


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

To: Board of County Commissioners
 Stan VanderWerf, Chair

From: Mindy Madden, Strategic Services Manager
 Craig Dossey, Executive Director

Re: APPCE-20-002

Subject: Appeal of a decision made by the Executive Director of the Planning and Community Development Department to issue an executive determination to authorize the Office of the County Attorney to proceed with litigation

OWNER:	REPRESENTATIVE:
Dennis J. Buschman 13875 Judge Orr Road Peyton, CO 80831-8414	Dennis J. Buschman 13875 Judge Orr Road Peyton, CO 80831-8414

Issue:

An appeal by Dennis J. Buschman of a decision made by the Executive Director of the Planning and Community Development Department (PCD) to issue an executive determination authorizing the Office of the County Attorney (OCA) to proceed with litigation pursuant to Section 11.3.2 (A) of the El Paso County Land Development Code (2021). The five (5) acre property is zoned RR-5 (Residential Rural) and is located east of the Meadow Lake Airport, on the southeast corner of the Judge Orr Road and Cessna Drive intersection. (Parcel No. 43040-01-001) (Commissioner District No. 2)



Procedure:

Staff shall first present the item and provide testimony and evidence. The appellant(s) shall then be given an opportunity to address the Board of County Commissioners (“Board”) and present any testimony and/or evidence. The Board may then ask any final questions of staff or the appellant(s) prior to rendering a decision.

The Board, in considering the testimony and evidence presented by both staff and the appellants shall either:

- Move to deny the appeal, thus affirming the decision of the PCD Executive Director; or
- Move to approve the appeal, thus overturning the decision of the PCD Executive Director.

Executive Summary:

On December 12, 2017, the Board approved amendments to Chapter 11 of the Land Development Code removing the requirement for a show cause hearing before the Board prior to authorizing the OCA to pursue legal action. The amendments instead allow for the PCD Executive Director to issue an executive determination to authorize the OCA to pursue legal action. The amendments provide procedures for appeals of the executive determination to be heard before the Board.

Section 11.3.2 (A) of the Code states:

The PCD Director shall mail the executive determination to the alleged violator in the same manner as the notice of violation. The executive determination shall specify the nature of the violation, and provide ten (10) days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator, to the BoCC prior to the OCA pursuing remedies under Parts (D)(2) or (3).

The executive determination shall state that the alleged violator may appeal the PCD Director’s decision to the BoCC. The alleged violator must submit an appeal in writing to the PCD Director. Any written appeal must be received by the PCD Director within ten (10) days after the date of the executive determination. Any such appeals received beyond ten (10) days shall be deemed untimely.

Background:

An individual residing in a rental unit located on the property submitted a complaint to Code Enforcement on May 13, 2019. The individual stated that they have been renting one of the three (3) units on the property for seven (7) months at \$800 per month and was having issues with the landlord over the condition and safety of the unit. A multifamily dwelling is not an allowed use in the RR-5 zoning district and there is no approval on file with PCD for this use. A notice of violation was issued to the property owner on July 3, 2019.

The property owner contacted Code Enforcement staff on July 29, 2019 and confirmed the multiple dwellings on the property. The owner stated the property was zoned RR-3 (Rural Residential) which allowed for multiple dwellings when he purchased the property in 1997. Code Enforcement staff informed him that the Code during the timeframe for when he purchased the property did not allow for multiple dwellings and that the RR-3 zoning district was merely renamed as RR-5 (Residential Rural) in 2007. The property owner was directed to apply for an Early Assistance (EA) meeting to discuss options to bring the property into compliance. The property owner applied for an EA meeting on August 13, 2019, but did not pay the applicable fees and so an EA meeting was never scheduled or held resulting in an executive determination being issued on March 19, 2020.

After receiving the executive determination, the property owner made claims that the multifamily dwelling was legal nonconforming. According to the El Paso County Assessor, three (3) "residential ranches" were built on the property in 1976; after zoning was established for this area in 1965. It is important to note that the past zoning regulations also would not have allowed for a multifamily dwelling. On March 25, 2020, the property owner was made aware that there is no legal nonconforming use for a multifamily dwelling on the property and he was again directed to apply for an EA meeting to discuss his options to bring the property into compliance. The property owner did not apply for an EA meeting and submitted a request for an appeal of the executive determination on March 25, 2020.

An appeal hearing before the Board was originally scheduled for June 16, 2020; however, information was received from the property owner that one of the dwelling units is detached from the main structure. An amended notice of violation was issued on May 21, 2020 to properly address the detached dwelling and the two-family dwelling on the property.

An additional complaint was received from the Meadow Lake Airport Association ("MLAA") on November 10, 2020. In their complaint letter, the MLAA stated that the

property owner admitted to having eight (8) tenants on the property. Code Enforcement staff contacted the property owner to discuss this new information and the owner admitted to having four (4) tenants and that he has not stopped renting out the units. A new executive determination was issued on December 9, 2020. The property owner filed a request for an appeal on December 17, 2020.

PCD staff has had several in-person, email, and over the phone conversations with the property owner to discuss the violation as well as his options to come into compliance. The owner has not made any good faith efforts to work with staff and continues to rent out the prohibited dwellings on the property.

Recommendation:

Staff recommends the Board deny the request for an appeal and affirm the decision of the PCD Executive Director to issue an executive determination to authorize the OCA to proceed with litigation.

Attachments:

Vicinity map
Chronology Report
Executive Determination
Appeal Request
Notice of Appeal Hearing
El Paso County Assessor Information
Improvements Sketch
Other

EL PASO COUNTY - COLORADO

4304001001
13875 JUDGE ORR RD

Total Market Value
\$592,717

OVERVIEW

Owner:	BUSCHMAN DENNIS J
Mailing Address:	13875 JUDGE ORR RD PEYTON CO, 80831-8414
Location:	13875 JUDGE ORR RD
Tax Status:	Taxable
Zoning:	RR-5 GA-O
Plat No:	3250
Legal Description:	LOT 1 BLK 1 MEADOW LAKE AIRPORT FIL NO 1

MARKET & ASSESSMENT DETAILS

	Market Value	Assessed Value
Land	\$101,500	\$7,260
Improvement	\$491,217	\$35,120
Total	\$592,717	\$42,380



Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.

Code Enforcement

Details

File Number	CE19476
Ordinance Violations	Weeds and Brush; Accumulation of Rubbish; Unsafe Buildings;
Land Development Violations	Inoperable Vehicle; Animal keeping; Development standards for fences, walls, hedges; Home Occupation; Prohibited uses for applicable zoning district; Additional dwelling unit; Other;
Code Enforcement Officer	Mindy Madden (mindymadden@elpasoco.com) (719) 520-6304
Created	5/13/2019 4:27:33 PM

Property

Address	13875 JUDGE ORR RD PEYTON, CO 80831
Parcel	4304001001
Owner	BUSCHMAN DENNIS J 13875 JUDGE ORR RD PEYTON, CO 80831-8414
Zone	RR-5 GA-O
Legal	LOT 1 BLK 1 MEADOW LAKE AIRPORT FIL NO 1

Inspections (72)

Status: Executive Determination Appealed

Followup: Due 2/17/2021

Date	Comment	User	Status
1/26/2021	Information received from Nina that the request for a few waiver was denied. Nina said she has tried contacting Mr. Buschman to let him know, but she has not been able to reach him.	M Madden	
1/19/2021	Attached letter addressed to Nina Ruiz requesting a fee waiver received from Dennis.	M Madden	

1/11/2021	<p>Call placed to Dennis asking if he still needs to discuss the documents he received through his open records request. Dennis asked if there's a way we can work things out so we can each save face. He said in other words; I bend over backwards for him and he bend over backwards for me.</p> <p>I explained to Dennis that he has a couple options: discontinue the use of the rentals or apply for a variance or use. I explained to Dennis that he may continue with the appeal hearing, but that I want him to know that the BoCC would not be able to legalize his use at that hearing. Dennis said he understood that the appeal is just for the Executive Determination and hat he would still need to go through Planning is he wants to apply for a variance of use.</p> <p>I encouraged him to contact Nina to discuss/start the VA process.</p>	M Madden
1/4/2021	Email received from Nina that she found the well permit (in Upper Black Squirrel Creek) for this property. It is permit no 204595 and it allows for 1 SFD, max pumping rate of 15 GPM, and does not allow for a draw more than 1 acre foot per year. Nina stated that Mr. Buschman is in violation with the State and that Upper Black Squirrel will likely not allow for 3 houses on the lot based upon more recent outcomes before their board.	M Madden
12/31/2020	Return message left for Dennis to call me Monday and we can go through that information together.	M Madden
12/30/2020	Message received from Dennis that he and his attorney need clarification on what the file prefixes in the report mean.	M Madden
12/28/2020	A follow-up was scheduled for today but was rescheduled after the inspection had already been performed. Photos of the property attached.	C Carlisle
12/28/2020	Call received from Dennis. Dennis is scheduled to come to PCD on 12/29 @ 11:00 to pick up (and pay \$6.00) for the documents he requested.	M Madden
12/28/2020	Attached documents compiled together for Dennis' CORA request. I left a message for Dennis to call me to schedule a time to come to PCD to pick up.	M Madden

12/28/2020	Attached email sent to Planner Ryan Howser asking him to contact Dennis about his options to possibly legalize the illegal rental units.	M Madden	
12/17/2020	Dennis Bushman came into the office and filed a request for an appeal of the Executive Determination. Dennis also submitted a CORA request for information on the complainants, all email correspondence in this file, all notices sent to him, and the Officer's report. Pictures taken of the property were not requested. Dennis indicated that he would like to speak to a Planner about the process to legalize the rentals, but stated he still wanted to file an appeal. I told Dennis that I will have a Planner contact him. Request for appeal and CORA request attached.	M Madden	Executive Determination Appealed
12/16/2020	Message received from Laura Cook that she has some questions. Laura mentioned Dennis' health concerns and said a missing person report was filed on him yesterday. Laura said she wanted to know how long they have to file an appeal and that they do intend to do so. Return message left for Laura that I did not quite understand her message, but that I hope Dennis is ok. I told her she can request an appeal through Saturday and that the request can be emailed to me.	M Madden	
12/9/2020	Executive Determination issued.	M Madden	Executive Determination issued
12/8/2020	Call received from Dennis asking if the Executive Determination was mailed yet. I let him know it will be mailed tomorrow.	M Madden	
12/1/2020	Message received from Nina that Dennis was trying to contact me. Message left for Dennis to call me back.	M Madden	

11/25/2020	<p>Call placed to Dennis asking if he was still requesting an in person meeting. Dennis said he had left me that voicemail before meeting with Nina and did not need another meeting.</p> <p>I told Dennis that I received information that he is renting out the two prohibited dwellings to 8 people. Dennis denied that and said there is one man living in the back structure who has been there for about 6-7 years. Dennis said the other prohibited dwelling is being rented out to 3 people.</p> <p>I told him that I will be requesting an Executive Determination. I told him that if still wishes to appeal, he needs to do so within 10 days of the Executive Determination.</p> <p>Update emailed to David Elliott.</p>	M Madden	Executive Determination Requested
11/12/2020	<p>Below (and attached) email received from David Elliott in response to the update provided by Craig Dossey on 11/9.</p> <p>Good Morning,</p> <p>Thank you for the prompt response. We discussed it, and the Buschman's latest complaint letter, at this week's Board of Directors meeting. We would appreciate being kept informed of any developments with respect to the Buschman's and any inputs that we or the neighbors can make to any further County action or appeal.</p> <p>For what its worth, during the complain t call two weeks ago, Dennis told me he had eight tenants. And there are multiple vehicles on the property every day/night that do not belong to the Buschmans.</p> <p>Thanks, Dave</p>	M Madden	

11/10/2020	<p>COMPLAINANT:</p> <p>Land Development Violations: Prohibited uses for applicable zoning district; Additional dwelling unit; Description: Good Morning Nina,</p> <p>Attached is a letter from the MLAA ref the ongoing Buschman harassment, and I do mean uncivilized harassment. Laura was out again Friday morning screaming at my wife for walking in the easement, although Connie was NOT on her property. This has got to stop!</p> <p>Several good faith remediation offers have made to them, ie; to help clean up their property and decrepit storage building/hangar, create a new driveway off Cessna Drive (before the gate), landscape the taxiway easement, etc. We have received no response from them, other than continued screaming and threats. Never-the-less, they are in violation of single-family zoning, and it appears may not even have a residential well. We respectfully request that the County take immediate action on this. It has gone on way too long. Reported by: Dave (falcon20flier@msn.com or (719) 339-0928)</p>	SYSTEM
11/6/2020	Return message left for Dennis that I am aware he has already spoken with Nina Ruiz. I asked him to call me back if he still needs an in person meeting.	M Madden
11/3/2020	Information received from Nina that she met with Dennis and told him the additional dwelling units are not legal nonconforming.	M Madden
11/2/2020	Email correspondence between Nina and Dave Elliott attached. Dave was inquiring about File No. APPCE202 and asked for the status of that appeal. Nina clarified that File No. APPCE202 is not an application to legalize any uses or request any new uses.	M Madden
11/1/2020	Message received from Dennis requesting an in person meeting.	M Madden

10/15/2020	Nina met with Dennis without me (I was at a cleanup). Nina said she met with Dennis for an hour and their discussion mainly pertained to his concerns/issues with the airport. She said they did not get to discussing the additional dwellings on his property. Dennis requested another meeting and for a 2 hour block of time. Nina said she will reach out to Dennis by email to see if she can address his remaining concerns that way.	M Madden
9/30/2020	Appointment for Dennis at PCD Scheduled for 10/15 @ 10:00.	M Madden
9/30/2020	Message left for Dennis to schedule an appointment with our front counter staff to bring in the documents for my review.	M Madden
9/29/2020	<p>Call placed to Dennis. Dennis stated there is new construction going up at 14120 Citation Lane and 13975 Judge Orr Road. I was able to confirm with Dennis that both properties have active building permits and approved site plans for the accessory structures under construction.</p> <p>Dennis then said he received a letter from Dave Elliott that says the taxi way easement has been converted to a multi use taxi way. Dennis had concerns over the letter as well as the legitimacy of the letter. I asked Dennis to drop off a copy to PCD for me to look at.</p> <p>I also spoke to Dennis about the documents he dropped off to me in June this year. I told him that the code sections he provided do not appear to be from the LDC and are possibly for another jurisdiction. Dennis says he has more paperwork regarding the property. I asked him to drop off copies of this as well to PCD for me to review.</p>	M Madden
9/29/2020	Message received from Dennis that was mostly inaudible. I was able to make out that he has most of the documents together and that he was reading some language off the letter he received from Dave Ellicott about the taxi way.	M Madden

9/28/2020	<p>No previous messages have been received from Dennis.</p> <p>Call returned to Dennis at the 396 number, but Laura answered and said he is at a doctor's appointment. Laura said they are having continuing issues with Dave Elliott (with the airport) and Dave recently told them they he went to Court and had the zoning of their property changed. Laura also had concerns with traffic and harassment, but said her husband will explain more. I told her I will reach out to him later today.</p>	M Madden
9/25/2020	<p>Message received from Dennis that this is his second message he's left for me about code issues.</p>	M Madden
6/8/2020	<p>Call placed to Dennis to discuss the documents he provided, but there was no answer and the voicemail box was full.</p>	M Madden
6/2/2020	<p>Dennis came into PCD and provided copies of the attached documents. The documents contain a print out from the County Assessor site with the zoning district highlighted, a print out of a Code section (from the City of Colorado Springs Code), and a printout of RSC Real Estate Information.</p>	M Madden
5/28/2020	<p>Call received from Dennis. Dennis confirmed that he understands that the appeal hearing has been cancelled and why. Dennis said he is getting information together that may show he has a nonconforming use. Dennis said he is unable to mail or email the documents to me so I can his Darcy's contact information to schedule an appointment to bring in the documents so copies can be made for me.</p>	M Madden
5/28/2020	<p>Return message left for Dennis.</p>	M Madden

5/26/2020	<p>Message received from Dennis (719-396-1095) that he received the letter and he wishes to move forward with the appeal. Dennis also stated that he does not believe he is in violation.</p> <p>Call returned to Dennis, but Laura answered. I confirmed with Laura that they received both of my letters and understand that the appeal hearing has been cancelled. I told Laura that if they still wish to have an appeal hearing, they will need to submit a new request for an appeal once the new Executive Determination is issued.</p> <p>Laura stated that Dennis has several documents showing that the property is multi-dwelling, including paperwork from the County. I asked Laura to send me copies of the documents, but Laura continued to talk over me before saying she would have Dennis call me back to discuss.</p>	M Madden	
5/26/2020	<p>Message received from Dennis.</p>	M Madden	
5/21/2020	<p>Amended NOV sent along with a letter regarding the cancellation of the 6/16 appeal hearing.</p>	M Madden	Notice of Violation issued
5/20/2020	<p>Error found in the NOV that was issued in July 2019. The NOV cited multi-family dwelling (one structure), but information was later received that at least one of the rentals are detached from the main house. An amended NOV is required.</p> <p>The numbers on file for both Dennis and Laura would not go through. I sent an email to Dennis to call me so that I can let him know the appeal hearing has been cancelled and a new NOV will be issued.</p>	M Madden	Under investigation
5/20/2020	<p>Hearing scheduled for the 6/16 BoCC hearing. Notice of appeal hearing mailed.</p>	M Madden	
4/13/2020	<p>Return email sent to Ryan that I had a similar conversation with Dennis last week and he knows I will schedule the hearing for either a May or June BoCC hearing once I return to the office.</p>	M Madden	

4/10/2020	Email received from Ryan that he spoke to Laura over the phone and she indicated they do not believe that the County has a valid exercise of code enforcement on their property, so they would like to proceed with the appeal. That is what she is referencing in the below email when she states that the "county commissioner hearing" is their best option. Ryan confirmed with her that she was confusing the variance issue with the appeal issue and she confirmed that the appeal is the route they would like to take at this time.	M Madden
4/6/2020	Call returned to Dennis, but there was no answer and the mailbox was full.	M Madden
4/6/2020	Call received from Dennis confirming his intentions to move forward with his request for an appeal. I told Dennis that I will schedule the hearing once I am able to return to the office. I encouraged him to work with Ryan in the meantime to hopefully resolve the violation.	M Madden
4/3/2020	Message received from Dennis that he wants to move forward with the appeal in the event they cannot get the matter resolved in house.	M Madden
3/27/2020	Ryan forwarded me an email he sent to Laura and David. In the email, Ryan provides them with different options to bring the property into compliance. Ryan suggested they pursue a special use permit for accessory living quarters for one of the detached units and convert the other detached unit into a rec room. Ryan stated that if they do not wish to follow the above procedure and adhere to the above limitations regarding accessory living quarters, they are likely looking at a variance of use, which costs \$4,237. Ryan told them to pursue an EA meeting to start with.	M Madden

3/26/2020	Call placed to Dennis to discuss the request for an appeal I received, but the number the was disconnected.	M Madden	
	<p>I called Laura and confirmed that I received the request for an appeal. Laura went on to discuss her conversation with Ryan Howser and that she is getting together all the information and statements from companies/neighbors about the years the property has had the rentals. I explained to Laura the intent of an appeal of an executive determination and asked if she was intending to proceed with a development application. I told Laura that Code Enforcement action would be placed on hold while they go through the application process. Laura said she will get the information to Ryan by Monday. Laura said she will touch base with me next week.</p> <p>I asked Laura to clarify whether or not they want to proceed with the appeal hearing or if they just need additional time while they go through the application process. I did not get a clear answer from Laura so I told her that I will not be able to schedule the appeal hearing until the stay at home order is lifted and I am able to get back in the office.</p> <p>Call placed to Ryan to discuss my conversation with Ryan. Based on the information I relayed to Ryan, he said that is not what he discussed with Laura. I told Ryan it is possible Laura has yet to read his email from yesterday in which he explained they do not have a nonconforming use. Ryan said he will call Laura to discuss.</p>		
3/25/2020	Ryan Howser forwarded me an email he sent Laura. The property was zoned in 1965 and therefore there is not a legal nonconforming use. Ryan directed Laura to proceed with an EA meeting for multi-family dwelling.	M Madden	
	Follow up in a couple weeks to check for EA meeting.		
3/25/2020	Request for an appeal received from Dennis Bushman via email and mail. See attached.	M Madden	Executive Determination Appealed

3/24/2020 Call returned to Laura. Laura said all the tenants have been evicted and it is just her and her husband living in the home. Laura said due to her and her husbands' health, her daughter might be moving in because she lost her source of income due to the coronavirus. M
Madden

Laura said they bought the house "as-is" and the fact that they could earn income from the rentals was one of the reasons they purchased the property. Laura said they were looking into turning the property into a vacation rental for people flying in to the airport, but are no longer pursuing that option.

Laura said CEO Shannon had told her months ago that he would take care of this for them. I told her that I did not understand how CEO Shannon would be able to correct their violation. Laura did recall submitting an EA application, but it was never scheduled. I told her that the project is pending payment and the meeting would not be scheduled until payment is made. Laura said she submitted a request to waive the fees (she believes she spoke to Nina), but she hasn't heard back.

I suggested to Laura that she speak to a Planner to request an ADM to determine if she has a legal non-conforming use. Laura said she believes she does because the property has been like this since the 1970s. I told Laura that just because it has been occurring for a long time, does not mean it is legal.

I told Laura I would reach out to Nina to see if she, or another planner, would reach out to her. I asked Laura to call me next week if she has yet to be contacted.

Email sent to Nina asking if a Planner could contact her about the EA fee waiver, ADM, as well as whether or not Laura has an allowed accessory living quarters.

3/24/2020	Email received from Nina that she will have Laura submit for an ADM now that she is proposing to only keep uses that are considered nonconforming. Nina said she was not sure about the waiver request. She said usually after CD approves/denies them, she will either put in a PS or if the EA is already requested, forward to Mike.	M Madden	
3/23/2020	Message received from Laura that CEO Shannon said he and I would take care of this case so they didn't have too. Laura said they did respond to the last notice and did request an appeal at that time. Laura said the tenants were evicted, but that they still want to turn the house into a rental.	M Madden	
3/19/2020	Executive Determination issued.	M Madden	Executive Determination issued
3/11/2020	Property owner has not submitted payment for an EA meeting. Requesting Executive Determination.	M Madden	Executive Determination Requested
12/9/2019	Additional photos showing the property with divided main residence and guest house that are being rented.	M Shannon	
10/21/2019	Call received from Dennis Buschman about getting additional time to get the grass cut. Called back but voicemail still not set up.	M Shannon	
10/3/2019	Voicemail received from Laura about new phone number 719-396-1095. Called back but voicemail not set up for the new number.	M Shannon	
10/2/2019	Supervisor letter sent.	M Shannon	
8/13/2019	8/13/2019 3:38:54 PM Payment Request sent: 8/13/2019 8/13/2019 3:38:53 PM EA Assigned: EA19163	M Shannon	
8/8/2019	Called and talked with Laura about her and Dennis still needing to schedule their EA meeting; I also mentioned the option to come and do it here in the office at the front counter if they were not comfortable doing it on their own from home.	M Shannon	

7/29/2019	<p>The property owner, Dennis, came in to PCD to discuss the NOV. Dennis said there are 4 dogs on the property and one dog just had puppies(2) which are both under 4 months of age.</p> <p>In discussing the multiple dwellings, Dennis said there is the main house, a one bedroom apartment, and then a cottage that is connected by a breezeway. I explained to Dennis that multi family dwelling is not an allowed use in the RR-5 zoning district. Dennis said the property was zoned RR-3 when he purchased the property and it allowed for multi dwellings. I pulled the old code book and showed him where the use was not allowed in the RR-3 which is now called RR-5 at the time he bought the property.</p> <p>Nina Ruiz spoke with Dennis about the variance of use process and told him to apply for an EA meeting. I gave DEennis 2 weeks from today to submit for an EA meeting.</p>	M Madden	
7/25/2019	<p>Talked with Laura on the phone about the tenant with the junk hauling business was no longer living at the property. Laura also mentioned wanting to stop by and submit a complaint about the use of the easement next to her property.</p>	M Shannon	
7/23/2019	<p>Dump-a-Haul-ics business info from Google Maps</p>	M Shannon	
7/3/2019	<p>NOV sent for Multi-family residence in RR-5 GA-O zoning district and 6 dogs requiring approval for minor kennel.</p>	M Shannon	Notice of Violation issued
6/26/2019	<p>Craigslist add for a room for rent</p>	M Shannon	

6/23/2019	<p>COMPLAINANT:</p> <p>Ordinance Violations: Weeds and Brush; Accumulation of Rubbish; Unsafe Buildings; Land Development Violations: Inoperable Vehicle; Animal keeping; Additional dwelling unit; Description: Stairs are dangerous, still not fixed properly.. not standard code I still have no porch light. It is extremely dark when walking to and from my driveway Walkway to and from driveway has nails sticking up. They have tripped guests. I tried to fix them but it needs more work than I can do. Extreme hazard. I have not received window screens for windows Large pile of wood in front of house along with other items vehicles camper etc No trash receptacles There are 6 dogs that bark at 6am when they are let out to potty. This wakes up people that have to work and dont have to get up yet. Everyday she allows this. The barking is very loud and irritating. Not quite sure why the lot is being mowed like it is? Rediculous Reported by: kim Lampe (hollandlampe@gmail.com or (719) 367-9681)</p>	SYSTEM	M Shannon	Under investigation
6/12/2019	Photo taken showing separation of buildings	M Shannon	Under investigation	
6/4/2019	Assessor Sketch showing building separation.	M Shannon		
6/3/2019	Spoke with complainant on the phone and confirmed the house is divided up for multiple rentals with multiple kitchens and the in-law suite is also rented out. Kitchen photos from website and another photo sent in from the tenant showing her kitchen.	M Shannon		
5/29/2019	Email sent to complainant asking for communication	M Shannon		

5/29/2019	Information received from Luke Sanderson with PPRBD that he received a complaint that there are 3 residences on the property. Michael Shannon to look further into the complaint to determine if a zoning violation exists.	M Madden	Reopen
5/23/2019	Could not verify violations and complainant did not return any calls to verify violations Code Enforcement would enforce.	M Shannon	Unfounded- could not be verified
5/15/2019	Called and left voicemail letting the complainant know I would need to talk with them after not finding any violations on the property.	M Shannon	Under investigation
5/13/2019	COMPLAINANT: Ordinance Violations: Unsafe Buildings; Land Development Violations: Development standards for fences, walls, hedges; Home Occupation; Prohibited uses for applicable zoning district; Other; Description: Hello I have been renting this unit for 7 month at \$800 per month. April 26 2019 a guest of mine stepped on the step and broke it. I advised the landlord and they fixed it . The landlord did not fix the step correctly and I fell and broke my leg and toe. Since then the landlord has been very hateful and has told me via text I need to fix the step or move out in 30 days. I spoke with the a lady that advised me this property is not zoned for the 3 rentals she has here. Additionally I have asked her to give me fire alarms and to please put lighting so I can see. We have one address/mailbox for all renters here and she pays utilities. She has also advised me that I must keep propane at all times. She said the propane is used for my unit only, but Apollo Propane advised me there was \$200 added in December. I did not ad any propane on December. Could you please let me know if i am in an illegal rental? If she is responsible for proper lighting? Fire extinguisher? And if the steps that they did fix are safe. I dont believe they are. Thank You so much Kim Lampe Reported by: Kim Lampe (hollandlampe@gmail.com or (719) 491-3385)	SYSTEM	New investigation

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**EXECUTIVE DETERMINATION
AUTHORIZING LITIGATION**

December 9, 2020

Dennis J. Buschman
13875 Judge Orr Road
Peyton, CO 80831-8414

Re: File No. CE-19-476

Property Owner,

A notice of violation was issued to you by El Paso County Code Enforcement on May 21, 2020 for violation(s) of the El Paso County Land Development Code (LDC) and/or County Ordinances on the property located at 13875 Judge Orr Road, (the "subject property"). It has come to my attention that the violation(s) have not been corrected within fourteen (14) calendar days after the date of the notice of violation and an approved extension of time has not been granted. These violations continue to exist on the subject property. The violation(s) are as follows:

Land Development Code

Table 5-1 Principal Uses:

- A two-family dwelling requires a special use and a site plan in the RR-5 (Residential Rural) zoning district.

Table 5-2 Accessory Uses:

- Additional dwelling units are not allowed in the RR-5 zoning district.
- Accessory Living Quarters require a site plan and are subject to specific use standards

5.2.28. Accessory Living Quarters:

(A) **Number of Accessory Living Quarters.** Only one accessory living quarters is allowed per lot, parcel, or tract.

(B) **Type of Structure.** Accessory living quarters may be attached to or detached from the principal structure, in a garage, or in an accessory structure, or as a tiny house meeting the use specific standards found in this Chapter.

(C) **Affidavit Required.** In conjunction with an approval of the accessory living quarters, an affidavit signed by the owner is filed for recording with the Clerk and Recorder acknowledging that the accessory living quarters may not be leased or rented.

(D) **Size.** The accessory living quarters shall be no larger than the total square footage of the primary residence, up to a maximum of 1500 square feet of finished habitable floor area, as measured to the outside of the walls. The Board of County Commissioners may modify the maximum size allowance by up to 20 percent as part of a special use approval. Any request to establish accessory living quarters with the total square footage exceeding 20 percent of the maximum size allowed shall constitute a second dwelling on the property, which would require variance of use approval unless otherwise allowed within the applicable zoning district.

(E) **No Separate Meter for Utilities.** All electric, gas, central or municipal sewer and water services to the accessory living quarters shall be interconnected to and indistinguishable from that of the principal dwelling and shall not have separate meters, service lines or billings.

(F) **Occupancy Limited.** Accessory living quarters shall only be utilized for temporary occupancy, non-paying guests or visitors, and may not be leased or rented, including short-term rental unless otherwise modified by the Sections below. A temporary occupant may not receive mail, enroll in K-12 school, or establish permanent residency at the accessory living quarters. This provision does not prohibit:

- An immediate family member who permanently occupies the detached accessory living quarters, provided the appropriate special use approval is obtained as set forth below.
- An immediate family member or an employee who permanently occupies an attached accessory living quarters as set forth below.

(G) **Special Provisions for Attached Accessory Living Quarters for Permanent Occupancy.** Attached accessory living quarters may be utilized for permanent occupancy provided it conforms to all standards for accessory living quarters listed above and the following requirements:

- **Exterior Appearance Single-Family in Character.** The exterior appearance of the structure shall be that of an architecturally integrated single-family dwelling unit.
- **Interior Connection Required.** The living quarters shall include the ability to access the main dwelling unit through interior connections, which may include access through a garage attached to the principle dwelling.
- **Use Limited to Family Members or Employees.** The attached living quarters shall be used exclusively by family members of a person residing in the main dwelling unit, or by an employee employed onsite by a person residing in the main dwelling unit and shall not be otherwise rented or leased. A family member shall be related by blood, half blood or at law, and which term "at law" includes in-law relationships arising from a deceased or former spouse.

(H) **Special Provisions for a Detached Accessory Living Quarters for Permanent Occupancy.** Detached accessory living quarters may be utilized for permanent occupancy by special use approval. The special use may be approved if the accessory living quarters requirements listed above are met as well as the following requirements:

- **Use Limited to Family Members.** A special use may be applied for and approved to:
 - Provide for temporary living arrangements to house immediate family members whom are elderly, disabled, or exhibit a family need; or,

- Provide for temporary living arrangements to house immediate family providing for the needs of the residents of the primary residence on the property.

A family member shall be related by blood, half blood or at law, and which term "at law" includes in-law relationships arising from a deceased or former spouse.

- **Review Criteria.** Approval of the special use permit shall be based upon a finding that the following standards and conditions have been met:
 - There is a family hardship or need that justifies the request for the extended family housing.
 - The special use standards of Chapter 5 of the Land Development Code are complied with.
- **Expiration of Approval.** The detached accessory living quarters for permanent occupancy shall be removed within 3 months after the need no longer exists or 3 months after the date of the expiration of the special use approval, if one is specified, unless an application to legalize the use is submitted or an application to subdivide the property is submitted.

(l) **Other Applicable Standards.** Accessory living quarters shall meet all other applicable standards in this Code unless specifically modified by this Section. Any request for approval of accessory living quarters that does not comply with the provisions of this Section shall require special use approval by the Board of County Commissioners, except with regard to any request to exceed the size limitations identified above which shall require approval of a variance of use application by the Board of County Commissioners. A habitable structure which is leased or rented shall not be considered an accessory living quarters and shall constitute a second dwelling requiring variance of use approval unless otherwise allowed within the applicable zoning district.

****Full text of County Ordinances and LDC provisions is available online at www.elpasoco.com.*

Accordingly, pursuant to Section 11.3.2 (A) of the Land Development Code, be advised I am issuing this executive determination to authorize the El Paso County Attorney's Office to pursue litigation in order to bring the subject property into compliance with Table 5-1 Principal Uses, Table 5-2 Accessory Uses, and 5.2.28 Accessory Living Quarters of the Land Development Code as provided by Colorado law.

In accord with Section 11.3.2 (A) of the Land Development Code, you have the right to appeal my decision to the El Paso County Board of County Commissioners.

Requests for an appeal hearing before the El Paso County Board of County Commissioners must be received by my department, in writing, within ten (10) calendar days after the date of this executive determination. If a written appeal is not received by the El Paso County Planning and Community Development Department within ten (10) calendar days after the date of this executive determination, then this executive determination shall be final and the County Attorney's Office may proceed with litigation.

If you wish to appeal this executive determination, you can do so by either emailing or mailing an appeal request to the El Paso County Planning and Community Development Department at the following:

Email: appealspcd@elpasoco.com

Mailing Address: Planning and Community Development
Attn: Code Enforcement Supervisor
2880 International Circle, Ste. 110
Colorado Springs, CO 80910

If you have any questions, please contact Mindy Madden, Strategic Services Manager, at 719-520-6304 or at mindymadden@elpasoco.com.

Regards,


Craig Dossey (Dec 3, 2020 15:45 MST)

Craig Dossey
Executive Director
El Paso County Planning and Community Development Department

DENNIS J. BUSCHMAN
13875 JUDGE ORR RD
PREYTON, CO. 80831

DECEMBER 17, 2020

MR. CRAIG DOSSEY,
PLANNING & COMMUNITY
DEVELOPMENT
2880 INTERNATIONAL CRL STE 110
COLORADO SPRINGS, CO. 80910

RECEIVED
DEC 17 2020

DEAR MR. DOSSEY;

I AM HEREBY APPEALING YOUR (4)
PAGE LETTER DATED 12/9/20 TO THE
EL PASO COUNTY BOARD OF COUNTY
COMMISSIONERS.

I AM REQUESTING A FULL
EVIDENTIARY HEARING, WHERE I
CAN SUBPOENA WITNESS, DOCUMENTS
NOTES AND WRITINGS, AND QUESTION
SUCH. I ALSO INTEND TO CALL
MY OWN WITNESSES & INTRODUCE
EVIDENCE AT THE APPEAL HEARING.

PLEASE CONFIRM THE TIME &
DATE OF THIS HEARING

CC: LAURA C. COOKE
CO-OWNER - 13875
26 JUDGE ORR RD - PREYTON
CO. 80831

BEST REGARDS,

DENNIS J. BUSCHMAN

EL PASO  **COUNTY**
COLORADO

COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 9, 2021

Dennis J. Buschman
13875 Judge Orr Road
Peyton, CO 80831-8414

Re: APPCE-20-002

To Whom It May Concern,

This letter confirms your request for a hearing before the Board of County Commissioners to appeal a decision by the Executive Director of the Planning and Community Development Department is issue an Executive Determination authorizing the Office of the County Attorney to proceed with litigation pursuant to Section 11.3.2 A of the El Paso County Land Development Code.

The appeal hearing is scheduled for the **March 23, 2021** Board of County Commissioners meeting. The meeting starts at 9:00 am at Centennial Hall which is located at 200 South Cascade Avenue, Suite 150.

If you have any questions, please contact me at 719-520-6304 or mindymadden@elpasoco.com.

Thank you,

Mindy Madden
El Paso County
Strategic Services Manager



EL PASO COUNTY - COLORADO

4304001001
13875 JUDGE ORR RD

Total Market Value
\$592,717

OVERVIEW

Owner:	BUSCHMAN DENNIS J
Mailing Address:	13875 JUDGE ORR RD PEYTON CO, 80831-8414
Location:	13875 JUDGE ORR RD
Tax Status:	Taxable
Zoning:	RR-5 GA-O
Plat No:	3250
Legal Description:	LOT 1 BLK 1 MEADOW LAKE AIRPORT FIL NO 1

MARKET & ASSESSMENT DETAILS

	Market Value	Assessed Value
Land	\$101,500	\$7,260
Improvement	\$491,217	\$35,120
Total	\$592,717	\$42,380

RESIDENTIAL - RANCH (1)

Market Value **\$289,276**

Assessment Rate	7.15	Above Grade Area	3,848
Bldg #	1	First Floor Area	3,848
Style Description	RANCH	Above First Floor Area	0
Property Description	FRAME GOOD QUALITY	Lower Level Living Area	0
Year Built	1976	Total Basement Area	-
Dwelling Units	1	Finished Basement Area	
Number of Rooms	7	Garage Description	-
Number of Bedrooms	4	Garage Area	-
Number of Baths	4.00	Carport Area	-

RESIDENTIAL - RANCH (2)

Market Value **\$69,387**

Assessment Rate	7.15	Above Grade Area	720
Bldg #	2	First Floor Area	720
Style Description	RANCH	Above First Floor Area	0
Property Description	FRAME AVERAGE QUALITY	Lower Level Living Area	0
Year Built	1976	Total Basement Area	-
Dwelling Units	1	Finished Basement Area	
Number of Rooms	4	Garage Description	-
Number of Bedrooms	1	Garage Area	-
Number of Baths	1.00	Carport Area	-

RESIDENTIAL - RANCH (3)Market Value **\$130,468**

Assessment Rate	7.15	Above Grade Area	1,206
Bldg #	3	First Floor Area	1,206
Style Description	RANCH	Above First Floor Area	0
Property Description	FRAME AVERAGE QUALITY	Lower Level Living Area	0
Year Built	1976	Total Basement Area	-
Dwelling Units	1	Finished Basement Area	
Number of Rooms	4	Garage Description	-
Number of Bedrooms	2	Garage Area	-
Number of Baths	2.00	Carport Area	-

COMMERCIAL - SHEDS/MISCL (1)Market Value **\$1,555**

Assessment Rate	7.15	Sprinkler	N
Bldg #	1	Elevator	N
Use	Sheds/Miscl	Occup 1	477
Year Built	1975	Occup 2	
Area	2400	HVA 1	
Class	S	HVA 2	
Quality	1.0	Wall Height	10
Stories	1	Land Size	217800
Perimeter	220	Neigh #	99
# Units			

COMMERCIAL - SHEDS/MISCL (2)Market Value **\$531**

Assessment Rate	7.15	Sprinkler	N
Bldg #	2	Elevator	N
Use	Sheds/Miscl	Occup 1	477
Year Built	1976	Occup 2	
Area	216	HVA 1	
Class	D	HVA 2	
Quality	1.0	Wall Height	8
Stories	1	Land Size	217800
Perimeter	48	Neigh #	99
# Units			

LAND DETAILS

Sequence Number	Land Use	Assessment Rate	Area	Market Value
1	SINGLE FAMILY RES.	7.150	5 Acres	\$96,500
2	WELL AND SEPTIC	7.150	0	\$5,000

Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.

SKETCH/AREA TABLE ADDENDUM

Parcel No 43040-01-001

Property Address 13875 Judge Orr Rd

City Peyton

County El Paso

State CO

Zip 80831

Reviewed By LFD

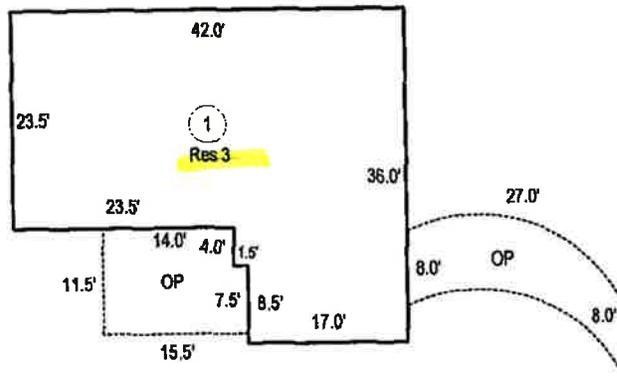
Neighborhood 99

Appraised By PSW

Inspection Date 05-28-08

SUBJECT

IMPROVEMENTS SKETCH



AREA CALCULATIONS

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GLA1	First Floor	1.00	1205.5	156.0	1205.5
OP	Covered Porch	1.00	172.3	54.0	
	Covered Porch	1.00	184.0	70.1	356.2
 Net LIVABLE Area					1206

LIVING AREA BREAKDOWN

Breakdown	Subtotals
First Floor	
18.5 x 27.5	508.8
23.5 x 23.5	552.3
8.5 x 17.0	144.5
 3 Items (rounded w/o factors)	1206

SKETCH/AREA TABLE ADDENDUM

Parcel No 43040-01-001

Property Address 13875 Judge Orr Rd

City Peyton

County El Paso

State CO

Zip 80831

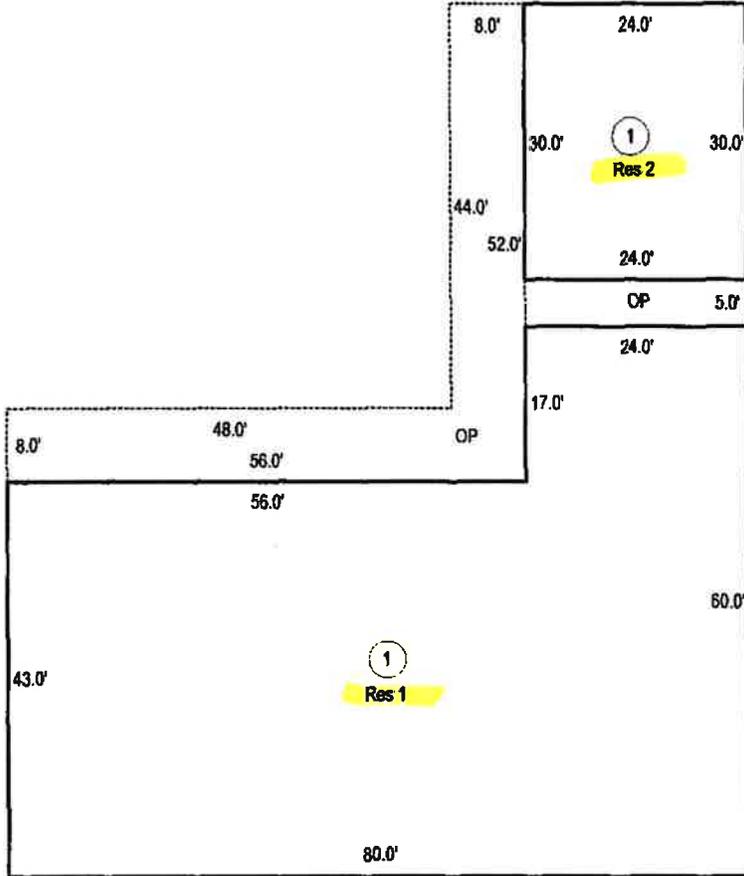
Reviewed By LFD

Neighborhood 99

Appraised By PSW

Inspection Date 05-28-08

SUBJECT IMPROVEMENTS SKETCH



AREA CALCULATIONS

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GLA1	RES 2	1.00	720.0	108.0	4568.0
	RES 1	1.00	3848.0	280.0	
OP	Covered Porch	1.00	120.0	58.0	920.0
	Covered Porch	1.00	800.0	216.0	

LIVING AREA BREAKDOWN

Breakdown			Subtotals
RES 2	24.0	x 30.0	720.0
RES 1	24.0	x 60.0	1440.0
	43.0	x 56.0	2408.0

Net LIVABLE Area

(rounded w/ factors)

4568

3 Items

(rounded w/o factors)

4568

SKETCH/AREA TABLE ADDENDUM

Parcel No 43040-01-001

Property Address 13875 Judge Orr Rd

City Peyton

County El Paso

State CO

Zip 80831

Reviewed By LFD

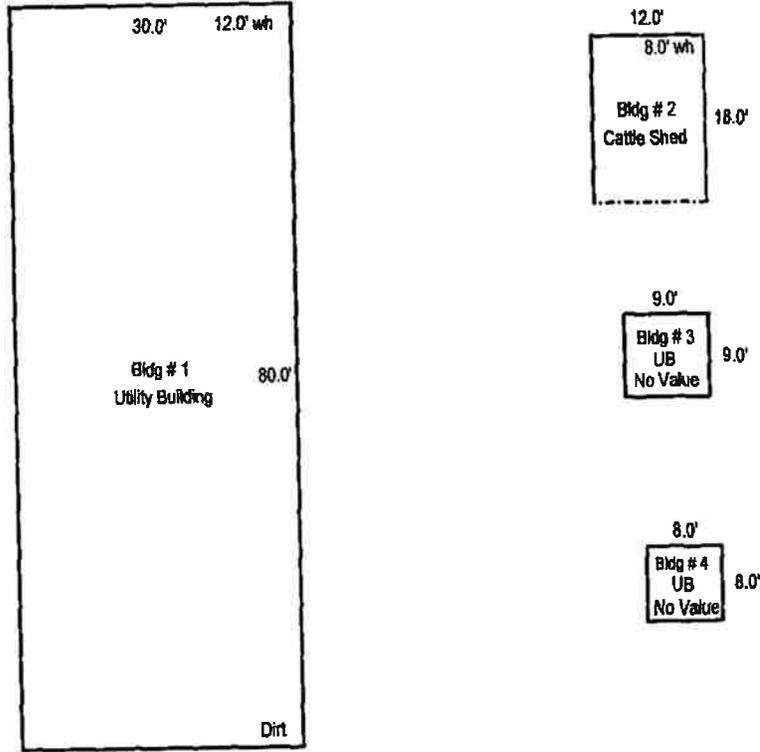
Neighborhood 99

Appraised By PSW

Inspection Date 05-28-08

SUBJECT

IMPROVEMENTS SKETCH



AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
AGCS	Cattle Shed	1.00	216.0	60.0	216.0
AGUB	Utility Building	1.00	2400.0	220.0	
	Utility Building	1.00	81.0	36.0	
	Utility Building	1.00	64.0	32.0	2545.0

AREA BREAKDOWN

Breakdown	Subtotals

AREA CALCULATIONS

Complaints:

- **5/13/2019:** Hello, I have been renting this unit for 7 month at \$800 per month. April 26, 2019 a guest of mine stepped on the step and broke it. I advised the landlord and they fixed it. The landlord did not fix the step correctly and I fell and broke my leg and toe. Since then the landlord has been very hateful and has told me via text, I need to fix the step or move out in 30 days. I spoke with a lady that advised me this property is not zoned for the 3 rentals she has here. Additionally, I have asked her to give me fire alarms and to please put lighting so I can see. We have one address/mailbox for all renters here and she pays utilities. She has also advised me that I must keep propane at all times. She said the propane is used for my unit only, but Apollo Propane advised me there was \$200 added in December. I did not add any propane on December. Could you please let me know if I am in an illegal rental? If she is responsible for proper lighting? Fire extinguisher? And if the steps that they did fix are safe. I don't believe they are.
Thank You so much
Kim Lampe
Reported by: Kim Lampe (hollandlampe@gmail.com or (719) 491-3385)
- **6/23/2019:** Stairs are dangerous, still not fixed properly. not standard code I still have no porch light. It is extremely dark when walking to and from my driveway Walkway to and from driveway has nails sticking up. They have tripped guests. I tried to fix them, but it needs more work than I can do. Extreme hazard. I have not received window screens for windows. Large pile of wood in front of house along with other items vehicles camper etc. No trash receptacles. There are 6 dogs that bark at 6am when they are let out to potty. This wakes up people that have to work and don't have to get up yet. Every day she allows this. The barking is very loud and irritating. Not quite sure why the lot is being mowed like it is? Ridiculous.
Reported by: kim Lampe (hollandlampe@gmail.com or (719) 367-9681)
- **11/10/2020:** Attached is a letter from the MLAA ref the ongoing Buschman harassment, and I do mean uncivilized harassment. Laura was out again Friday morning screaming at my wife for walking in the easement, although Connie was NOT on her property. This has got to stop! Several good faith remediation offers have made to them, i.e., to help clean up their property and decrepit storage building/hangar, create a new driveway off Cessna Drive (before the gate), landscape the taxiway easement, etc. We have received no response from them, other than continued screaming and threats. Never-the-less, they are in violation of single-family zoning, and it appears may not even have a residential well. We respectfully request that the County take immediate action on this. It has gone on way too long.
Reported by: Dave (falcon20flier@msn.com or (719) 339-0928)

Meadow Lake Airport Association, Inc.

13625 Judge Orr Road, Meadow Lake Airport (kFLY), Peyton, CO 80831-6051

Date: November 6, 2020

To: Craig Dossey, Executive Director, El Paso County Planning & Community Development

Subj: **DENNIS J. BUSCHMAN ... 13875 Judge Orr Road, Peyton, CO 80831**

Ref: Lot 1, Blk 1, Meadow Lake Airport Filing No 1 (Prop Sched 43040-01-001)

There seems to be some confusion about the status of this residential lot attached to the Meadow Lake Airport. While the Meadow Lake Airport Association has no authority over this matter, we do have a responsibility to speak on behalf of our membership: property owners of hangars and homes attached to the airport. Dennis Buschman (and Laura Cooke) claim to be seeking a rezone from "Single Family Residential" to "Multi-family", yet the EDARP indicates only an appeal on file (APPCE202). In either event, the Meadow Lake Airport Association is strongly opposed to a continuation (in violation of the current zoning) or conversion of this lot to multi-family residential.

During the complaint call on Saturday, October 31 about low-flying airplanes (? ... they live at an airport!), Buschman stated that he had eight tenants and that he was claiming "grandfather" status for "Multi-Family Residential". But the multiple structures dating back to the 70's and the reportedly "private club" of that period, are hardly a basis for compatibility to today's airport community. In fact, the rundown appearance of the property is a significant contradiction to the neighboring residential properties and the entry to the airport hangar complex.

The behavior of both Buschman and Cooke have not indicated reasonable neighborliness. Both have repeatedly harassed Meadow Lake property owners and neighbors, and have been cited by the El Paso County Sheriff's Office on multiple occasions for civil and criminal offenses. On Sunday, November 1, Buschman dragged a 500 gallon propane tank, with gas, from his property out to Cessna Drive for the airport to deal with. Reportedly, Apollo Gas had not removed it quickly enough. He was cited for "Criminal Mischief" and Reckless Endangerment". One deputy commented that it was the fourth time he had responded to this address that week. They are the source of continuing complaints against the airport (not to mention each other), yet they chose to live on the airport: Meadow Lake Airport Filing 1, Lot No 1. They exhibit the exact type of behavior that causes the FAA to dislike homes on or near an airport. Not to mention the continuing harassment of neighbors simply strolling or walking their dogs near, but not on, the Buschman property.

In addition to continuous complaints about aircraft and vehicle operation, Buschman has also expressed concern on several occasions about "the airport" depleting his water supply. The airport has no control or impact on private wells. In fact, one former tenant, who is a member of the MLAA, has stated that they frequently run out of water and he had to come to one of the hangars for water and use of facilities. This is hardly responsible behavior of a landlord or an appropriate residential complex for tenants. A check of the well permit history for this lot shows an interesting background.

Two years ago a request was made by another neighbor on the opposite side of Judge Orr (14200 Judge Orr Road, Hyatt) on a 39-acre lot, to construct an additional residence for an

elderly family member. We understand that the application was denied as incompatible with the single family character of the neighborhood. Certainly, the same neighborhood, the junk-yard like character of the Buschman property, and personal conduct of Buschman and Cooke, should easily support enforcement of existing "Single-Family Residential" and denial of an appeal to Code Enforcement or an application to County Planning for a rezone.

Statements from MLAA members and Buschman neighbors can be provided on request.

Sincerely,



David E. Elliott
President, MLAA Board of Directors
cell: (719) 339-0928 email: falcon20flier@msn.com

copy: Mindy Madden, Code Enforcement Supervisor
Nina Ruiz, Project Manager
Mark Waller, Commissioner, District 2
Christopher Leach, Attorney

Mindy Madden

From: Ryan Howser
Sent: Wednesday, March 25, 2020 11:57 AM
To: Mindy Madden
Subject: FW: 13875 Judge Orr Road

Hi Mindy,

Please see below. I believe you have an open case against this property for multiple dwelling units. Let me know if you have any questions.

Thanks

Ryan

From: Ryan Howser
Sent: Wednesday, March 25, 2020 11:49 AM
To: 'DBHarleyd15@gmail.com' <DBHarleyd15@gmail.com>
Subject: 13875 Judge Orr Road

Hello,

We spoke on the phone just a few minutes ago regarding the multiple rental units on your property. After our conversation wrapped up, I spoke to Nina and explained that zoning was first established for this property in 1965, not 1999. She advised me that because zoning was in place prior to the multiple rental units existing on the property, that it would be unwise to continue to pursue the determination of nonconforming use. There are no circumstances in the past zoning that allowed for three dwelling units on one property, so it would be impossible for us to make a positive determination on the use as legally nonconforming.

It's not a good idea to pay for the determination if we already know what the outcome is going to be. You had submitted an early assistance meeting request about six months ago for this property. If you would like to continue the use with two rental units on the property, you would need to pursue and receive approval from the Board of County Commissioners for a variance of use for multiple dwelling units on one property. The first step in this process is the early assistance meeting (EA). If you pay for the meeting, we can go ahead and get it scheduled. In the EA meeting, we will review the steps required for you to apply for the variance of use, including the public hearing process and ultimate approval. The fee for a variance of use is \$4,237.

You have already signed up for the EA meeting (<http://epcdevplanreview.com>). Once you have paid for the EA (\$427) you will be assigned a project manager and engineer. They will contact you to set up a time/day to meet. At the meeting they will discuss the process, fees, any potential issues, and submittal requirements. You should leave the EA feeling confident about what your next steps will be. My determination is based solely upon the information you have provided so it is possible that a different determination could be made if additional information was provided. Please let me know if you need anything else.

In an effort to be respectful of the health of our employees, family, and all citizens in El Paso County, we have closed our doors to the public until April 6th, pending additional extensions. During this timeframe we will be making every

effort to operate "business as usual." All phone calls and emails will be returned, projects reviewed, and necessary meetings held via conference call. Thank you for your patience. Be safe!

Thanks,

Ryan Howser, AICP
Planner I
El Paso County Planning & Community Development
2880 International Circle, Colorado Springs, CO, 80910
Main Office: 719-520-6300
Direct Line: 719-520-6049

