre minimum zoning district, the subject property is also directly adjacent to single-family residential development in the City of Colorado Springs with lots that are less than 10,000 square feet. The subject property is also adjacent to the RR-2.5 (Residential Rural) zoning district, which is a 2.5-acre minimum zoning district.

4. Small Area Plan Analysis

The property is not located within a Small Area Plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) indicates that development of the property will have moderate potential impact to wildlife.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No physical hazards were identified in the review of this variance request.

2. Wildlife

The El Paso County Wildlife Descriptors Map (1996), adopted as an element of the El Paso County master plan, shows development of this area as having moderate potential impact to wildlife. There is no anticipated change in the site conditions; therefore, no additional impacts to wildlife are anticipated with this variance.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0503F shows the property is located outside the 500-year floodplain (Zone X).

4. Drainage And Erosion

The property is located within the Dry Creek drainage basin (FOMO2400) which is a studied basin. No drainage or bridge fees are assessed with variance of use requests. The applicant was not required to submit a drainage report or a grading and erosion control plan since no additional site improvements are being proposed.

5. Transportation

A traffic study was not required and the road impact fee is not required because the variance of use does not result in an increase of at least 100 more daily vehicle trips.

H. SERVICES

1. Water

Water service is provided by Colorado Springs Utilities (CSU). CSU has identified that an agreement exists by which the subject property was allotted water for one single-family residence. If the variance of use request is approved, the applicant will need to seek approval from CSU to supply water to the additional dwelling.

2. Sanitation

Colorado Springs Utilities provides wastewater service to the subject property. No changes to the provided services are required.

3. Emergency Services

Emergency and fire protection services are provided by Woodmen Valley Fire Protection District.

4. Utilities

Electrical and natural gas services are provided by Colorado Springs Utilities.

5. Metropolitan Districts

The property is not located within a metropolitan district.

6. Parks/Trails

No park fees or land dedication in lieu of fees are required with this application.

7. Schools

No school fees or land dedication in lieu fees are required with this application.

I. APPLICABLE RESOLUTIONS

Approval Page 51

Disapproval Page 52

J. STATUS OF MAJOR ISSUES

The major issue with the variance request is the water issue with Colorado Springs Utilities (CSU). If the Board of County Commissioners approves the variance of use request, then the applicant would need to obtain approval from CSU to provide water service to the additional dwelling.

K. CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in 5.3.4 (Variance of Use) of the El Paso County Land Development Code (2016), staff recommends the following conditions and notations:

CONDITIONS

1. Use of the structure (original 1958 dwelling) as an additional dwelling will only be allowed if Colorado Springs Utilities approves a change in water usage for the subject parcel.
2. Proof of Water Allowance must be submitted to the El Paso County Planning and Community Development Department within one (1) year of approval of the variance of use by the Board of County Commissioners.
3. A residential site plan must be submitted and receive approval from the Planning and Community Development Department within 30 days of approval of the variance of use by the Board of County Commissioner.

NOTATIONS

1. Variance of use approval includes conditions of approval and the accompanying site plan. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or variance of use conditions/standards are being violated, preceded by notice and public hearing.
3. If the variance of use is discontinued or abandoned for two (2) years or longer, the variance of use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on December 28, 2017, for the Planning Commission hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
Water Agreement
C-96-111 Documents
VA-02-011 Planning Commission Approval Letter
ADU-08-012
C-03-091 Chronology

El Paso County Parcel Information

File Name: VA-17-008

PARCEL	NAME
7302000022	SCHAEFER DAN A

Zone Map No.: --

ADDRESS	CITY	STATE
1250 W WOODMEN RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	2727

Date: December 27, 2017



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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September 30, 2017

Dan A Schaefer and Mary Jo Schaefer
Colorado Springs, CO 80919
Dan cell: 719-271-5617
Mary Jo: 719-271-5618

Site Location: 1250 West Woodmen Rd
Size: 2 acres
Zoning: A-5

RE: Schaefer Letter of Intent for a Minor Use Variance for a 2nd Dwelling

Request:

We are requesting a permanent variance which would allow us to rent one of the two existing houses on our property so as to have the ability to have family members or other occupants live in the second home. The variance is required because the property's current zoning does not allow more than one home on each lot. The property is located in Woodmen Valley on the north side of Woodmen Road, approximately ½ mile east of Peregrine.

The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the health, safety, or welfare of the inhabitants of the area and County.

When we bought the property the house was run down, had an ugly lean-to and was unattractive. We believe we have demonstrated our desire to have an attractive house for the neighborhood by tearing down old fencing and the lean-to and also stuccoing and roofing the house. A photo of the house we want to rent (which is the one closest to Woodmen Rd) is shown below:



The proposed use is compatible with the surrounding area because we are seeking to have an existing single-family home occupied as a second home for family members or used as a rental property. Single family use is a very low impact use that is identical to the use in the area surrounding our property, which is also comprised of single family homes. As the home size allows for occupation by a single family and is not large enough to be divided into any multi-family units,

the use will be harmonious with the single-family homes on adjoining property, in fact it will be identical. Importantly, the property contains 2 acre of land and the presence of a second home occupied as a single-family residence on that amount of land will not be detrimental to the surrounding properties. This use will also not be detrimental to the health, safety, or welfare of the inhabitants of the area and County because it will utilize an existing structure for the exact same use as the surrounding area and the use will not cause any detrimental health impacts as the home complies with all required health and safety codes as it has been issued a certificate of occupancy.

Further, the use will not negatively affect safety of the occupants, the other inhabitants of surrounding properties or inhabitants of the County in general because of the low impact nature of the single family home use, the property's current compliance with County occupancy, health, and safety requirements, the very good line of sight visibility of the home and driveway for both vehicles approaching the property on Woodmen Road from each direction and for drivers of vehicles exiting the property, and the fact that the driveway has been in that location for decades and is well known to travelers along Woodmen Road.

The homes to the South (just on the other side of Woodmen Road) are all in a much higher density subdivision with a unit density of many units per acre. Thus, this unit per acre density of 1 unit to 1 acre is not injurious to those neighboring homes either. See attached image.

Finally, the property is not far to the East of the Peregrine subdivision which subdivision is comprised of single family homes in a much higher density development with smaller, city sized lots. Therefore the fact that the two homes will, on average, be each occupying over an acre of land is in keeping with the surrounding area in general and is still a significantly lower density than the homes not far to the West, especially the homes in Peregrine closest to our property which are higher-density patio style homes at the entry to Peregrine.

The proposed use will be able to meet air, water, odor or noise standards established by County, State or Federal regulations during construction and upon completion of the project.

This requirement is already met as the variance is for a property with a completed home and thus there will be no construction that can violate such standards. Furthermore, the home has been occupied in the past pursuant to a variance granted to the prior owner by the County and so the continued use of the home for single family occupancy means it will remain in compliance with all required County, State, and Federal air, water and environmental regulations in the future.

The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action.

Once again, this requirement is already met as the variance is for a property with a completed home that has been occupied as a second home in the past pursuant to a prior variance. If granted, we will limit the property to the existing single-family use in perpetuity and thus ongoing compliance with the regulatory scheme will be assured.

The proposed use will not adversely affect wildlife or wetlands.

The property slopes gently upwards from Woodmen Road and contains no natural waterways or courses, ponds, or wetlands that could be affected if the variance is granted. Wildlife

will not be affected in any manner by the variance as the home has been in that location for a significant period of time, the home has been occupied in the past and such occupancy has not negatively or adversely affected wildlife, and there will be no new construction and so no disturbance of any natural habitat of the area wildlife. A continuation of the same use in the future will not be detrimental to area wildlife.

The applicant has addressed all off-site impacts.

* One existing driveway passes by both houses on the east side and provides access to Woodmen Road. There will be no off-site impacts from an approval of this variance as no construction is required since the home is complete and thus construction traffic will not be an issue, no curb cuts or access approvals are required due to this existing driveway that provides access to and from a public thoroughfare to the home, enumeration has approved the addresses and the postal service is aware of the two homes and mail delivery is not a problem, all utilities are already located inside the property boundary which obviates the need to access utility lines in Woodmen Road or otherwise, the use will not burden utility providers, and the fact that the low impact use will generate very few additional vehicular trips per day on Woodmen Road and so will not impact traffic flow.

The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening and landscaping.

Because the property is located in Woodmen Valley, which is a rural environment, and this application is for use of an existing second home and is not a commercial project, some of these requirements do not apply as much in this case as they would normally apply in commercial or large scale, high density residential projects. There is adequate parking as 2 or 3 cars can be easily parked on the east side of the house on an existing concrete & blacktop pad. Turning around in this same area can be easily done so cars can enter Woodmen Road with the car nose first and no cars will need to back onto Woodmen Road. For these reasons, and because this is an existing single-family home, traffic circulation is adequate.

Furthermore, this particular application does not require any open space dedication as the home is a permitted home that has been lawfully occupied in the past. Any fees in lieu of an open space dedication were paid long ago. The property will continue to contain significant open space in keeping with surrounding properties as the developed footprint of this home is negligible compared to the 2 acre parcel size. Fencing is not required nor desired in the neighborhood or on this site and there are no utility installations or trash receptacles that require screening per County codes.

The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.

The strict application of the Code, to deny two homes to be occupied on this parcel of land, would in fact lead to significant undue hardship. This is a **peculiar** situation because there are already two houses on the property and they have existed for about 20 years. If the variance is not approved, there are really no good options. The home would have to be left vacant and that would invite vandalism and crime as word got out that the home was unoccupied and, as it is located a good distance from our home it cannot be easily monitored. See attached image showing the homes

as located on the property. The home could also be used for storage, but that also invites vandalism and crime and maybe even more so, as people could be tempted to break in to see what is being stored and steal items if they have any value. It could become a blight on the neighborhood.

The other alternative is tearing the home down but that would create significant and unnecessary pollution control requirements during demolition, significant and unnecessary costs to us, an increased but avoidable burden on the roads, infrastructure, and landfill sites, and most importantly, a huge amount of social waste as a perfectly good home, suitable for occupancy for decades to come, would be needlessly torn down. That is an undue hardship on us as well as the County and the City of Colorado Springs.

On the other hand, approval of the variance would turn the current situation, (2 houses on one lot), into an asset for the neighborhood by making the best use of the second house...letting a family live in it. With the aging population, approval of the variance would also support the national trend toward multi-generational housing units. A family could live in the main home while a parent or special needs family member could occupy the home that is the subject of this request and, while still living independently, that parent or individual could be safely monitored by being in close proximity to family. Approving the variance is strongly supported on this basis as it would avoid the significant undue hardship of a denial and the loss of a dwelling unit to vandalism, crime, or demolition.

Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

The home that is the subject of this variance request has existing water, sewer, gas and electric services already provided by Colorado Springs Utilities and these utility services are adequate for future occupancy as would be allowed by an approved variance.

Because the variance applies to an existing home in a rural environment, and the developed footprint is nearly completely inconsequential as a percentage of the overall drainage area, there will be no new impervious surfaces that will modify the existing drainage and so the proposed use will not negatively affect storm water drainage nor require the installation of any storm water drainage infrastructure. The volunteer firehouse is a few hundred feet to the East on Woodmen Road and the property is easily accessed by City fire department personnel from the firehouse located a few miles to the northwest, close to the corner of Vindicator Drive and Centennial Blvd.

The home is located along the north side of Woodmen Road and police protection is more than adequate. The only road needed to provide access to this property is Woodmen Road which is already constructed and thus is available and adequate to serve the use of the home that is the subject of this request.

In summary, this request meets all of the criteria for approval. This is a unique property offering a chance for an existing and beautiful home to provide for third party, family, or extended multi-generational family housing in a rural setting. The social benefits of an approval significantly outweigh the loss of a perfectly good home that, while technically not being in compliance with the current zoning requirements, is not a detriment to the surrounding property owners, not a detriment to the County nor to wildlife or to the environment, and which poses no additional demands on County resources.

1250 W Woodmen Rd 2nd Home

Our Home



SITE PLAN

Dan Schaefer

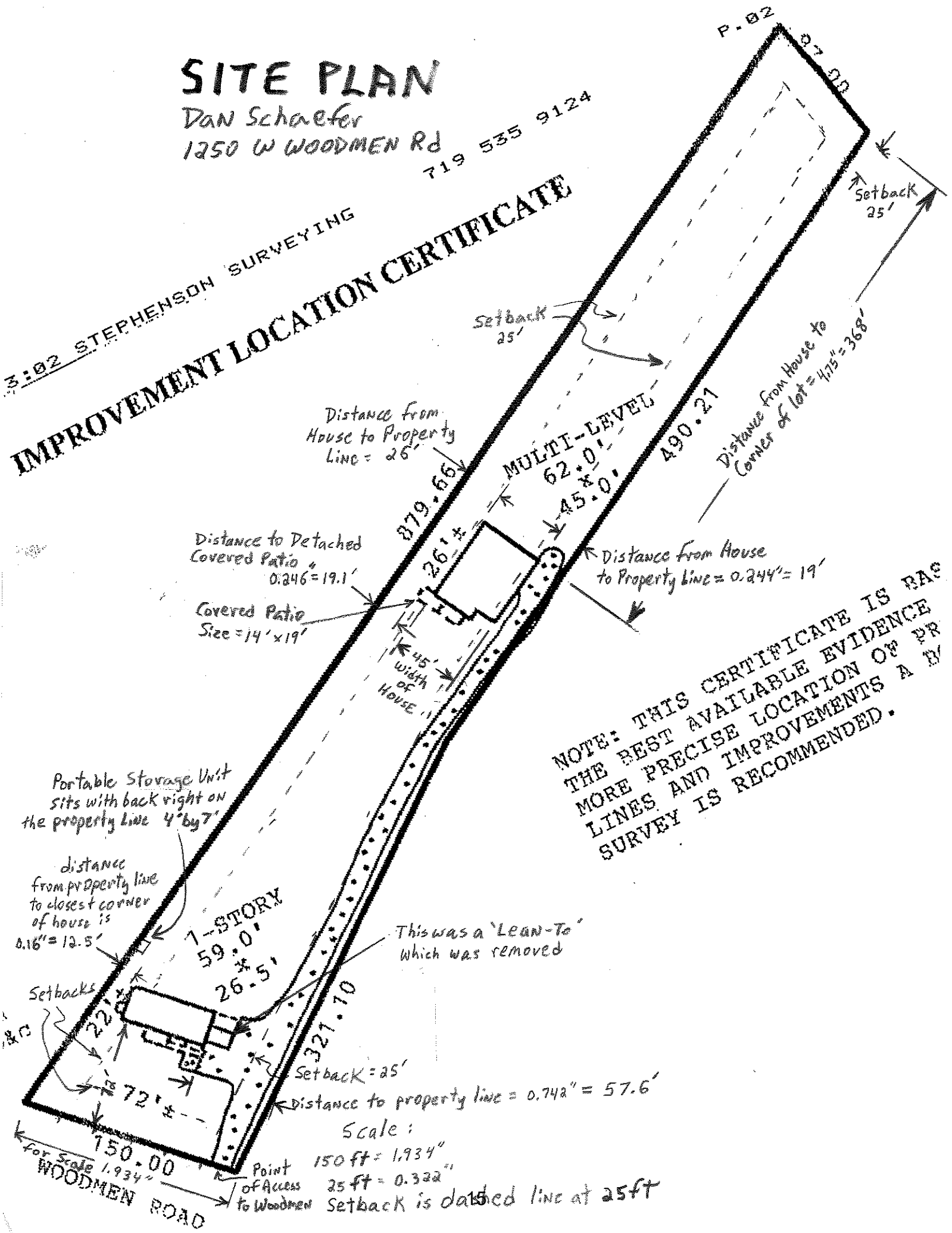
1250 W WOODMEN RD

719 535 9124

P. 02

3:02 STEPHENSON SURVEYING

IMPROVEMENT LOCATION CERTIFICATE



NOTE: THIS CERTIFICATE IS BASED ON THE BEST AVAILABLE EVIDENCE. MORE PRECISE LOCATION OF PROPERTY LINES AND IMPROVEMENTS A RE-SURVEY IS RECOMMENDED.

Scale:

150 ft = 1.934''

25 ft = 0.322''

Setback is dashed line at 25ft

ARDIS W. SCHMITT
EL PASO COUNTY CLERK & RECORDER

DODDER

**AGREEMENT PROVIDING FOR WATER SERVICE TO LAND
LOCATED OUTSIDE THE CITY LIMITS OF THE
CITY OF COLORADO SPRINGS
AND
ANNEXATION AGREEMENT
(WOODMEN VALLEY)**

45'

WHEREAS, the undersigned property owner, hereinafter "Owner," is the owner of the real property in El Paso County, Colorado, described in Exhibit "A" hereto attached and made a part hereof (hereinafter the "Property"); and

WHEREAS, the Owner owns or desires to obtain water service from the City of Colorado Springs, hereinafter called "the City"; and

WHEREAS, the City has considered the Owner's application for water and has determined that the Property sought to be served is not presently eligible for annexation to the City or, if eligible for annexation, has determined that it is not in the best interests of the City to annex said premises at this time; and

WHEREAS, the City is under no obligation to furnish but is agreeable to furnishing water service upon the terms and conditions hereinafter set forth as the City has determined that to provide this service under the terms of this Agreement constitutes a community benefit.

NOW, THEREFORE, in consideration of the premises and in further consideration of the benefits which will accrue to the City and the Owner, the City and the Owner have entered into this Agreement providing for water service to land located outside the City limits of the City of Colorado Springs and Annexation Agreement (hereinafter "the Agreement") under the following terms and conditions:

1. Consent to Annexation. The Agreement shall constitute the unqualified and irrevocable consent of the Owner to annex the Property to the City, and the City shall not be required to seek legal action to compel specific performance of this Agreement to annex, but may proceed by ordinance to annex all or any part of said Property in the same manner as if the Owner had petitioned therefor or as otherwise permitted by law at such time as the City in its sole discretion shall see fit whenever the Property shall become eligible for annexation and pursuant to the Municipal Annexation Act of 1965, Part 1 of Article 12 of Title 31, C.R.S. (hereinafter "the Annexation Act") and Section 30 of Article 2 of the Colorado Constitution or any amendments thereof or subsequent annexation legislation then in effect in the State of Colorado. Upon request of the City Council of the City, the Owner further agrees to execute a petition for annexation, execute annexation plats, and execute any other documents that the City determines are necessary to annex the Owner's Property to the City. The Owner agrees that the provisions of this Agreement are applicable to the Property as described in Exhibit A or any portion thereof. It is further agreed that the Owner will not annex the Property or any portion thereof, or incorporate the same with any other municipality or special service district without the prior written consent of the City.

2. Provision of Water Services. It is specifically understood that the water services to be furnished by the City are for only single family residential uses and shall be in conformity with the regulations of the City in furnishing water outside its corporate limits as modified by this Agreement and except as expressly provided herein, will be in conformity with all resolutions, codes, ordinances, regulations and policies of the City applicable thereto. The City will provide water service taps to the Owner or the Owner's successor in interest for the same water development charges as applicable to the provision of such services within the corporate limits of the City. Charges for water actually used will be at the City's standard rates for water service provided outside the City limits, subject to the provisions of Article 16 below.

3. Other Property Uses. If the Owner or the Owner's successor in interest desire to put the Property to other than single family residential uses, a request therefor shall be made to the City Council of the City, and such request, if granted at all, shall be upon such terms and conditions as may be imposed by the Council. If the use of the Property for which the request for the changed water use is made involves the subdivision of the Property or development of the Property for multi-family residential, commercial or industrial purposes, the conditions for granting such request, if granted, shall include full compliance with the Code, Ordinances, Resolutions, Regulations and Policies of the City.

4. Application For Water Tap. The Owner, or Owner's successor in interest, may apply to the City for one single-family equivalent water tap for the Property at any time after the date of this Agreement. Subject to the provisions of paragraph 2 above, the charges for such tap will be at the City's prevailing rates at the time it receives the application. It is acknowledged that the right to this tap will be tied to the Property, and may not be transferred to or otherwise utilized on any other lands.

5. Extension of Service Onto the Property. The Owner will extend water service to the Property in accordance with the ordinances and regulations in effect at the time of the specific water request. The first-come served policy will govern availability of supply.

6. Wells and Existing Water Rights. Subject to the provisions herein, the Owner grants and conveys in perpetuity to the City the sole and exclusive right to use any and all ground water underlying or appurtenant to and used upon the Property. The Owner irrevocably consents in perpetuity, on behalf of itself and any and all successors in title, pursuant to Section 37-90-137(4) of the Colorado Revised Statutes, as now existing or later amended, to the withdrawal and use by the City of all ground water underlying said lands, and agrees to execute any additional or supplemental consents thereto or instruments of conveyance thereof that may be required to vest in the City said right to appropriate, withdraw and use any and all said ground water. Furthermore, the Owner agrees to convey to the City on or before the effective date of this Agreement, by a satisfactory irrevocable consent and/or a satisfactory instrument of conveyance, the right to withdraw for beneficial use any and all ground water underlying or appurtenant to and used upon the Property. Notwithstanding any of the above, Owner and their successors in interest shall have the sole and exclusive right to use water from any wells existing on the Property on the date hereof (including any future replacement or relocated wells consistent with

existing well permits) for domestic and non-potable purposes. However, upon the Property tapping into the City water system, the Property Owner will physically separate the well water system from the City water system so that no commingling of well and City water supply can occur. The City will have the right to inspect and approve the separation of the well water system as a condition to allowing the Owner to tap into the City system.

7. Compliance With City Codes. With respect to any new construction or land development commenced after the date the Property is annexed, Owner will comply with all Codes, Resolutions, and Regulations and Policies of the City including but not limited to the City's Subdivision Code, Building Code, Fire Code, Drainage Ordinance, Utility Extension policies, and Comprehensive Land Development Plan as now existing or subsequently amended, except to the extent that such compliance is specifically altered or waived by this Agreement. Notwithstanding anything to the contrary herein, Owners will not be required to pay any park, school, drainage or bridge fees, nor comply with any of the City's subdivision code so long as the Property is not subdivided. Additionally, because of the topography and long service lines to many properties, the City will approve Owner installing booster pumps or other devices to increase water pressure to customary levels for single family residential uses. The installation and maintenance of such pumps or other devices will be Owner's responsibility.

8. Provisions To Preserve Character of Valley. The City recognizes that the Property is part of the lands initially included within the boundaries of the Woodmen Valley Local Improvement District (the "Woodmen Land"). The Woodmen Land is an area which consists of large lots and a semi-rural environment. To maintain this environment, the City agrees:

a) That if the City annexes the Property, the City will establish a large-lot zoning classification requiring a minimum lot size of five acres and single-family residential uses (except that properties currently of a smaller size will be grandfathered), and will include the Property in such zoning classification. The City will also be required to obtain the consent (whether in writing or by vote) of 51% of all Owners whose Property is within the Woodmen Land before it can reduce this minimum lot size or change this permitted use for any property located within the boundary of the Woodmen Land.

b) The City will not, without a majority vote of Owners of properties within the Woodmen Land, undertake any upgrading of existing street, drainage, or other public infrastructure within the Woodmen Land if such activity would, in any manner, result in assessments against, or charges to, either the Owner or the Property, except for general *ad valorem* taxes uniformly applicable to all real property within the City.

9. The District. Owner hereby irrevocably consents to the inclusion of the Property within the Woodmen Valley Local Improvement District (the "District"), a local Improvement

District established pursuant to Part 5 of Article 25 of Title 31, CRS, and to the City of Colorado Springs (the "City"). Subject to Section 10, below, Owner also hereby waives any requirement for an election to authorize bonded indebtedness of the District and hereby authorizes and consents to the District issuing bonded indebtedness not to exceed \$2,525,000 to finance the design and construction of the City water system for Woodmen Valley, as well as all expenses associated with installation of such system, formation of the District and issuance of the above bonded indebtedness. Owner hereby acknowledges and agrees that the City has fully complied with all laws, regulations and other requirements with respect to formation of the District and issuance of the above bonds. The provisions of this paragraph 9 shall be binding on any successor in interest in the Property as fully as if such successor had executed this Agreement.

10. Election. Owner acknowledges the District is being formed, and its bonded indebtedness is being issued, for purposes of installing a water system as part of the City's utility system, and with the prior written consent of 100% of the properties being included within its boundaries. Consequently, Owner acknowledges and agrees that no election is required for the formation of the District, or the issuance of the bonded indebtedness contemplated herein. However, in order to clarify that revenue of the District will not be included as general revenues of the City under the Colorado Constitution, Article X, Section 20, or under Section 7-90 of the Charter of the City of Colorado Springs, Colorado, Owner acknowledges the City will hold an election of members of the District in November, 1994 to ratify and confirm the District's bonded indebtedness. Owner will vote in favor of this indebtedness at such election.

11. Easements. Owner will, without compensation and upon request by the City, grant the City such easements as are reasonably required for construction, installation and operation of the City's water system, provided such easements are located so as to not unreasonably interfere with the use and enjoyment of Owner's Property. The City will be responsible for restoring the easement area to as near its pre-existing state as reasonably practicable after the installation work is completed. The city must identify and deliver to Owner any such proposed easements on Owner's Property by no later than 60 days after the date of the execution of this Agreement.

12. Assessments. The City will establish uniform assessments for all Properties within the District sufficient to fully amortize its bonded indebtedness in equal annual payments over a 15-year period. Owner acknowledges the bonded indebtedness of the District is being authorized and issued to finance and facilitate expansion of the City's water service to Woodmen Valley, and as such revenues received by the District from assessments or otherwise will be deemed revenues of City Utilities for expansion of its enterprise activities, and will not be deemed to be general revenues of the City.

13. Excluded Properties. All properties within the unincorporated area of Woodmen Valley which have not been included in the District on the date of its formation ("Excluded Properties") will be subject to the provisions of this Paragraph 13. If an Excluded Property requests the City supply City water to such Property, the City will, as a condition to supplying City water, require that the Excluded Property pay an additional tap fee to the District for each single-family residential equivalent tap equal to the "pro-rata share" of the District's cost of the

water system, as certified by the City to the District upon completion of the water system. The "pro-rata share" will be established by taking the total cost of the water system and dividing it by the number of properties initially within the District (including those Properties that elect to pre-pay their share of District debt, as provided in paragraph 14 below). The amount of this pro-rata share will then be increased by a simple interest factor of 8% per annum from the date of the District's sale of its bonds until the date the Excluded Property's pro-rata share is paid to the District. The Excluded Property's pro-rata share as computed above shall be collected by the City and paid to the District. After establishing a reserve for reasonably anticipated operating expenses, the District will then periodically disburse at such times as the District determines the balance of such funds to the then owners of the Properties initially within the District on a pro-rata basis. Upon the District's bonds being paid, the City may either elect to continue keeping the District in place for purposes of collecting future payments from Excluded Properties, or dissolve the District, in which case City Utilities will be responsible for collecting future payments from Excluded Properties and making the pro-rata distributions to Property Owners as provided above.

14. Right to Pre-Pay. When the City determines the amount of bonded indebtedness necessary to fund the District's activities, it will give Owners of all Properties within the District written notice of the total amount, and the per lot amount. The Owners will then have the option of pre-paying to the District their Property's per lot amount in cash. This payment must be received by the District no later than 30 days after the date of the City's notice described above. If an Owner pre-pays their Property's per lot amount as provided above, their Property will thereafter be exempt from any assessments to retire bonded indebtedness of the District.

15. Settlement of Claims. By executing this Agreement, Owners, for themselves and their successors in interest, hereby fully release and discharge the City from any and all claims Owners may have against the City arising from any actions of the City through the date hereof relating to any impairment of Owner's existing wells and water rights, including, but not limited to, any such claims described in a Notice of Intent to File Suit delivered to the City on February 13, 1989.

16. More Favorable Agreements. If the City enters into any other annexation agreements or water service agreements with owners of other unannexed lands within the Woodmen Valley area of El Paso County, on terms more favorable than those in this Agreement, the City will, on the effective date of such other agreement, make the more favorable terms available to Owners.

17. Covenants Run With Land. The covenants and agreements hereinabove set forth shall run with the land hereinabove described and affected by this Agreement and shall extend to and be binding upon the heirs, assigns, legal representatives and successors of the Owner, and the Owner for himself and his heirs, assigns, legal representatives and successors in interest, expressly accepts and approves the aforesaid covenants and agreements. This Agreement shall be recorded with the El Paso County Clerk and Recorder.

18. Faihire To Comply. As further consideration for the City providing water, if all or part of the Property is eligibie for annexation and if for any reason the Owner or his snccessor in interest to the reai Property does not or cannot abide hy the terms and eonditions of this Agreement, then the services provided by the City under this Agreement may be terminated by and at the sole option of the City.

19. Future Poiicies. Except as otherwise expressly provided herein, nothing in this Agreement shall abridge or shall he construed as a limitation on the authority of the City to adopt different ordinances, rules, regulations, resolutions, policies or codes that apply to the Property.

20. City Policies. Except as otherwise expressly provided herein, the Owner will comply with all ordinances, codes, resolutions, and policies of the City as such now exist or are amended or adopted in the future as such are applicable to the Property under the terms of this Agreement or otherwise applicable to the Property after the annexation of the Property to the City.

21. No Third-Party Rights. Extension of water service under the terms of this Agreement is for the sole henefit of the Property Owner and shall not he construed to create rights in a third-party beneficiary or constitute the determination by the City Council of any policy pertaining to extension of water service to others similarly situated.

22. Subseuquent Owners. Wherein as used herein, the term "Owner" shall also mean any of the heirs, executors, personal representatives, successors, transferees or assigns of the Owner. The subsequent owner of the Property shall have the right to enforce this Agreement subject to its provisions to the same extent as the original owner of the Property.

23. Amendments. This Agreement may be amended by the Owner and the City, provided that the provisions of paragraphs 2, 6, 8, 9, 12 and 13 may not he amended without the consent of a majority of the Owners of the Woodmen Lands. Any amendment shall be recorded in the records of El Paso County and shall run with the land and shall be binding upon all persons or entities now or hereinafter having interest in the Property subject to the amendment unless otherwise specified in the amendment.

24. Specific Enforcement. The parties to this Agreement agree that for breach of any covenant, term or condition of this Agreement by any Owner, damages are not to be considered an adequate or exclusive remedy, and the City may have specific performance for the enforcement of any covenant, term, or condition of this Agreement.

25. Severability. If any part of this Agreement is declared void by a court of competent jurisdiction, it is agreed between the parties that such void provision shall not affect the remainder of this Agreement, which remainder shall remain in full force and effect.

STATE OF COLORADO)
COUNTY OF EL PASO) ss.

[Handwritten signatures]

The foregoing instrument was acknowledged before me this 27 day of July 1994, by _____ and _____

Witness my hand and official seal.

My commission expires: My Commission Expires Feb. 2, 1993
El Paso County, CO



[Handwritten signature of Notary Public]

Notary Public

Address: ENT FEDERAL CREDIT UNION
805 NORTH MURRAY BLVD.
P.O. BOX 15819
COLORADO SPRINGS, CO 80935

WILLIAM DODDER

719 591 4328

P. 81

DODDER, Richard and Susan

Richard & Susan Dodder

1250 W. Woodmen Road

Colorado Springs, CO 80919

Tax Schedule # 73020-00-022

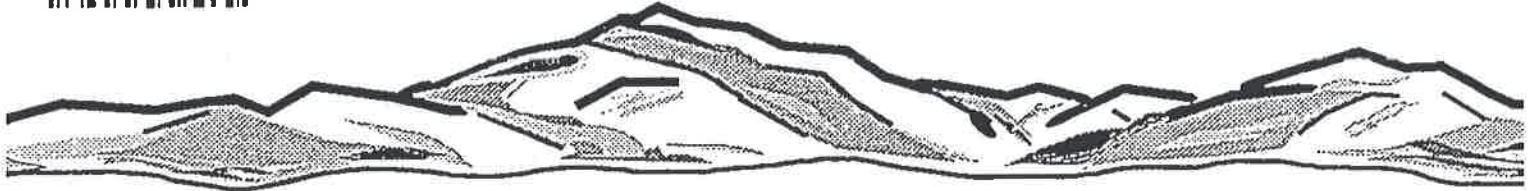
Legal Description:

That portion of the Southwest Quarter of Section 1 and of the Southeast Quarter or Section 2, all in Township 13 South, Range 67 West of the 6th P.M., described as follows: Commencing at the intersection of the West line of said Section 1 with the Northerly Right of Way line of the County Road known as the Woodmen Road; run thence Northwesterly on said Northerly Right of Way line 293.1 feet to the Point of Beginning of the tract to be described hereby, thence angle right 97 degrees 25 minutes 40 seconds Northeasterly 321.1 feet; thence angle right 8 degrees 36 minutes 03 seconds Northeasterly 490.21 feet; thence angle left 71 degrees 38 minutes 44 seconds Northwesterly 97 feet; thence angle left 108 degrees 05 minutes 20 seconds Southwesterly 879.66 feet to a point on the Northerly Right of Way line of said Woodmen Road; thence angle left 106 degrees 17 Minutes 39 Seconds Southeasterly on said Northerly Right of Way line 150 feet to the Point of Beginning, El Paso County, Colorado.

NEW DOC



El Paso County Planning Department



June 17, 1996

*C-96-111
documents*

Richard C. and Susan D. Dodder
1250 West Woodmen Road
Colorado Springs, Colorado 80919-2727

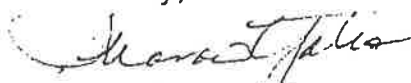
RE: C-96-111

Evidence has been provided to this Department which indicates a second single-family residence has been constructed and is in use on property located at 1250 West Woodmen Road. This property is also identified as Assessor's Tax Schedule No. 73020-00-022.

This second residence is in violation of the A-1 (Agricultural) District Zoning Regulations.

This office would like to solicit your cooperation and community spirit in correcting the violation by contacting this office on or before **June 22, 1996**. If this date is inconvenient or if you have any questions regarding this matter, please call (719) 520-6300 upon receipt of this letter and we will be happy to assist you.

Sincerely,


Sharon Yates, Planner I

cc: Files: C-96-111, INT-93-030, COR-96-007
Dave Jones, Regional Building Department

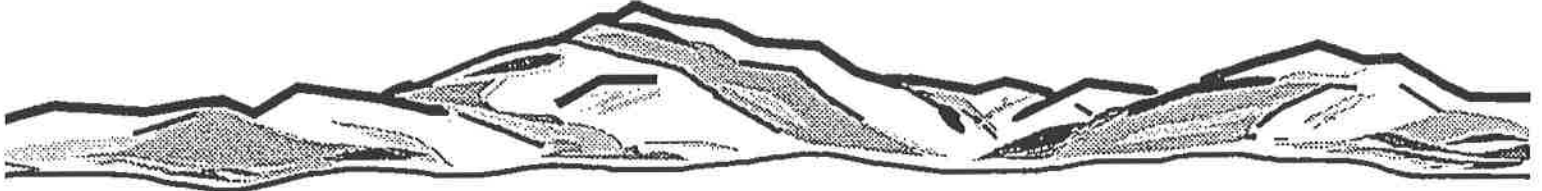
Balu Bhayani
City of Colorado Springs
Water Engineering (Mail Code 1260)
404 West Fontanero Street
Colorado Springs, Colorado 80907

Kenneth G. Rowberg
Planning Director



Carl Schueler
Assistant Director - Comprehensive Planning
Rick O'Connor
Assistant Director - Current Planning

El Paso County Planning Department



July 15, 1996

Richard Dodder
1250 W. Woodmen Road
Colorado Springs, CO 80919

RE: 1250 W. Woodmen Rd.

Dear Mr. Dodder:

I apologize for taking so long to respond to your letter received in the Planning Department on July 1, 1996. Your letter indicated that you would like to convert the existing residence into a shop/storage area and maintain a sink and toilet-the remainder of plumbing and kitchen fixtures would be removed. In addition, you would convert the "detached garage" structure into your new residence.

Having discussed this matter with the Planning Director, Ken Rowberg, you will be required to submit construction and floorprint plans for both structures as well as a thorough and detailed site plan for your proposal. In addition, please submit an approval letter from the City of Colorado Springs for your hookup to the shed/storage structure and your new residence.

Also, the Director has decided that you will only be allowed to have a sink in the old structure; no other conveniences, i.e., toilet will be allowed.

Once the construction is finished, please call me at 520-6300 for an inspection.

Sincerely,

Terry Rorick
Planner I/Code Enforcement

cc: C-96-111

Dodder -

as long as this
is a single family
residence and the
structures are used as
proposed - no problem.

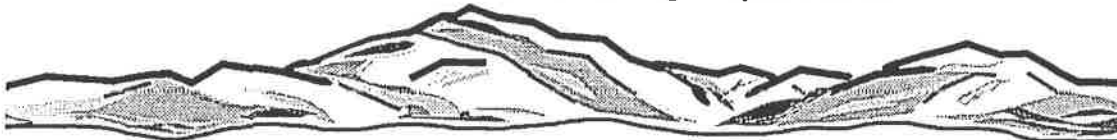
Ed Epler

city utilities.

7-17-96 2:40pm

no Rand

El Paso County Planning Department



Date: Today 6/17/96

TO: RICHARD C. + SUSAN D. DODDER
1250 WEST WOODMEN ROAD
C.S. CO 80919-2927

RE: C-96-111

Dear Mr + Mrs Dodder

EVIDENCE HAS BEEN PROVIDED TO THIS DEPT WHICH INDICATES A SECOND SINGLE FAMILY RESIDENCE HAS BEEN CONSTRUCTED ~~ON~~ AND IS IN USE ON PROPERTY LOCATED AT 1250 WEST WOODMEN ROAD. THIS PROPERTY IS ALSO IDENTIFIED AS ASSASSON'S TAX GEN NO. 73020-00-002.

THIS SECOND RESIDENCE IS IN VIOLATION OF A/C DISTRICT ZONING REGULATIONS.

This office would like to solicit your cooperation and community spirit in correcting the violation by CONTACTING THIS OFFICE on or before 6/27/96. If this date is inconvenient or if you have any questions regarding this matter, please call (719) 520-6300 upon receipt of this letter and we will be happy to assist you.

Sincerely,

Sharon Yates
Planner I

cc: File C-96-111
INT-93-030
COR-96-007
DAVE JONES, RBD
BALU BHAYANI, ~~City of C.S.~~
City of C.S.
WATER ENGINEERING
404 West FARMER ST.
C.S. CO

Ken 6-10
Here is the
Dodder complaint
file + others.
You said you
wanted to write
to him. Let
me know if
you need any-
thing else.
Sharon



ZONING COMPLAINT LOG SHEET

FILE NO. 0-96-111

Address or Location of Complaint 1250 W. Woodmen Rd.
 Property Legal (Assessor's Record) Tract in Sec 2-13-67
 Property Owner (if known) Dodder Richard C. + Susan D. 598-4728
 Owner's Mailing Address (if different from above) 1250 W. Woodmen Rd.
Colo. Springs, Colo.
 Nature of Complaint Two residences on 1 property.
 Date Complaint Filed 6-4-96 Time _____ Received by Seq.
 Name of Complainant (if willing to provide) _____
 Complainant's Phone No. _____ Address _____

COR-96-7
 INT-93-30

ACTION TAKEN

268-9780

File Assigned to: _____
 Inspector Seq TR Assessor's Use Code 1112
 Map No. 731.02 Zone A-1 Acreage 2.0 ac.
 Date Inspected _____ Tax Schedule No. 73020-00-022
 Type of Violation Observed _____ Commissioner's District 3

Verbal _____ Inspt. Init. _____ Pictures _____ Times _____
 Certified Mail # _____ Date Mailed _____ Receipt Date of C.M. _____
 Date Closed _____ Init. _____ County Attorney Review _____ Init. _____
 Asst. Dir. Planning Review _____ Init. _____

LOG OF EVENTS (Field Inspection Notes, Phone Calls, Etc.)

DATE	COMMENTS	INSPECTOR'S INITIALS
6-4-96	Second residence in garage structure verified by RBD. (See photos) Sink in kitchen area / washer + dryer in bath area per Dave Jones, RBD.	Seq
6-4-96	Contact City Water + EPC Health. Seq. Balu Bhayani @ Wtr-636-5632.	
6-10-96	Spoke w/ Mr. Bhayani - he said he would contact the Daddars.	
6-17-96	Letter to the Daddars. In prompt for 6-24-96.	Seq
6-19-96	Mr. Dodder (Bice) phoned. He will meet CBO on site on Monday, June 24, 1996 at 11:00 AM. for inspection of improvements on property.	

INITIAL SIS ENTRY 6-10-96 BK
 DATE/INIT. 6-17-96 BK
1/28/96

CEO spoke w/ Susan
Madden.

Addn. to workshop
is enclosed carpet
No carpet needed. to
it used as storage.
In line new line
there.

LOG OF EVENTS (Field Inspection Notes, Phone Calls, Etc.)

DATE	COMMENTS	INSPECTOR'S INITIALS
------	----------	----------------------

6-24-96	11:00am. CEO met with Richard Adder Jr. & his folks. Mr. Adder and was welcomed into the new residential/garage area. At this point, a bedroom and bath-room area was upstairs, a living area, sink, laundry room area, and garage were shown on the ground level. After a lengthy discussion, it was determined that the older residence would be converted to a workshop area while retaining a bathroom area only, and the Adders would finish the newer structure into a fully dwelling unit. It would take 60-90 days to complete, and he will send a letter to this effect (also a site plan and building plans). Prompt 7-15-96 for letter. V.R.	
	In prompt. Arp	

SIS ENTRY/DATE 6/28/96

ZONING COMPLAINT LOG SHEET

PAGE 3

FILE NO. C-96-111

LOG OF EVENTS (Field Inspection Notes, Phone Calls, Etc.)

DATE	COMMENTS	INSPECTOR'S INITIALS
8-7-10-96	Received letter from the Daddens concerning the conversion of their former residence and relocation to the new one. They requested keeping a sink and a toilet and removing the kitchen unit and other plumbing fixtures, but upon discussing this with the Planning Director, Ken Paulberg, only a sink would be allowed to remain in the old residence. In addition the City of Colo. Sprgs would have to approve the hookup to the new residence and the old sink will write letter to Daddens.	JK
8-7-15-96	Letter to Daddens (see copy). Prompt 10-1-96. On prompt. Acj	JK
8-7-29-96	Ballen Biani from City of CS phoned. They will allow only elec. & gas in the unit closest to Woodman Road.	

(Contd.)

SIS ENTRY/DATE 8-7-16-96 BK
F 8-23-96 DIC

ZONING COMPLAINT LOG SHEET

PAGE 4

FILE NO. C-96-111

LOG OF EVENTS (Field Inspection Notes, Phone Calls, Etc.)

DATE

COMMENTS

INSPECTOR'S
INITIALS

(contd).

7-29-96 That the Dadders want to convert to a work shop, while using the garage/apt. as their primary residence. Apparently, the Dadders were in violation of City reg. w/ the existence of two residences on a single lot, therefore Mr. Dodder has elected to have a single dwelling. The City has opted to waive violation fees as this is a first offense. Mr. Biani, Sharon Yptis & Richard Plush (city) on conference call for these issues. Mr. Biani suggested that the City Inspector + County CEO Ronick meet at some point on the site to verify the Dodder conversion. Mr. Dodder will apparently phone us to coordinate this. *ky*

* 8-2-96 CEO Ronick received a call from Richard Dodder and he stated the city would not allow him to have two (2) master/suiter bedrooms and he could only have electricity in the ~~new~~ old residence (to be

SIS ENTRY/DATE 7-8-23-96 *ky*

ZONING COMPLAINT LOG SHEET

PAGE 5

FILE NO. C-96-111

LOG OF EVENTS (Field Inspection Notes, Phone Calls, Etc.)

DATE	COMMENTS	INSPECTOR'S INITIALS
	convened to a workshop and	
	discussed. Mrs. Dodder	
	will bring the plot plan	
	and building plans in	
	this day and, if OK, a	
	copy will be placed in this	
	file.	SR
8-22-96	Prompt 9-30-96.	SR
	In prompt. My	
10-4-96	CEO made contact with	
	Mrs. Dodder and she	
	stated they have not	
	progressed as far as	
	they wanted. Will	
	reinspect on November	
	25, 1996. In prompt. My	R.
1-15-97	Have had concerns	
	from neighbors about	
	adding on, not losing	
	home, and possible	
	setback violations.	
	CEO drove on site and	
	attempted contact - no one	
	answered the door. Inspected	
	structure up the hill - totally	
	under construction. Placed	
	a phone call in to the	

SIS ENTRY/DATE 8-23-96 AK
 10-9-96 PK
 1-23-97 AK

ZONING COMPLAINT LOG SHEET

PAGE 6

FILE NO. C-96-111

LOG OF EVENTS (Field Inspection Notes, Phone Calls, Etc.)

DATE COMMENTS INSPECTOR'S INITIALS

~~Adler~~ but ~~no~~
 he answered the phone -
 left message on recorder
 for them to call for inspection.
 Tried to contact
 Commissioner Brown with
 this information but will
 have to call back. S.K.
 1-23-97 CTO talked to Richard
 Adler - again, he
 stated the project was
 being delayed because
 of permitting issues, etc.
 He is pouring a floor this
 weekend, for radiant
 heat, has carpet scheduled
 for 2-24-97, and hopes to
 be moved in by end of
 Feb., 1997. CTO will
 inspect - prompt 2-11-97. JK
 Or prompt. S.
 1-30-97 CTO called Susan Adler
 and arranged to meet
 Richard, or her, onsite
 sometime this day. CTO
 made contact with Susan
 Adler and received

SIS ENTRY/DATE 1-23-97 OK
 1-31-97 OK

ZONING COMPLAINT LOG SHEET

PAGE 7

FILE NO. C-96-111

LOG OF EVENTS (Field Inspection Notes, Phone Calls, Etc.)

DATE	COMMENTS	INSPECTOR'S INITIALS
2-28-97	<p>approval to inspect the new structure at the rear of the property. Upon doing so, CEO observed the lower level under renovation and the upper level finished. It was very dusty however and did not appear lived in. CEO questioned Mrs. Dodder about Dodder Jr. and she stated they have been in Phoenix for the last year. They did come up for a week at Christmas, but that was it. Mrs. Dodder insists they should be done by the end of February, 1997 for an electrician and a dry-waller (electrocker) has been hired. Carpet is still due to be laid on 2-24-97.</p> <p>Prompt 2-28-97.</p> <p>In prompt. By</p>	OK
4-1-97	<p>CEO made contact with Richard Dodder, onsite, and</p>	

SIS ENTRY/DATE 4-1-97 OK
4-2-97 OK

ZONING COMPLAINT LOG SHEET

PAGE 8

FILE NO. C-96-111

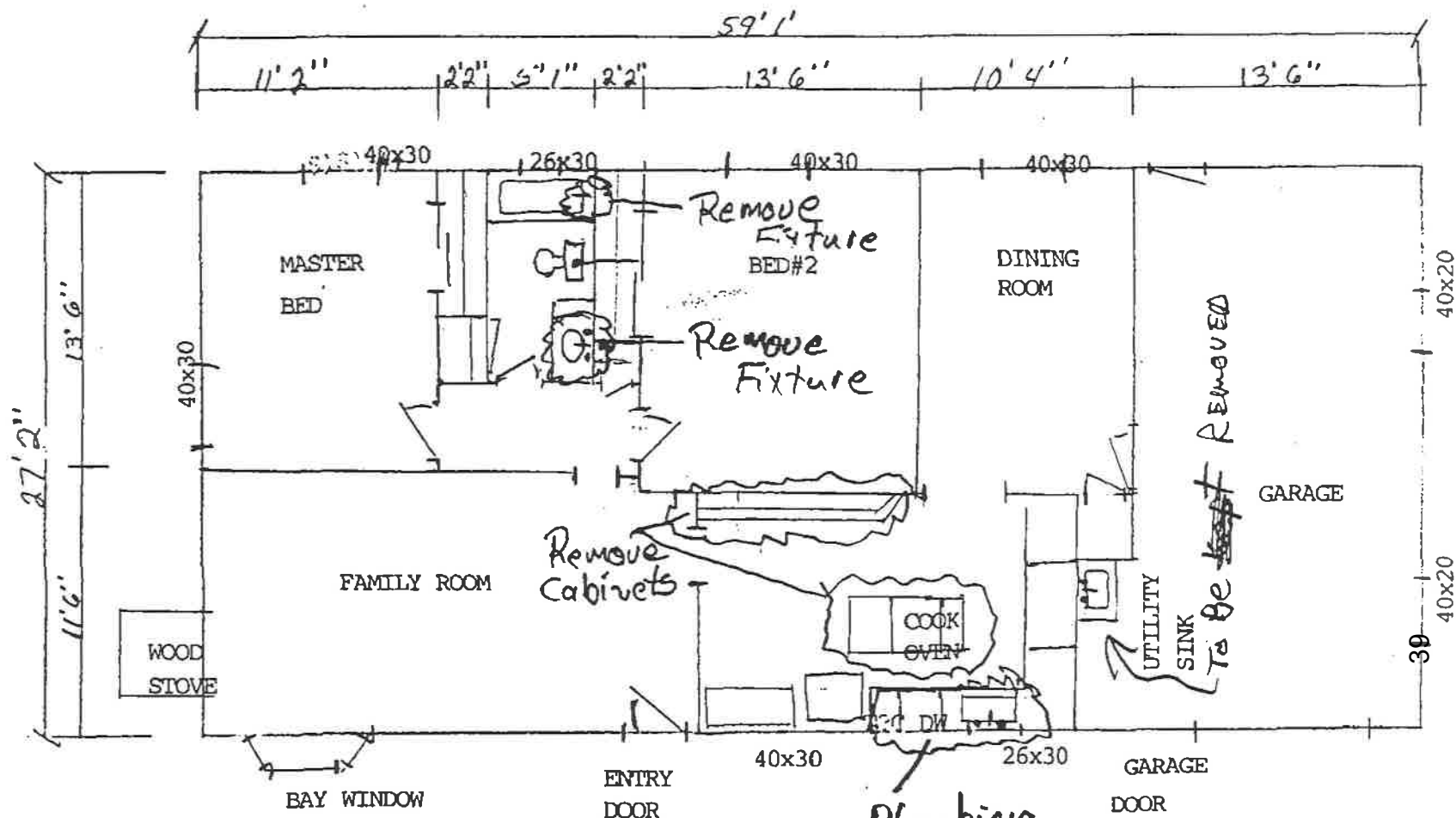
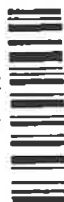
LOG OF EVENTS (Field Inspection Notes, Phone Calls, Etc.)

DATE	COMMENTS	INSPECTOR'S INITIALS
7	He stated there was about one month delay but he hopes to be done with the house in two weeks. His wife and children moved out of the lower house and they are living with her parents. They had to move the remainder of the furniture from new area to old house. Prompt 4-16-97.	JA
\$ 9-2-97	In prompt. At CBO attempted contact with the Daddis but no one answered the door at either structure. CBO observed that the structure is being converted and the new residence is being lived in. Will call to arrange an inspection. Left message for them to call and update status. In prompt for 9-9-97.	JA
7 1-27-98	Called to Susan Daddis, they are living in the	

SIS ENTRY/DATE

\$ 9-3-97 BK

FILE NO. C-96-111



Plumbing

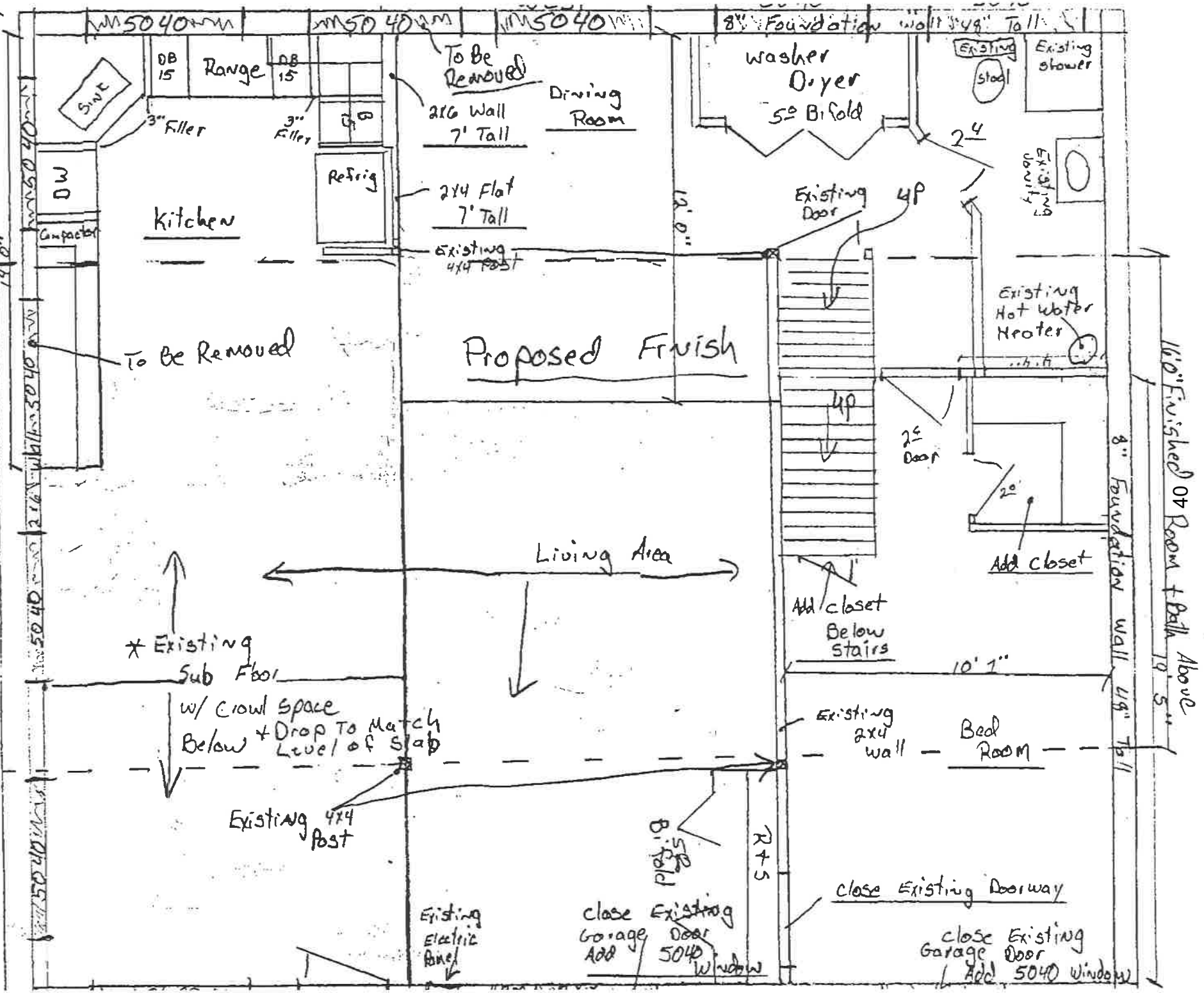
- To Be Disconnected
Water And Sewer To
Be Disconnected From
This Building.

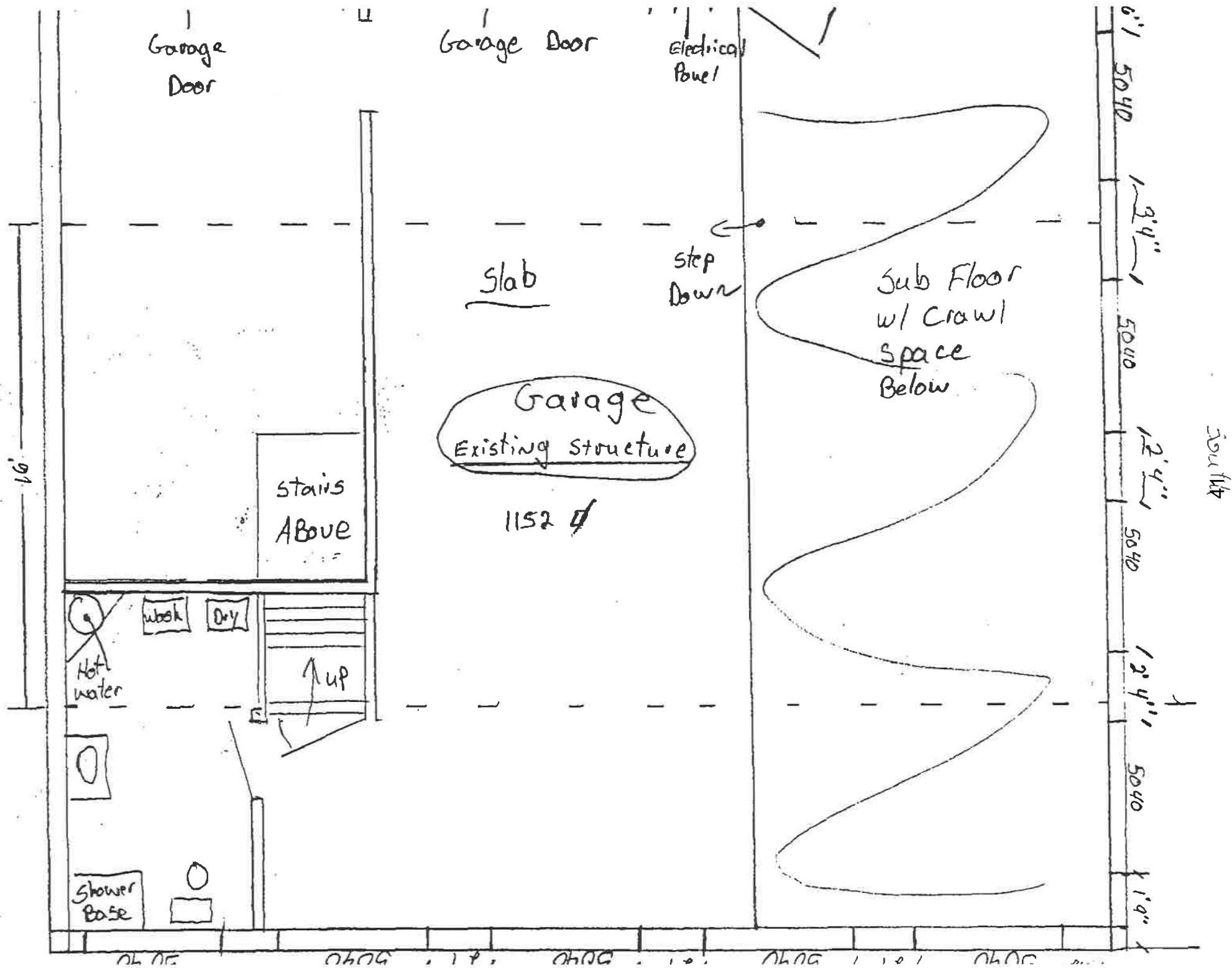
EXISTING RESIDENCE
1250 W. WOODMEN RD.

07/22/96

ST. LOOR AREA

Finished South Room + Bath Above 32'





RECEIVED
JUL 01 1996
Planning Dept.

NEW DOC



RICHARD DODDER
1250 W. WOODMEN RD
COLO. SPGS. CO.
80919

DEAR SIRs;

WE APPRECIATE THE DEMEANOR OF *MR. TERRY RORICK* DURING THE INSPECTION OF OUR PROPERTY THIS PAST MONDAY, IT WAS A PLEASURE WORKING WITH HIM.

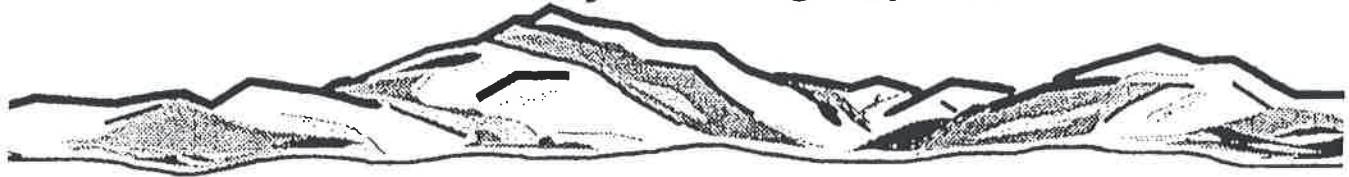
WE WOULD LIKE TO TURN OUR EXISTING DETACHED GARAGE INTO OUR PERMANENT RESIDENCE. TO ACCOMPLISH THIS AND STAY WITHIN THE ZONING REQUIREMENTS FOR OUR AREA, WE ARE GOING TO TURN OUR CURRENT RESIDENCE INTO STORAGE, AND SHOP SPACE. WE WILL BE REMOVING THE PLUMBING AS WELL AS THE APPLIANCES FROM THE KITCHEN. WE WILL ALSO BE REMOVING THE PLUMBING FROM THE BATH TUB. I WOULD LIKE TO KEEP THE TOILET AND SINK TO USE WHEN I AM WORKING IN THE SHOP AREA. IT IS OUR INTENTION TO BEGIN GETTING DRAWINGS TOGETHER AND PROCEEDING TOWARDS GETTING A PERMIT FOR THIS PROJECT PROMPTLY. WE ANTICIPATE BEING ABLE TO COMPLETE THIS PROJECT IN APPROXIMATELY NINETY DAYS, UPON COMPLETION OF THIS PROJECT, WE WILL BE HAPPY TO CONTACT YOUR OFFICE TO HAVE MR. RORICK RETURN TO DO A FOLLOW UP INSPECTION.

SINCERLY

RICHARD DODDER

 **ROOF PLAN OVER EXISTING DECK** SCALE: 1/4" = 1'-0"

El Paso County Planning Department



July 19, 2002

William and Patricia Dodder
1250 West Woodmen Road
Colorado Springs, Colorado 80919

VA-02-011
PC Approval Letter

RE: Variance of Use – Second Dwelling (VA-02-011)

This is to inform you that the above-referenced request for Variance of Use for a second dwelling on a two-acre parcel, zoned A-1 (Agricultural) Zone District was heard by the El Paso County Planning Commission on July 16, 2002, at which time a recommendation for approval was made. The parcel (Assessor's Tax Schedule #73020-00-022) is located north of Woodmen Road and east of the Peregrine Subdivisions, in the Woodmen Valley area at 1250 West Woodmen Road.

This recommendation for approval is subject to the following:

CONDITIONS

1. Variance of Use approval shall be limited to allow only the requested additional dwelling.
2. The Variance of Use for the second dwelling shall be limited to five years after which time the structure will either be removed or converted to a non-habitable structure or the applicant will re-apply for and obtain an extension of the Variance of Use.
3. Access to the dwelling units shall be from the existing driveway allowed by the El Paso County Department of Transportation.
4. After the need for this Variance of Use expires the second dwelling shall not be used for rental purposes. Occupation of the second dwelling is limited to the applicant's daughter, Kim, and her husband.
5. Approval is contingent upon both houses being served by central water and sewer services.

NOTATIONS

1. The County will not be responsible for enforcing any conditions of approval for any Well Permit assigned to the subject property.
2. No subsequent enlargement, expansion or modification to the structure shall be allowed unless the proposal is reevaluated and goes through the public hearing process in accordance with the requirements of the El Paso County Land Development Code.

William and Patricia Dodder

July 19, 2002

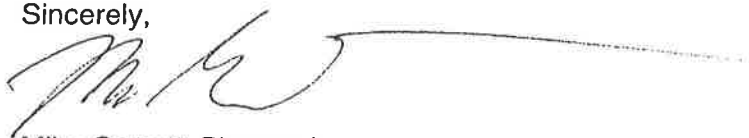
Page 2

3. If the variance of use is abandoned or discontinued for one (1) year or longer the variance of use shall be deemed abandoned and of no further force and effect.
4. Variance of Use requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

The Planning Commission is advisory to the Board of County Commissioners. This request has been tentatively scheduled to be heard by the Commissioners on August 8, 2002.

Should you have any questions or if I can be of further assistance, please contact me at 719-520-6300.

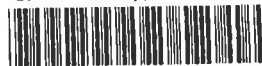
Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Garrott', followed by a long horizontal line extending to the right.

Mike Garrott, Planner I

cc: File: VA-02-011

ROBERT C. "BOB" BALINK El Paso County, CO
 11/17/2008 10:26:57 AM
 Doc \$0.00 Page
 Rec \$16.00 1 of 3 208123436



ADU-08-012

Recording Requested by and return to:
 EL PASO COUNTY DEVELOPMENT SERVICES
 2880 INTERNATIONAL CIRCLE
 COLORADO SPRINGS CO 80910
 (719)520-6300

FOR RECORDER USE ONLY

GUEST HOUSE COMPLIANCE AFFIDAVIT

File No. ADU08012

I, William A Dodder Jr, applicant or applicant's agent for a
To use existing 839sf as Guest House
 (description of development proposal)

under development application number ADU08012, being duly sworn on oath, deposes and says:

I, as applicant, own and hold title to the following described real property (hereinafter referred to as "the PROPERTY"), or have been given authority to represent the owner by an Owner's Affidavit of the PROPERTY for purposes of the above referenced application:

1260 W Woodmen Rd Street Address

80919 ... 2-13 47... Legal Description

73020-00-032 Assessor Tax Schedule Number

El Paso County, Colorado

I hereby acknowledge and agree to the following:

"Pursuant to Section 5.2.29(C) of the El Paso County Land Development Code, I understand that a kitchen is not allowed within a guest house unless an affidavit is signed and recorded in the Office of the El Paso County Clerk and Recorder where by I as Owner acknowledge and agree that the guest house proposed as part of this development application and to be located on the above reference property may not be leased or rented. I, hereby agree that I will not lease or rent the guest house.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seal this 12 day of Nov, 2008

OWNER

STATE OF Colorado

COUNTY OF El Paso

Owner Signature

Print Name, Mailing Address and Phone Number

The foregoing instrument was acknowledged before me this 12 day of November, 2008 by William A. Dodder Jr., COUNTY of El Paso

Terry Lowderman
 (Notary Public)

My Commission expires 8/20/2010

El Paso County Procedures Manual
 Procedure # R-FM-019-07
 Issue Date: 04/02/07
 Revision Issued: 7/6/2007



SCANNED

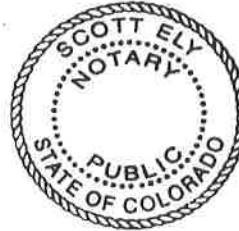
OWNER
STATE OF Colorado

COUNTY OF El Paso

Patricia J. Dodder 719-268-
Owner Signature
PATRICIA J. Dodder 1250 W. Woodnew Rd Col Spgs Co. 80919 9780
Print Name, Mailing Address and Phone Number

The foregoing instrument was acknowledged before me this 13th day of NOVEMBER, 2008 by
PATRICIA J. DODDER, COUNTY of EL PASO

[Signature] My Commission expires 02-21-10
(Notary Public)



El Paso County Procedures Manual
Procedure # R-FM-019-07
Issue Date: 04/02/07
Revision Issued: 7/6/2007

EL PASO COUNTY DEVELOPMENT SERVICES SITE PLAN

for Placement of Manufactured Homes, Mobile Homes and/or Additions

to the Property or Residence

Site Plans may be delayed or denied if information is omitted. Fees are payable at the time of submittal and are **NON-REFUNDABLE** regardless of approval or denial

APPLICANT IS RESPONSIBLE FOR ACCURACY OF SITE PLAN

Property Address 1250 West Woodmen Rd. 80919 Zoning A-5
 Parcel No. 73020-00-032
 Legal Description 2-13-67
 Applicant Name & Ph. No. William A. Dodder Jr Contractor Name _____
 Proposed Structure & Use Guest House Sq. Footage 850 sq ft

All Site Plans **MUST** include the following **LEGIBLE** minimum standards and drawn to a scale determined by applicant:

- ☐ Lot configuration and boundary measurements
- ☐ Location, height (from finished grade), and dimensions of all existing and proposed structures
- ☐ Building setbacks with reference to property lines, highways or Rights-of-way
- ☐ Location of all Easements, Driveway(s), Well and Septic system
- ☐ Location of NO-BUILD areas, watercourses, drainage facilities
- ☐ Contours if slope is greater than 10%
- ☐ Building coverage calculation (% of lot coverage)
- ☐ All streets, roads, highways adjoining the property
- ☐ Any other requirements as stated by the Development Plan if zoned PUD

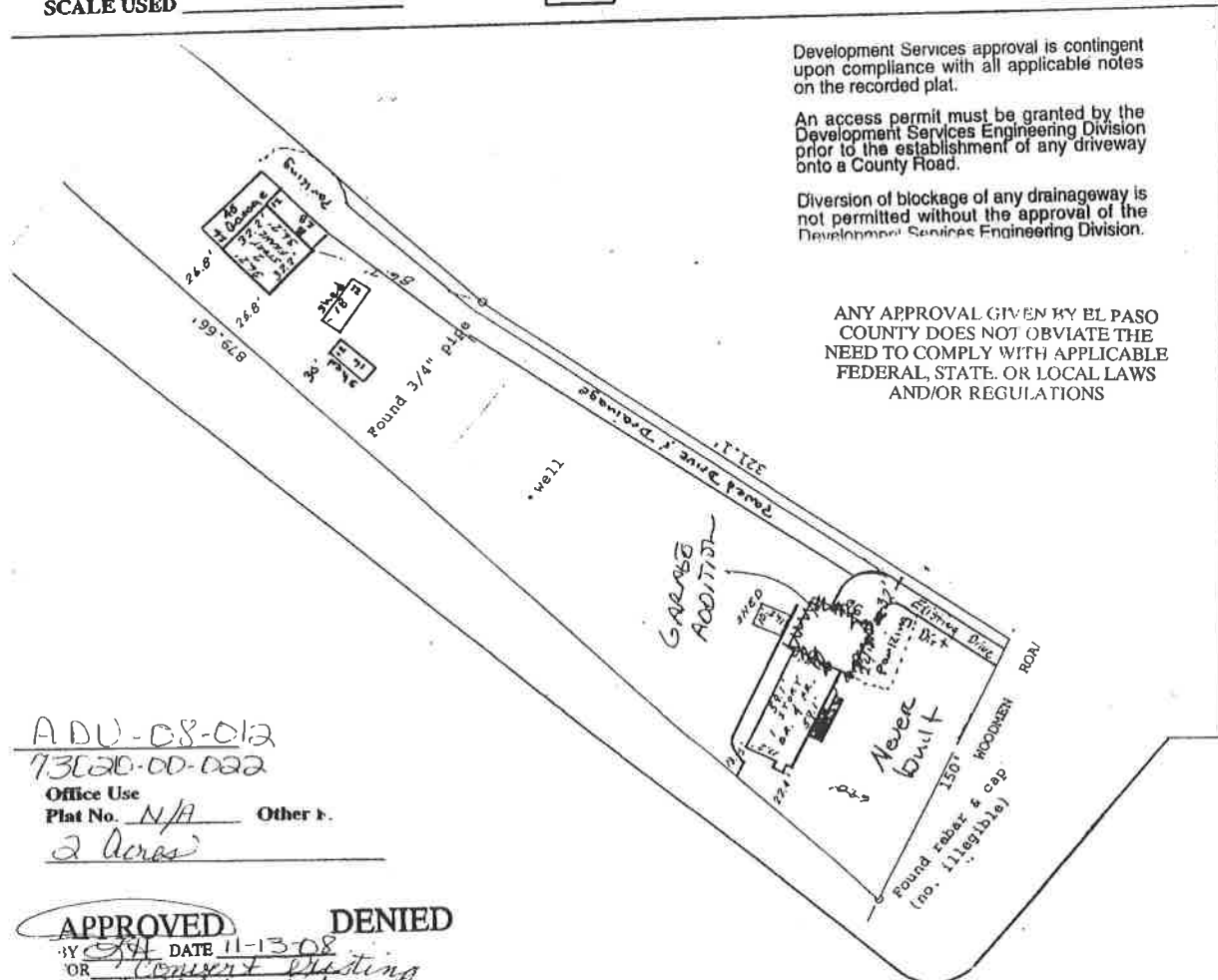
Any approval given by El Paso County does not obviate the need to comply with applicable Federal, State or Local Laws or regulations. Development Services approval is contingent upon compliance with all applicable notes on the recorded plat. An access permit must be granted by the Development Services Engineering Division prior to the establishment of any Driveway onto a County road, or a waiver granted for access to a private road. Diversion or blockage of any drainageway is not permitted without the approval of the Development Services Engineering Division.



NORTH

SCALE USED _____

William A. Dodder Jr 13 Nov 08
 Signature Date



Development Services approval is contingent upon compliance with all applicable notes on the recorded plat.

An access permit must be granted by the Development Services Engineering Division prior to the establishment of any driveway onto a County Road.

Diversion or blockage of any drainageway is not permitted without the approval of the Development Services Engineering Division.

ANY APPROVAL GIVEN BY EL PASO COUNTY DOES NOT OBLVATE THE NEED TO COMPLY WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND/OR REGULATIONS

ADU-08-012
 73020-00-032

Office Use
 Plat No. N/A Other r.
2 Acres

APPROVED

DENIED

BY SA DATE 11-13-08
 OR Convert Plotting
 NOTES building into
850 sq ft
New Built
 EL PASO COUNTY
 DEVELOPMENT SERVICES

RESQCP Not Required

by SA on 11-13-08

PALD

850 ¹ / ₂ Guest house 850	300 ¹ / ₂ Garage
---	---

1275 ¹/₂ Total

William A. Dodder Sr
1250 W Woodmen Rd
Colo Spgs Colo 80919
719-440-6778



INTAKE RECEIPT

El Paso County Development Services Department
2880 International Circle, Colorado Springs, Colorado 80910
719-520-6300

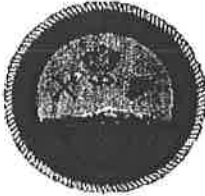
Ver. 2008

Receipt #	B49637	Payment Type:	Check: <input checked="" type="checkbox"/>
Date:	11/13/08		Check # 1016
Processed by:	Elizabeth Hook		Cash: <input checked="" type="checkbox"/>
Project Name:	1250 W. WOODMEN RD.		
Name:	WILLIAM DODDER		
Address:	1250 W. WOODMEN RD.		
City:	COS	State:	CO
Phone:	X	Zip:	80919
E-Mail:	X	Fax:	X

PROCESS	FEE	Qty	TOTAL
Administrative Plot Plan (Residential)	\$ 140.00	1	\$ 140.00
Surcharge	\$ 37.50	1	\$ 37.50
	TOTAL		\$ 177.50

Comments

--



RECORDING RECEIPT

El Paso County Planning Department
2880 International Circle, Colorado Springs, Colorado 80910
719-520-6300

V 2008

Receipt #	A1581	Payment Type:	Check: <input checked="" type="checkbox"/>
Date:	11/13/08	Check #:	1016
Processed by:	Elizabeth Hook	Cash: <input type="checkbox"/>	
Project Name:	1250 W. WOODMEN RD.	File #	
Name:	WILLIAM DODDER		
Address:	1250 W. WOODMEN RD.		
City:	COS	State:	CO
Phone:	X	Zip:	80919
E-Mail:	X	Fax:	X

DESCRIPTION			FEE	QTY	TOTAL
Pages Miscellaneous Documents			\$5.00	3	\$15.00
Community	Area -				
Neighborhood	Area -				
Regional	Area -				
School Fees	School District:				
Drainage Fees	Basin:				
Drainage Fees	Basin:				
Drainage Fees	Basin:				
Bridge Fees	Basin:				
Bridge Fees	Basin:				
Bridge Fees	Basin:				
Clerk and Recorder Surcharge per Document			\$1.00	1	\$1.00
				TOTAL	\$16.00



INDEX NUMBER REPORT Date: 6-MAY-04

Page: 1

INDEX NUMBER: C 96111

Acreage	Case	Close Date	Court Date	Credit Date	Last	Lots	Planner	Reception	Record Date	Certified Date
0.000		51198	0	0	51598	1	GEARY	0	0	0

BOA Date	BOA Act	MSC Date	MSC Act	PC Date	PC Act	BCC Date	BCC Act	Rgst Date	Insp Date	File Date	Fil Act	Hold Date	Submit Date	P Plan Date	P Plan Action
0		0		0		0		60496	60496	0	I	0	0	0	
0		0		0		0		0	61796	0	L	0	0	0	
0		0		0		0		0	62496	0	R	0	0	0	
0		0		0		0		0	71596	0	L	0	0	0	
0		0		0		0		0	11597	0	R	0	0	0	
0		0		0		0		0	13097	0	R	0	0	0	
0		0		0		0		0	51198	0	R	0	0	0	
0		0		0		0		0	51198	0	C	0	0	0	

Applicant	Map Nr	Book	Page	Zone	Old Zone	Plat
DODDER RICHARD C. AND SUSAN D.	731.020			A1		0
1250 WOODMEN ROAD W.	0.000					0
COLORADO SPRINGS CO 80919-2727	0.000					0

Project Information

Consultant Information

COMPLAINT

TWO RESIDENCES ON ONE PROEPRTY

Index number affects the following parcel(s):

7302000022

C-03-091
Chronology

Parcel	Owners Information (Name and address)	House Number - Street
7302000022	DODDER WILLIAM A JR & DODDER PATRICIA J 1250 W WOODMEN RD COLORADO SPRINGS, CO 80919-2727 80919	1250 WOODMEN RD W

to file

I N D E X N U M B E R R E P O R T

INDEX NUMBER: C 96111

Date: 6-MAY-04

Page: 2

Parcel	TXD	Create Date	Plat	Master Parcel	Land Use	Land Area	Area Code	Imp Use	Year Built	Imp Area	Imp DU
7302000022	JB9	0	0		1112	200	1	M2	1958	1152	1
					0	0	0	F2	1993	1152	1

Parcel Number	Doc Fee	Sale Date	Sale Book	Sale Page	Legal Description
7302000022	310	19750601			TRACT IN SW4 OF SEC 1 + IN SE4 SEC 2-13-67 AS FOLS,
	950	19921201	6083	340	BEG AT INTSEC OF W LN OF SEC 1 WITH NLY R/W LN OF
	0	19940208	6377	655	WOODMEN RD, TH NMLY ALG SD R/W LN 293.10 FT FOR POB,
	0	19990329			TH ANG R 97<25'40'' NELY 321.10 FT, ANG R 8<36'03''
					NELY 490.21 FT, ANG L 71<38'44'' NMLY 97 FT, ANG L
					108<05'20'' SWLY 879.66 FT TO A PT ON NLY R/W
					OF WOODMEN RD, TH ANG L 106<17'39'' SELY 150 FT TO POB

Index Number Comments

*

COMPLAINT:

TWO RESIDENCES ON ONE PROPERTY

DATE COMPLAINT RECEIVED:

6-4-96

COMPLAINANT:

ANONYMOUS

ASSESSOR'S USE CODE:

1112

PARCEL SIZE:

2.0 ACRES

#3

REF. FILES:

>

INSPECTOR'S NOTES:

*

I N D E X N U M B E R R E P O R T

INDEX NUMBER: C 96111

Date: 6-MAY-04

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Index Number Comments

6-4-96

SECOND RESIDENCE IN GARAGE STRUCTURE VERIFIED BY REGIONAL BUILDING DEPARTMENT (SEE PHOTOS). SINK IN KITCHEN AREA WITH WASHER AND DRYER IN BATH AREA PER DAVE JONES, REGIONAL BUILDING DEPARTMENT. YATES

*

6-4-96

CONTACT CITY WATER AND EL PASO COUNTY HEALTH (BALU BHAZANI AT WATER (636-5632). YATES

*

6-10-96

SPOKE WITH MR. BHAZANI. HE SAID HE WOULD CONTACT THE DODDERS. YATES

*

6-17-96

COURTESY LETTER TO THE DODDERS. IN PROMPT FOR 6-24-96. YATES

*

6-19-96

MR. DODDER (BILL) PHONED. HE WILL MEET CODE ENFORCEMENT OFFICER ON SITE ON MONDAY, JUNE 24, 1996 AT 11:A.M. FOR INSPECTION OF IMPROVEMENTS ON PROPERTY. YATES

*

6-24-96

11:00 A.M.: CODE ENFORCEMENT OFFICER MET WITH RICHARD DODDER JR. & HIS FOLKS, MR. & MRS. DODDER AND WAS WELCOMED INTO THE NEW RESIDENCE/GARAGE AREA. AT THIS POINT A BEDROOM AND BATHROOM AREA WAS UPSTAIRS, A LIVING AREA, SINK, LAUNDRY ROOM AREA AND GARAGE WERE OBSERVED ON THE GROUND LEVEL. AFTER A LENGTHY DISCUSSION IT WAS DETERMINED THAT THE OLDER RESIDENCE WOULD BE CONVERTED TO A WORKSHOP AREA WHILE RETAINING A BATHROOM AREA ONLY, AND THE DODDERS WOULD FINISH THE NEWER STRUCTURE INTO A FULL DWELLING UNIT. IT WOULD TAKE 60-90 DAYS TO COMPLETE AND HE WILL SEND A LETTER TO THIS EFFECT (ALSO SITE PLAN AND BUILDING PLANS). PROMPT 7-15-96 FOR LETTER. RORICK

IN PROMPT.

YATES

*

7-1-96

RECEIVED LETTER FROM THE DODDERS CONCERNING THE CONVERSION OF THEIR FORMER RESIDENCE AND RELOCATION TO THE NEW ONE. THEY REQUESTED KEEPING A SINK AND A TOILET AND REMOVING THE KITCHEN UNIT AND OTHER PLUMBING FIXTURES, BUT UPON DISCUSSING THIS WITH THE PLANNING DIRECTOR, KEN

INDEX NUMBER REPORT

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Index Number Comments

ROWBERG, ONLY A SINK WOULD BE ALLOWED TO REMAIN IN THE OLD RESIDENCE.
IN ADDITION, THE CITY OF COLORADO SPRINGS WOULD HAVE TO APPROVE THE
HOOKUP TO THE NEW RESIDENCE AND THE OLD SINK. WILL WRITE LETTER TO
DODDERS. RORICK

*

7-15-96

LETTER TO DODDERS (SEE COPY). PROMPT 10-1-96.

RORICK

IN PROMPT.

YATES

*

7-29-96

BALLEU BIANI FROM CITY OF COLORADO SPRINGS PHONED. THEY WILL ALLOW
ONLY ELECTRICITY AND GAS IN THE UNIT CLOSEST TO WOODMEN ROAD THAT THE
DODDERS WANT TO CONVERT TO A WORK SHOP, WHILE USING THE
GARAGE/APARTMENT AS THEIR PRIMARY RESIDENCE. APPARENTLY THE DODDERS
WERE IN VIOLATION OF CITY REGULATIONS WITH THE EXISTENCE OF TWO
RESIDENCES ON A SINGLE TAP, THEREFORE, MR. DODDER HAS ELECTED TO HAVE A
SINGLE DWELLING. THE CITY HAS OPTED TO WAIVE VIOLATION FEES AS THIS IS
A FIRST OFFENSE. MR. BIANI, SHARON YATES, AND RICHARD PLUSH (CITY) ON
CONFERENCE CALL FOR THESE ISSUES. MR. BIANI SUGGESTED THAT THE CITY
INSPECTOR AND COUNTY CODE ENFORCEMENT OFFICER, TERRY RORICK, MEET AT
SOME POINT ON THE SITE TO VERIFY THE DODDER CONVERSION. MR. DODDER
WILL APPARENTLY PHONE US TO COORDINATE THIS. YATES

*

8-2-96

CODE ENFORCEMENT OFFICER RORICK RECEIVED A CALL FROM RICHARD DODDER AND
HE STATED THE CITY WOULD NOT ALLOW HIM TO HAVE TWO(2) WATER/SEWER
HOOKUPS AND HE COULD ONLY HAVE ELECTRICITY IN THE OLD RESIDENCE (TO BE
CONVERTED TO A WORKSHOP AND STORAGE SHED). MRS. DODDER WILL BRING THE
PLOT PLAN AND BUILDING PLANS IN THIS DAY AND IF OKAY, A COPY WILL BE
PLACED IN THIS FILE. RORICK

*

8-22-96

PROMPT 9-20-96.

RORICK

IN PROMPT.

YATES

*

Index Number Comments

10-4-96

CODE ENFORCEMENT OFFICER MADE CONTACT WITH MRS. DODDER AND SHE STATED THEY HAVE NOT PROGRESSED AS FAR AS THEY WANTED. WILL REINSPECT ON NOVEMBER 25, 1996.

RORICK

IN PROMPT.

YATES

*

1-15-97

HAVE HAD CONCERNS FROM NEIGHBORS ABOUT ADDING ON, NOT BEING DONE, AND POSSIBLE SETBACK VIOLATIONS. CODE ENFORCEMENT OFFICER DROVE ON SITE AND ATTEMPTED CONTACT. NO ONE ANSWERED THE DOOR. INSPECTED STRUCTURE UP THE HILL - TOTALLY UNDER CONSTRUCTION. PLACED A PHONE CALL IN TO THE DODDARDS BUT NO ONE ANSWERED THE PHONE. LEFT MESSAGE ON RECORDER FOR THEM TO CALL FOR INSPECTION. TRIED TO CONTACT COMMISSIONER BROWN WITH THIS INFORMATION BUT WILL HAVE TO CALL BACK.

RORICK

*

1-23-97

CODE ENFORCEMENT OFFICER TALKED TO RICHARD DODDER AGAIN. HE STATED THE PROJECT WAS BEHIND SCHEDULE BECAUSE OF PERMITTING ISSUES, ETC. HE IS POURING A FLOOR THIS WEEKEND FOR RADIANT HEAT. HAS CARPET SCHEDULED FOR 2-24-97 AND HOPE TO BE MOVED IN BY END OF FEBRUARY, 1997. CODE ENFORCEMENT OFFICER WILL REINSPECT. PROMPT 2-11-97.

RORICK

IN PROMPT.

YATES

*

1-30-97

CODE ENFORCEMENT OFFICER CALLED SUSAN DODDER AND ARRANGED TO MEET RICHARD, OR HER, ON SITE SOME TIME THIS DAY. CODE ENFORCEMENT OFFICER MADE CONTACT WITH SUSAN DODDER AND RECEIVED APPROVAL TO INSPECT THE NEW STRUCTURE AT THE REAR OF THE PROPERTY. UPON DOING SO, CODE ENFORCEMENT OFFICER OBSERVED THE LOWER LEVEL UNDER RENOVATION AND THE UPPER LEVEL FINISHED. IT WAS VERY DUSTY, HOWEVER, AND DID NOT APPEAR LIVED IN. CODE ENFORCEMENT OFFICER QUESTIONED MRS. DODDER ABOUT DODDER SENIOR AND SHE STATED THEY HAVE BEE IN PHOENIX FOR THE LAST YEAR. THEY DID COME UP FOR A WEEK AT CHRISTMAS, BUT THAT WAS IT. MRS. DODDER INSISTS THEY SHOULD BE DONE BY THE END OF FEBRUARY, 1997, FOR AN ELECTRICIAN AND A DRY WALLER (SHEETROCKER) HAS BEEN HIRED. CARPET IS STILL DUE TO BE

I N D E X N U M B E R R E P O R T
Date: 6-MAY-04

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INDEX NUMBER: C 96111

Index Number Comments

LAI D ON 2-24-97. P R O M P T 2-28-97.

RORICK

I N P R O M P T.

YATES

*

4-1-97

CODE ENFORCEMENT OFFICER MADE CONTACT WITH RICHARD DODDER, ON SITE, AND HE STATED THERE WAS ABOUT ONE MONTH DELAY BUT HE HOPES TO BE DONE WITH THE HOUSE IN TWO WEEKS. HIS WIFE AND CHILDREN MOVED OUT OF THE LOWER MOSUE AND THEY ARE LIVING WITH HER PARTNETS. THEY HAD TO MOVE THE REMAINDER OF THE FURNITURE FROM NEW AREA TO OLD HOUSE. P R O M P T 4-16-97.

RORICK

I N P R O M P T.

YATES

*

9-2-97

CODE ENFORCEMENT OFFICER ATTEMPTED CONTACT WITH THE DODDERS, BUT NO ONE ANSWERED THE DOOR AT EITHER STRUCTURE. CODE ENFORCEMENT OFFICER OBSERVED THAT THE STRUCTURE IS BEING CONNECTED AND THE NEW RESIDENCE IS BEING LIVED IN. WILL CALL TO ARRANGE AN INSPECTION. LEFT MESSAGE FOR THEM TO CALL AND UPDATE STATUS.

RORICK

I N P R O M P T F O R 9-9-97.

YATES

*

1-27-98

TALKED TO SUSAN DODDER, THEY ARE LIVING IN THE NEW RESIDENCE EVEN THOUGH NOT COMPLETED. SHE WILL HAVE RICHARD CALL AND SET UP A CURSORY INSPECTION.

RORICK

*

5-11-98

THE KITCHEN AREA & BATHROOM PLUMBING HAS BEEN REMOVED AND WATER DISCONNECTED. CLOSE THIS CASE.

RORICK

CLOSE.

YATES

INDEX NUMBER: C 02143

INDEX NUMBER REPORT
Date: 6-MAY-04

Page: 1

Acres	Case	Close Date	Court Date	Credit Date	Last	Lots	Planner	Reception	Record Date	Certified Date
2.000		100402	0	0	100402	0	RORICK	0	0	0

BOA Date	BOA Act	MSC Date	MSC Act	PC Date	PC Act	BCC Date	BCC Act	Rgst Date	Insp Date	File Date	File Act	Hold Date	Submit Date	P Plan Date	P Plan Action
0		0		0		0		81302	0	0		0	0	0	

Applicant	Map Nr	Book	Page	Zone	Old Zone	Plat
DODDER WILLIAM A JR & PATRICIA J	731.020			A1		0
1250 WOODMEN RD W	0.000					0
COLORADO SPRINGS CO 80919 2727	0.000					0

Project Information

Consultant Information

COMPLAINT: PEOPLE LIVING IN THE COTTAGE
LOCATED ON THE SOUTHERN PORTION OF THE
PROPERTY & CONTRACTORS EQUIPMENT YARD.
REF FILES: BOA93081;C96111;C99112;COR96
007;INT93030;LOG951207;LOG961110;PRE02
159;VA02011 (W/DRAWN)

Index number affects the following parcel(s):

7302000022

Parcel	Owners Information (Name and address)	House Number - Street
7302000022	DODDER WILLIAM A JR & DODDER PATRICIA J 1250 W WOODMEN RD COLORADO SPRINGS, CO 80919-2727 80919	1250 WOODMEN RD W

Copy to file

INDEX NUMBER REPORT

INDEX NUMBER: C 02143

Date: 6-MAY-04

Page: 2

Parcel	TXD	Create Date	Plat	Master Parcel	Land Use	Land Area	Area Code	Imp Use	Year Built	Imp Area	Imp DU
7302000022	JB9	0	0		1112 0	200 0	1 0	M2 F2	1958 1993	1152 1152	1 1

Parcel Number	Doc Fee	Sale Date	Sale Book	Sale Page	Legal Description
7302000022	310	19750601			TRACT IN SW4 OF SEC 1 + IN SE4 SEC 2-13-67 AS FOLS,
	950	19921201	6083	340	BEG AT INT' SEC OF W LN OF SEC 1 WITH NLY R/W LN OF
	0	19940208	6377	655	WOODMEN RD, TH NWLY ALG SD R/W LN 293.10 FT FOR POB,
	0	19990329			TH ANG R 97<25'40'' NELY 321.10 FT, ANG R 8<36'03''
					NELY 490.21 FT, ANG L 71<38'44'' NWLY 97 FT, ANG L
					108<05'20'' SWLY 879.66 FT TO A PT ON NLY R/W
					OF WOODMEN RD, TH ANG L 106<17'39'' SELY 150 FT TO POB

Index Number Comments

*

COMPLAINT:

PEOPLE LIVING IN THE COTTAGE LOCATED ON THE SOUTHERN PORTION OF THE
PROPERTY & CONTRACTORS EQUIPMENT YARD.

DATE COMPLAINT RECEIVED:

8-8-02

COMPLAINANT:

ANONYMOUS

ASSESSOR'S USE CODE:

1112

PARCEL SIZE:

2 ACRES

#2

REF. FILES:

BOA-93-081; C-96-111; C-99-112; COR-96-007; INT-93-030; LOG-95-1207;

LOG-96-1110; PRE-02-159; VA-02-011 (WITHDRAWN)

INSPECTOR'S NOTES:

*

9-17-02

NO VIOLATIONS. HOUSE IN FRONT IS AN OFFICE. KITCHEN HAS BEEN REMOVED.

NO HEAVY EQUIPMENT (1) TRAILER. CLOSE FILE. CEO SENT A LETTER

TO MR DODDER OF THESE FINDINGS DATED 10-3-02.

CLOSE.

JACKSON

YATES

INDEX NUMBER: C 99112

INDEX NUMBER REPORT
Date: 6-MAY-04

Page: 1

Acres	Case	Close Date	Court Date	Credit Date	Last	Lots	Planner	Reception	Record Date	Certified Date
0.000		72199	0	0	112503	0	RORICK	0	0	0

BOA Date	BOA Act	MSC Date	MSC Act	PC Date	PC Act	BCC Date	BCC Act	Rgst Date	Insp Date	File Date	File Act	Hold Date	Submit Date	P Plan Date	P Plan Action
0		0		0		0		71499	0	0		0	0	0	

Applicant	Map Nr	Book	Page	Zone	Old Zone	Plat
DODDER WILLIAM A. JR. & PATRICIA J. 1250 WOODMEN ROAD W. COLORADO SPRINGS CO 80919-2727	731.020			A1		0 0 0

Project Information

Consultant Information

COMPLAINT

PEOPLE (RENTERS) LIVING IN GARAGE

Index number affects the following parcel(s):

7302000022

Parcel	Owners Information (Name and address)	House Number - Street
7302000022	DODDER WILLIAM A JR & DODDER PATRICIA J 1250 W WOODMEN RD COLORADO SPRINGS, CO 80919-2727 80919	1250 WOODMEN RD W

Parcel	TXD	Create Date	Plat	Master Parcel	Land Use	Land Area	Area Code	Imp Use	Year Built	Imp Area	Imp DU
7302000022	JB9	0	0		1112 0	200 0	1 0	M2 F2	1958 1993	1152 1152	1 1

Copy to file

INDEX NUMBER: C 99112

INDEX NUMBER REPORT
Date: 6-MAY-04

Page: 2

Parcel Number	Doc Fee	Sale Date	Sale Book	Sale Page	Legal Description
7302000022	310	19750601			TRACT IN SW4 OF SEC 1 + IN SE4 SEC 2-13-67 AS FOLS, BEG AT INTSEC OF W LN OF SEC 1 WITH NLY R/W LN OF WOODMEN RD, TH NWLY ALG SD R/W LN 293.10 FT FOR POB, TH ANG R 97<25'40'' NELY 321.10 FT, ANG R 8<36'03'' NELY 490.21 FT, ANG L 71<38'44'' NWLY 97 FT, ANG L 108<05'20'' SWLY 879.66 FT TO A PT ON NLY R/W OF WOODMEN RD, TH ANG L 106<17'39'' SELY 150 FT TO POB
	950	19921201	6083	340	
	0	19940208	6377	655	
	0	19990329			

Index Number Comments

*

COMPLAINT:
PEOPLE LIVING (RENTERS) IN GARAGE.

DATE COMPLAINT RECEIVED:
7-14-99

COMPLAINANT:
ANONYMOUS

ASSESSOR'S USE CODE:
1112

PARCEL SIZE:
2.0 ACRES

#4

REF. FILES:
>

INSPECTOR'S NOTES:

*

*

7-20-99

CBO MADE CONTACT WITH SUSAN DODDER, FORMER CO-OWNER OF THIS PARCEL. SHE AND HER HUSBAND, RICHARD, SOLD IT TO HIS PARENTS LISTED ABOVE. SUSAN STATED HER HUSBAND'S PARENTS BOUGHT THE PROPERTY TO ENABLE THEM TO MOVE TO THUNDERBIRD ESTATES SOMETIME THIS YEAR OR NEXT. THE

INDEX NUMBER: C 99112

INDEX NUMBER REPORT
Date: 6-MAY-04

Page: 3

Index Number Comments

PARENTS PRESENTLY LIVE IN ARIZONA AND ARE VISITING AND LIVING IN THEIR
MOTOR HOME. THE ELDER DODDERS WILL SELL THE PROPERTY WHEN RICHARD AND
SUSAN MOVE OUT. IN THE MEANTIME, THE FORMER RESIDENTIAL OFFICE IS
BEING USED AS AN OFFICE BY RICHARD FOR HIS CONSTRUCTION COMPANY. IT IS
ALSO BEING USED FOR STORAGE. AT THIS POINT, NO VIOLATIONS WERE
DISCERNIBLE. CLOSE CASE.

RORICK

CLOSE.

YATES

INDEX NUMBER: C 03091

INDEX NUMBER REPORT
Date: 6-MAY-04

Page: 1

Acres	Case	Close Date	Court Date	Credit Date	Last	Lots	Planner	Reception	Record Date	Certified Date
2.000		0	0	0	32904	1	JACKSON	0	0	0

BOA Date	BOA Act	MSC Date	MSC Act	PC Date	PC Act	BCC Date	BCC Act	Rgst Date	Insp Date	File Date	File Act	Hold Date	Submit Date	P Plan Date	P Plan Action
0		0		0		0		60903	0	0		0	0	0	

Applicant	Map Nr	Book	Page	Zone	Old Zone	Plat
DODDER WILLIAM A JR & PATRICIA J	731.020			A1		0
1250 WOODMEN RD W	0.000					0
DODDER WILLIAM A JR & PATRICIA J	0.000					0
1250 WOODMEN RD W	0.000					0
COLORADO SPRINGS CO 80919 2727	0.000					0

Project Information

Consultant Information

COMPLAINT: LIVING IN 2ND DWELLING ON SITE
REF FILES: BOA93081; C02143; C96111; C99112;
COR96007

Index number affects the following parcel(s):

7302000022

Parcel	Owners Information (Name and address)	House Number - Street
7302000022	DODDER WILLIAM A JR & DODDER PATRICIA J 1250 W WOODMEN RD COLORADO SPRINGS, CO 80919-2727 80919	1250 WOODMEN RD W

Parcel	TXD	Create Date	Plat	Master Parcel	Land Use	Land Area	Area Code	Imp Use	Year Built	Imp Area	Imp DU
7302000022	JB9	0	0		1112 0	200 0	1 0	M2 F2	1958 1993	1152 1152	1 1

Copy to file

INDEX NUMBER REPORT

INDEX NUMBER: C 03091

Date: 6-MAY-04

Page: 2

Parcel Number	Doc Fee	Sale Date	Sale Book	Sale Page	Legal Description
7302000022	310	19750601			TRACT IN SW4 OF SEC 1 + IN SE4 SEC 2-13-67 AS FOLS,
	950	19921201	6083	340	BEG AT INTSEC OF W LN OF SEC 1 WITH NLY R/W LN OF
	0	19940208	6377	655	WOODMEN RD, TH NWLY ALG SD R/W LN 293.10 FT FOR POB,
	0	19990329			TH ANG R 97<25'40'' NELY 321.10 FT, ANG R 8<36'03''
					NELY 490.21 FT, ANG L 71<38'44'' NWLY 97 FT, ANG L
					108<05'20'' SWLY 879.66 FT TO A PT ON NLY R/W
					OF WOODMEN RD, TH ANG L 106<17'39'' SELY 150 FT TO POB

Index Number Comments

*
6-11-03
PLANNING DIRECTOR, KEN ROWBERG, TALKED TO MR DODDER AND REQUESTED
A LETTER EXPLAINING THE SITUATION OF HIS DAUGHTER, WHO HAS CANCER,
MOVING INTO THE GUESTHOUSE. PROMPT FOR 7/31/03. JACKSON
IN PROMPT. YATES

*
6-26-03
CODE ENFORCEMENT OFFICER CHECKED WITH KEN ROWBERG. HE RECEIVED A
LETTER FROM MR DODDER. KEN HAS GIVEN HIM (6) MONTHS TO RECTIFY
THE SITUATION. PROMPT FOR 1ST OF JANUARY 2004. JACKSON
IN PROMPT. YATES

*
July 31, 2003

William A. Dodder, Jr.
Patricia J. Dodder
1250 West Woodmen Road
Colorado Springs, Colorado 80919-2727

Re: C-03-091

On June 2, 2003, the Planning Department received a telephone call noting
that the front house on your property was once again occupied as a
residence. In a conversation with a Planning staff member, you confirmed
this.

Due to special circumstances surrounding the occupancy of that dwelling
by a family member, a letter was requested from you explaining an illness
in your immediate family. Upon receipt of that correspondence, an

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INDEX NUMBER REPORT
Date: 6-MAY-04

Page: 3

Index Number Comments

administrative decision was made on June 26, 2003, granting a six-month extension for the house to be utilized as a residence. As a matter of information to you, please be aware that the house must be returned to a legal accessory building/use on or January 1, 2004.

7-31-03

LETTER FROM KEN ROWBERG TO DODDER'S CONFIRMING FRONT DWELLING WILL RETURN TO ACCESSORY STRUCTURE/USE ON OR BEFORE JANUARY 1, 2004. IN PROMPT FOR DECEMBER 31, 2003.

HOOK

*
1/7/04

MR. DODDER SENT IN A LETTER TO KEN ROWBERG REQUESTING AN EXTENSION THE LETTER WAS REVIEWED BY CARL SCHUELER. IT WAS DETERMINED BY CARL THAT THE DODDER'S HAVE TO APPLY FOR A VARIANCE OF USE BY 1/31/04 OR THE MATTER WILL BE PURSUED BY CODE ENFORCEMENT FOR A 2ND DWELLING UNIT. CEO SENT A LETTER TO THAT EFFECT ALONG WITH A VARIANCE PACKET AND A PRE-APPLICATION. PROMPT FOR 1/20/04.

JACKSON

*
2/19/04

NO VARIANCE PACKET WAS SUBMITTED. PREPARE FOR BOCC.

JACKSON

*
3-5-04

CEO HAS LEFT 3 MESSAGES FOR MR. DODDER. HE CALLED ONCE AND LEFT A MESSAGE BUT NEVER CALLED BACK AFTER THAT. PAPERWORK IS PREPARED FOR BOCC ON 4-22-04.

KERSTEN

*
3/22/04

SEND CITATION FOR 2 DWELLING UNITS.

JACKSON

*
3/23/04

CERTIFIED CITATION (7001 2510 0003 0865 1786) MAILED. TEN (10) DAYS. IN PROMPT FOR 4/2/04.

YATES

*
3/24/04

RETURN RECEIPT BACK IN PLANNING DEPARIMENT.

YATES

Index Number Comments

administrative decision was made on June 26, 2003, granting a six- month extension for the house to be utilized as a residence. As a matter of information to you, please be aware that the house must be returned to a legal accessory building/use on or January 1, 2004.

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JACKSON

*

2/19/04

NO VARIANCE PACKET WAS SUBMITTED. PREPARE FOR BOCC.

JACKSON

*

3/05/04

CEO HAS LEFT 3 MESSAGES FOR MR. DODDER. HE CALLED ONCE ON 2/25/04 AND LEFT CEO A MESSAGE THAT HE WOULD BE OUT OF TOWN FOR 2 MONTHS. CEO RETURNED THE CALL ON 2/25/04 AND SPOKE TO BILLS WIFE AND SHE STATED THAT HE WAS OUT OF TOWN BUT WOULD BE BACK NEXT WEEK AND SHE WOULD HAVE HIM CALL CEO. BILL DODDER NEVER CALLED BACK. PAPERWORK IS PREPARED FOR BOCC ON 4/22/04.

JACKSON

*

3/23/04

CERTIFIED CITATION (7001 2510 0003 0865 1786) MAILED. TEN (10) DAYS. IN PROMPT FOR 4/2/04.

YATES

*

3/24/04

RETURN RECEIPT BACK IN PLANNING DEPARTMENT.

YATES

*

3/31/04

CEO RECEIVED A CALL FROM RON ROBINSON BILL DODDERS ATTORNEY INQUIRING AS TO WHAT BILL HAD TO DO TO COMPLY. CEO EXPLAINED THE ISSUE TO HIM. HE WANTED TO KNOW IF MR DODDER WAS TO COMPLY AND MOVE HIS DAUGHTER

Index Number Comments

KIM WHO HAS CANCER OUT OF THE FRONT HOUSE AND REMOVE THE STOVE FROM THE KITCHEN. COULD USE TO KEEP FROM GOING TO BOCC. CEO WILL TALK TO CARL SCHUELER ON HOW TO PROCEED.

*

4/05/04

CEO SPOKE WITH CARL SCHUELER; CARL WANTS TO PROCEED WITH BOCC AS PLANNED. CEO EMAILED RON ROBINSON OF SAME. RON ASKED CEO IF THE KITCHEN WAS REMOVED AND BILL'S DAUGHTER MOVED OUT AND CEO INSPECTED FOR SAME COULD WE NOT GO BEFORE THE BOCC AND LET THINGS DIE. CEO SPOKE AGAIN WITH CARL SCHUELER; HE EMAILED RON AND MYSELF THAT WOULD BE FINE BUT A "DATE CERTAIN" NEEDED TO BE VERIFIED FOR THE KITCHEN REMOVED AND KIM BEING OUT AND IF THE DATE WAS NOT MET WE WOULD BE BACK IN BOCC SCHEDULING MODE. JACKSON

*

4/23/04

DATE FOR INSPECTION SET FOR 5/6/04. JACKSON

*

5/6/04

CEO AND SHARON YATES MET ON SITE WITH BILL DODDER AND RON ROBINSON. THERE WERE NO APPARENT TENANTS BUT THE HOUSE IS TOTALLY SET UP FOR TENANTS. THE STOVE WHICH WAS IN AN ISLAND HAD BEEN REMOVED ALONG WITH THE ISLAND. THERE WERE PLASTIC BINS PLACED NEATLY IN THE MIDDLE OF THE FLOOR WHERE THE ISLAND ONCE WAS. CEO ASKED TO SEE THAT THE HARDWARE HAD BEEN REMOVED. THERE WAS A 1" PIECE OF WOOD NAILED TO THE FLOOR OVER WHERE THE WIRING HAD BEEN. CEO TRIED TO MOVE THE WOOD BUT WAS UNABLE TO. THE REST OF THE KITCHEN WAS VERY FUNCTIONAL. A SIDE BY SIDE LARGE REFRIGERATOR AND BIG DOUBLE STAINLESS STEEL SINK, NICE CABINETS AND WALLPAPER. CEO AND SHARON TO MEET WITH CARL TO DISCUSS OPTIONS; CEO TO SEND BILL COPIES OF ALL CHRONOLOGIES ON PAST AND PRESENT FILES. MEETING WITH CARL, CEO AND SHARON SET FOR 5/12/04. JACKSON



✓
12/14/92
Building Permit for
Det. Garage
8/93
Electric permit - Det. Garage

3/16/92
Building permit
Addition to res
3/16/92
Electric permit for
add to res

1250 W. Woodmen
20
730 20-00-022
30
Bill Dodd - 535-9098
Richard / Susan - 598-4728.

Gregory / ~~Gregory~~

228-4758

Gregory - 232-7845

32795 N. 18th St.

SE

152 85262

Gregory

Gregory

Gregory

Gregory

Gregory

Gregory

Gregory

To _____
 Date _____ Time _____ ☐ AM ☐ PM

WHILE YOU WERE OUT
 M. Bil Dodder
 of _____
 Phone (602) 488-6565
 Area Code Number Extension

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	URGENT	<input type="checkbox"/>

☐ RETURNED YOUR CALL ☐

Message _____
1250 W. Woodmen Rd.

reorder 23-700 Operator 3/22/96



GreenCycle™
 RECYCLED PAPER

*Don
 Singmaster
~~636-5391~~
 448-8112
 Miter Ops.
 636-5340*

Permit - Demolition

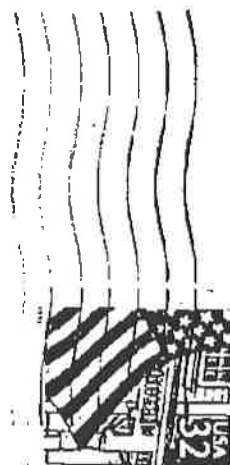
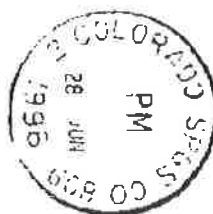
Permit - shop & storage
area

permit - new residence

letter to City water &
sewer - any problem
with this setup?
City approval.

We will not allow
toilet; sink OK

Richard C. & Susan D. Deller
1250 W. Woodman Rd.
Colorado Springs, CO 80919



County Planning
27 E. Vermijo
Cos. Co
80903

80903/2208

ATTN: Terry Benick
|||||