### El Paso County Parcel Information

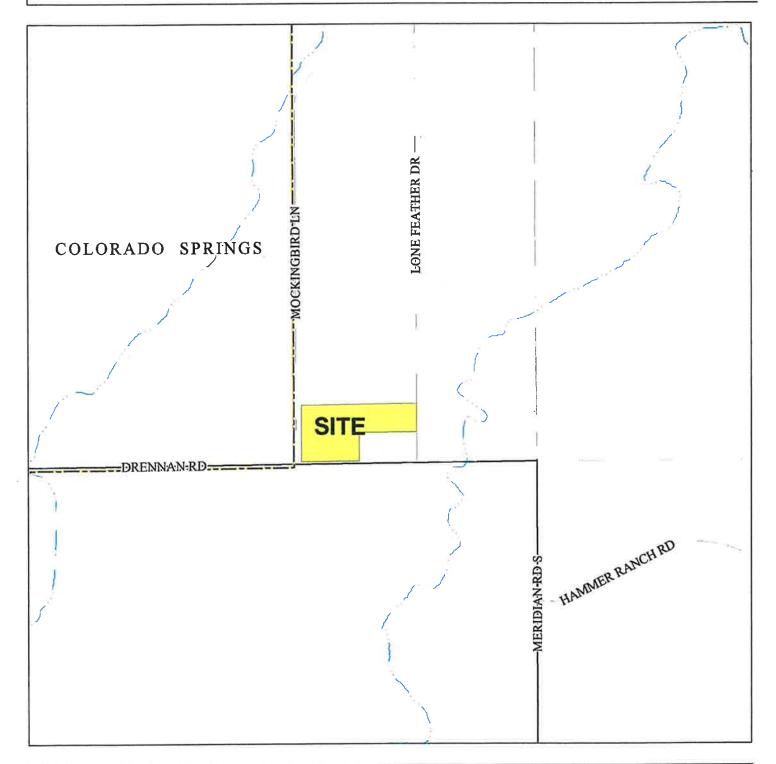
PARCEL NAME
5436003026 | COLE LONNIE RANDOLPH

File Name -	
Zone Map No.	(24)

ADDRESS CITY STATE

3420 LONE FEATHER DR COLORADO SPRINGS CO

ZIP ZIPLUS 80929 Date: September 12, 2019





## Code Enforcement

#### **Details**

File Number CE19477

Land Development Violations Occupied vehicle;

**Description** Temporary use to occupy vehicle has expired.

Code Enforcement Officer Mindy Madden ( mindymadden@elpasoco.com )

(719) 520-6304

Created 5/13/2019 5:05:38 PM

**Property** 

Address 3420 LONE FEATHER DR

COLORADO SPRINGS, CO 80929

Parcel 5436003026

Owner COLE LONNIE RANDOLPH

3420 LONE FEATHER DR

COLORADO SPRINGS, CO 80929

Zone RR-5

Legal SW4SW4SE4, N2SE4SW4SE4 SEC 36-14-65

### Inspections (28)

Status: Executive Determination Appealed

Followup: Due 9/23/2019

Date	Comment	User	Status
9/16/2019	Final staff report, blurb, and backup material emailed to Tracey Garcia to load into workflow.	M Madden	
9/12/2019	Notice of hearing scheduled for 9/24/19 mailed to the property owners.	M Madden	
9/11/2019	Photos taken showing current condition of the property.	M Shannon	
8/23/2019	Case file is in motion for appeal.	D Foxx	

8/20/2019	Status changed to Executive Determination Appealed.	M Madden	Executive Determination Appealed
8/20/2019	Email sent to the property owners that we will be proceeding with an appeal hearing which is tentatively scheduled for 9/24/19. I will notify the property owners once I am able to confirm this date.	M Madden	
8/19/2019	Direction received from Craig Dossey to proceed with an appeal hearing before the BoCC.	M Madden	
8/12/2019	Email sent to the property owners that I will discuss their email with my Director and ask if he will reconsider approving another temporary use. I also asked what the estimated time frame is for the completion of the house.	M Madden	
	Email received from the property owners that their goal is to have the house finished by March or April 2020, but depending on the weather, probably May or June.		
8/10/2019	Email (attached) received from Lonnie and Pat requesting an appeal of the Executive Determination.	M Madden	
8/7/2019	Executive Determination issued.	M Madden	Executive Determination issued
7/31/2019	Requesting executive determination.	D Foxx	Executive Determination Requested
7/30/2019	Inspection: Two occupied trailers are on the premises.	D Foxx	Under investigation
7/16/2019	AMENDED NOV sent to include correct citation for occupancy of vehicles prohibited.	D Foxx	
7/15/2019	Unable to issue an Executive Determination at this time. Code section cited at the bottom of the NOV is incorrect. Amended NOV needed.	M Madden	Under investigation
7/15/2019	Executive determination requested.	D Foxx	Executive Determination Requested

7/11/2019	Inspection: Two occupied trailers are on the premises.	D Foxx	Under investigation
6/18/2019	AMENDED NOV issued correcting referenced LDC Code 5.2.38 (A)(3)	D Foxx	Notice of Violation issued
6/17/2019	Amended NOV needed to cite proper section (5.2.38).	M Madden	Under investigation
6/17/2019	Inspection: No progress to abate violation for occupied RV. Requesting executive determination.	D Foxx	Executive Determination Requested
6/10/2019	Inspection: Occupied RV found on the property. Property owner is still in violation. Progress is being made on construction of the principle structure.	D Foxx	Under investigation
5/31/2019	Amended NOV issued to include both property owners	D Foxx	Notice of Violation issued
5/30/2019	Both property owners were not listed on the NOV. An amended NOV is needed.	M Madden	Under investigation
5/29/2019	Inspection: Occupied RV found on the property. Property owner is still in violation. Requesting executive determination.	D Foxx	Executive Determination Requested

5/21/2019

Lonnie emailed Petra Rangel with concerns regarding his TU expiration. He explained that he has made significant progress on construction of his principle structure, has his RV hooked up to electrical, well and septic, and wanted to know if there were any other options. He also expressed his confusion as to why he is not allowed to have an RV on the premises as a dwelling unit if he has it hooked up to appropriate utilities. Petra responded explaining that the Director of PCD has denied further extension and presented the guidelines of a TU showing that after a 12 month period the Director decides on matters of extension at their discretion. An extension was provided in November of 2018 and no further extension will be provided.

D Foxx

Lonnie called and asked about the the amount of time he has because his request for another temporary use extension has been denied. I told him he may be able to apply for a variance but it is unlikely to get approved and is costly. I forwarded him to a Planner to discuss other options he may have.

Lonnie called back and I explained to him what process will be taken by Code Enforcement all the way through to litigation. I recommended to him that he continue to work diligently and get his building completed for occupancy.

5/20/2019

Spoke with owner of the property (Lonnie Cole). He inquired about his violation and expired TU. He wanted to know if he could apply for another TU. I explained to him that he needs to speak with one of our administration technicians and that it is improbable that another TU is going to be granted. I forwarded him over to Petra Rangel's voicemail.

D Foxx

5/14/2019 NOV issued for occupancy of a vehicle. The occupant's TU

has expired as is no longer valid to allow for the occupancy of the RV.

D Foxx N

Notice of Violation

issued

New

5/13/2019 COMPLAINANT:

Land Development Violations: Occupied vehicle;

Description: Temporary use to occupy vehicle has expired.

Reported by: CEO Foxx

SYSTEM

investigation

5/9/2019

Inspection: Principle dwelling unit is still in construction process. RV is parked on property and being utilized as a dwelling unit.

D Foxx

Under investigation

Email received from Petra (Admin tech II) stating that there will be no extension for the TU and requested that I issue a NOV.

© 2019 - EPC EDARP

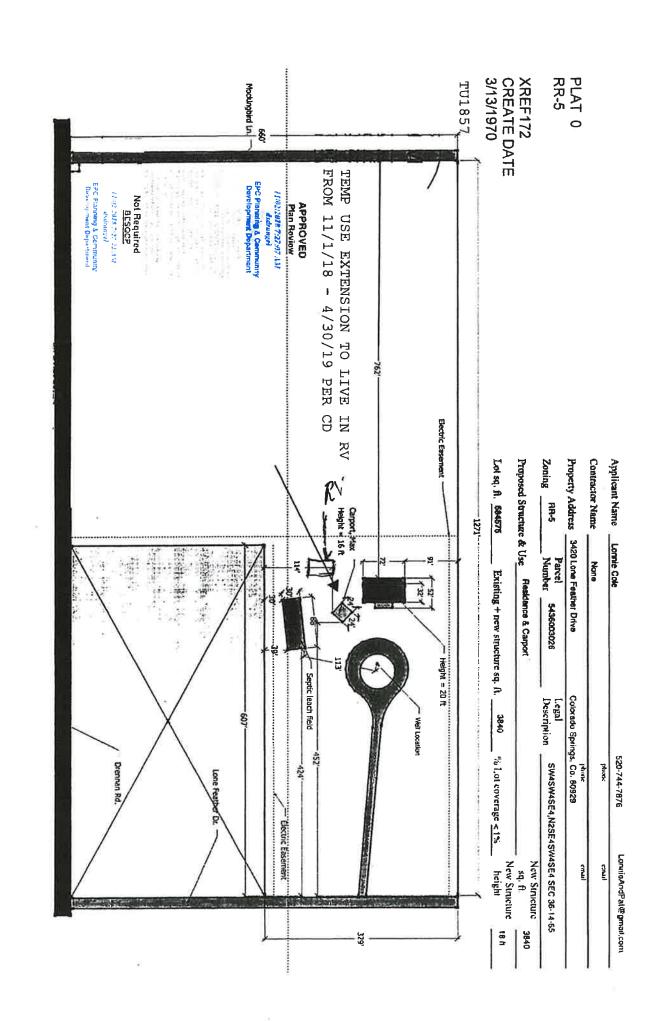


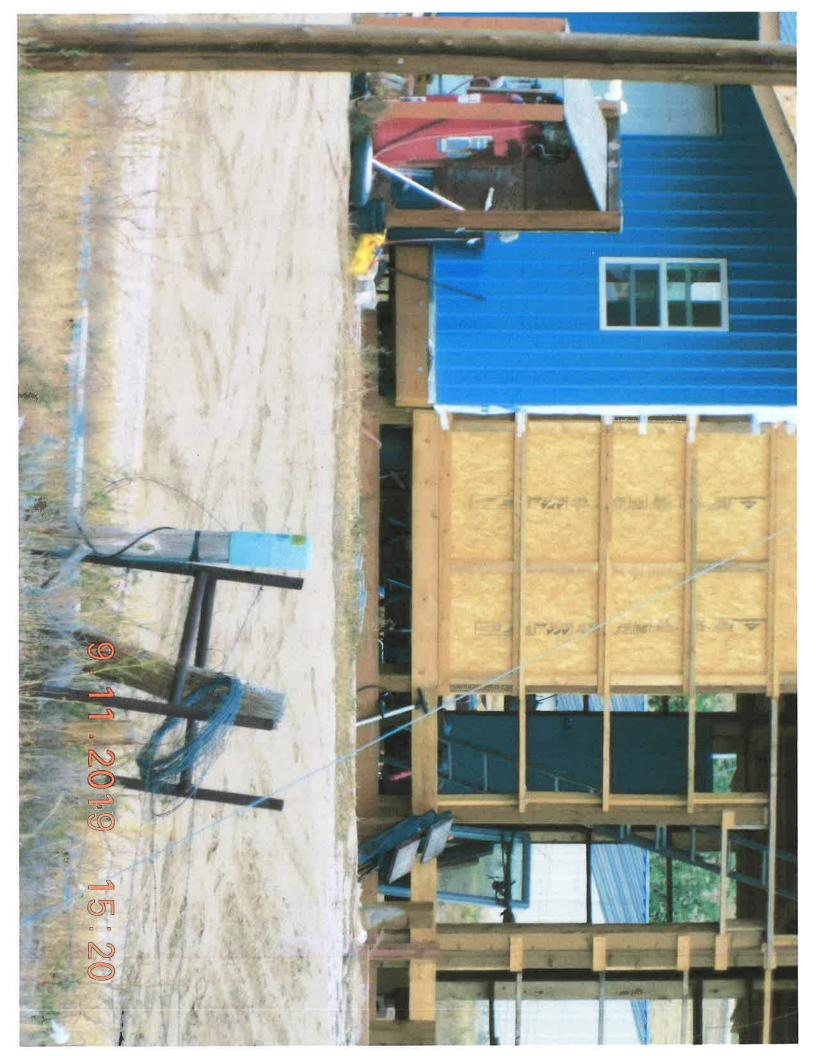
# Planning & Community Development 2880 International Circle Colorado Springs CO 80910

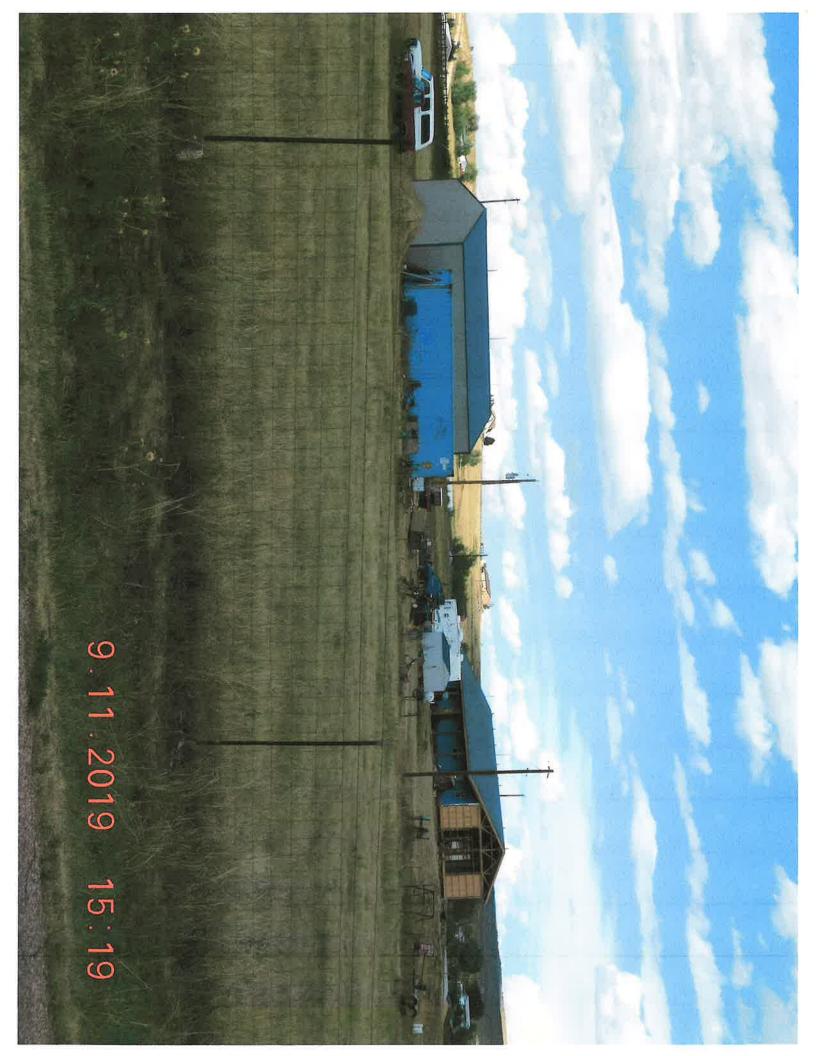
2880 International Circle Colorado Springs CO 80910
Phone (719) 520-6300 Fax (719) 520-6695 Website www.elpasoco.com

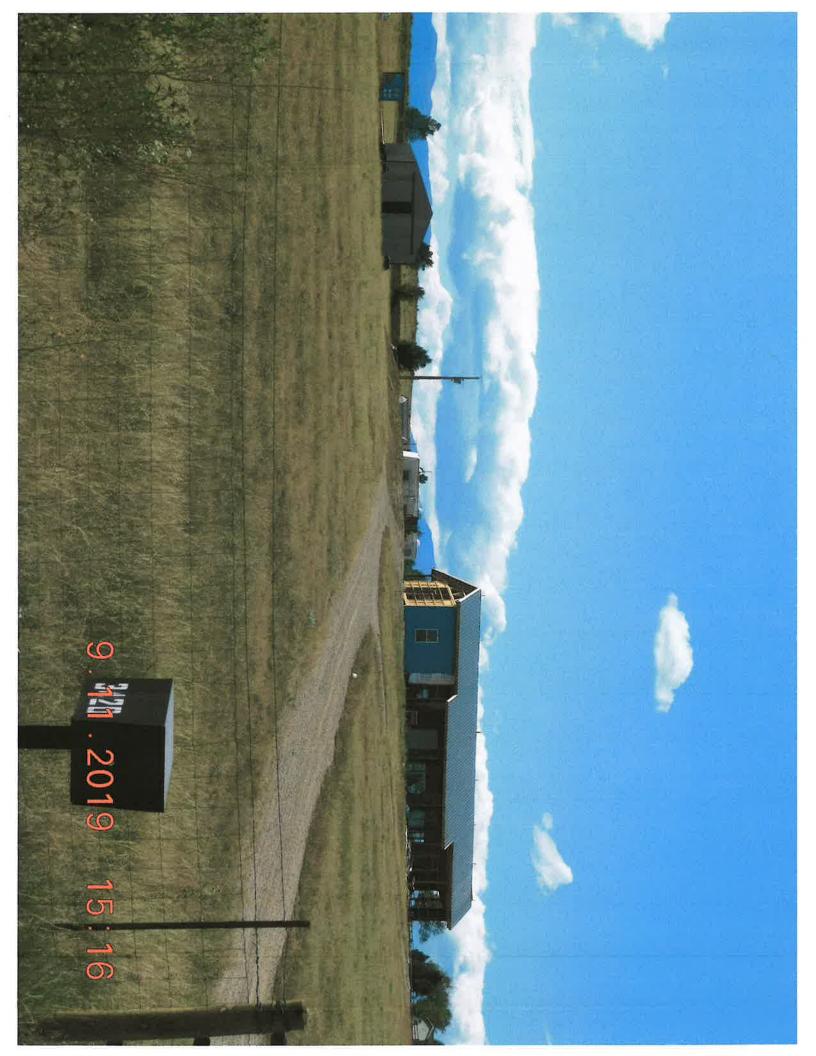
### TEMPORARY USE APPLICATION

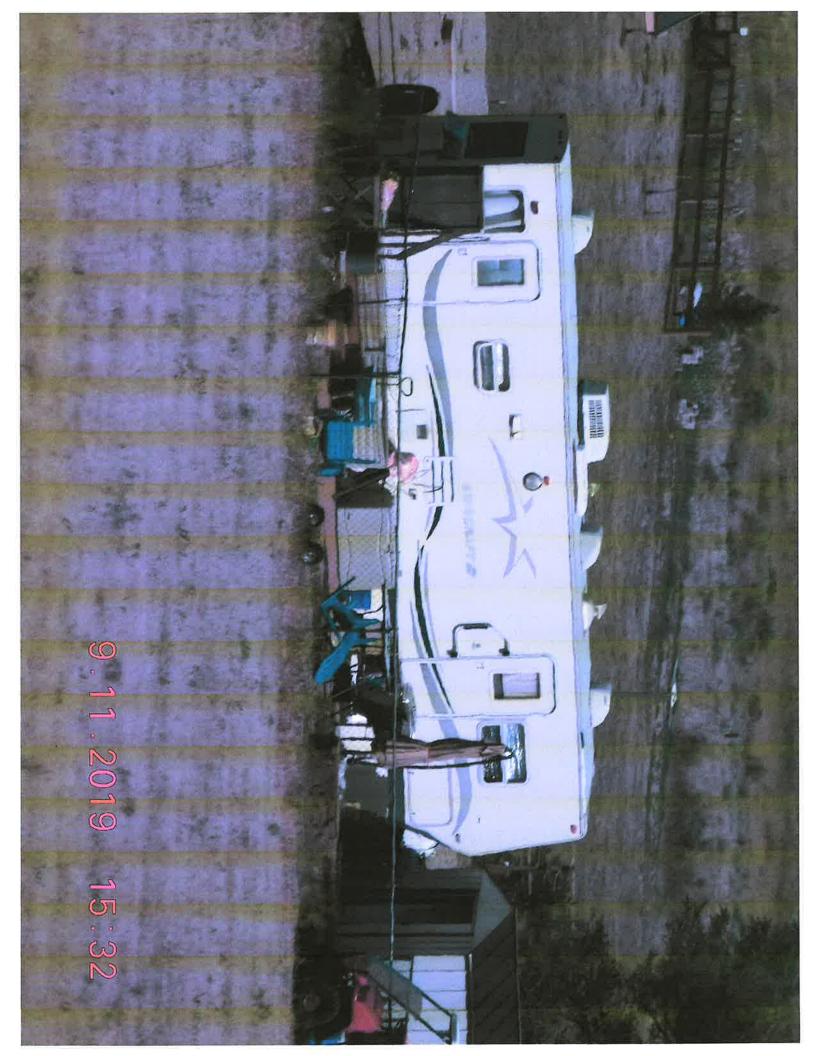
24 = 7	FILE NO. TU 1745
APPLICANT'S NAME LONNIE R. Gle	PHONE # 719-683-39
ADDRESS 3420 Lone Feather Dr. Clored  OWNER'S NAME Lonnie R. Che  ADDRESS 3420 Lone Feather Dr. Coloredo  (Street) (City)  ADDRESS OF TEMPORARY USE:  (Street) (Street)  NEAREST STREET INTERSECTION Drennen & Lone  TAX SCHEDULE NO. 573 COO3020  DEVELOPMENT PLAN NAME  SUBDIVISION NAME (If a sales office or model home)	Lo Springs Co. 80929  (State) 7/9-683-3900  Springs, Co. 80929  (State) (Zip)  Loredo Springs Co. 80929
TYPE OF TEMPORARY USE USe EV as residence do	wing house construction
SALES TAX NUMBER	
	TION DATE: 19/2/2018
FIRE DEPARTMENTAL APPROVAL (For fireworks stands only)	
(Sign	nature) (Date)
HEALTH DEPARTMENT APPROVAL FOR RETAIL FOOD ESTABLISI	
	(Signature) (Date)
ENGINEERING (Engineer Signature)	(Date)
PLEASE TAKE NOTICE THAT: Despite receiving a permit to sell fireworks without notice when the Fire Marshall declares a "Stage I or Stage Resolution No. 02-2, which was recorded on July 31, 2002, in the records Reception No. 202125072. Continuing the sale of fireworks in violation of filing of criminal charges and any other remedies available at law of it "Stage I or Stage II" restriction is implemented.	orks, the County may <u>prohibit</u> the sale or use of ge II" restriction due to high fire danger, pursuant to s of the El Paso County Clerk and Recorder's Office at fany Stage I or Stage II restriction may result in the
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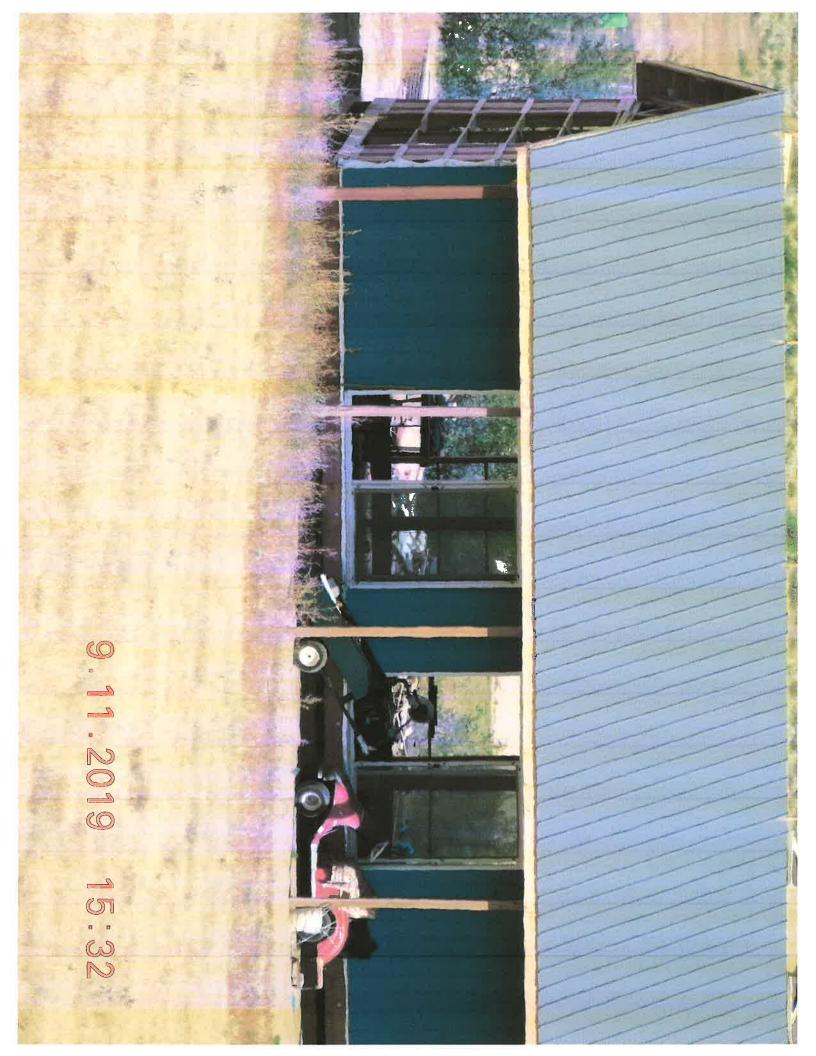


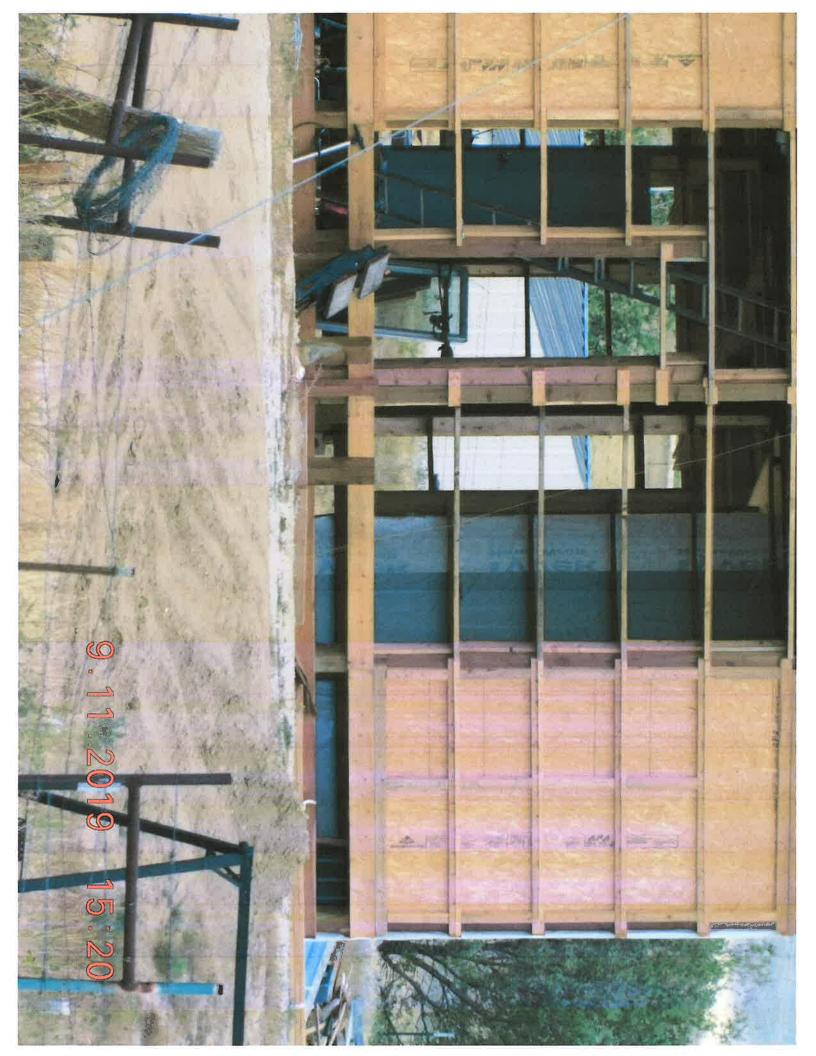














COMMISSIONERS: MARK WALLER (CHAIR) LONGINOS GONZALEZ, JR. (VICE-CHAIR) HOLLY WILLIAMS STAN VANDERWERF CAMI BREMER

# PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

September 12, 2019

Lonnie Randolph Cole Patricia Louise Cole 3420 Lone Feather Drive Colorado Springs, CO 80928

Re: APPCE-19-3

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 September 24, 2019 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

Code Enforcement Supervisor



### Mindy Madden

From:

LonnieAndPat <lonnieandpat@gmail.com>

Sent:

Saturday, August 10, 2019 9:19 PM

To:

Mindy Madden

Subject:

**Executive Determination Appeal** 

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

RE File No. CE-19-477

I just received notification of an executive determination referring my case to the El Paso County Attorney's Office to pursue litigation. With no instructions as to the process for appealing this decision, please consider this as my appeal of that decision.

When it came to my attention that the Temporary Use Permit I acquired allowing us to occupy our RV during the construction of our new home was expiring, I attempted to renew the permit but was denied renewal. I was told that the permit renewal was denied because I "hadn't made enough progress on the construction of the house". I feel that the denial was arbitrary based on several factors:

- 1) Since we are retired and on a limited income and budget for building our home, We cannot afford to hire a contractor so I am doing all the construction myself.
- 2) I feel that I have indeed made "significant progress" on the home construction as shown by the attached photos of the current state of construction.
- 3) The RV in which we reside has an inspected and approved septic system, water well and electrical power so there should be no health related concerns.

I feel that the only reason we are in violation of the Land Development Code is that the Temporary Use Permit for "continued use", not the use in general, was unfoundedly and arbitrarily denied. There was no issue using the RV as a residence for the period of the original permit but because of an unfounded decision that I have not made "enough progress" fast enough, we are now in violation of the Code.

It seems to me that the determination that we are in violation of the Land Development Code is discriminatory because I am of advanced age and can't afford to hire an expensive contractor and crew in order to "make progress" fast enough. That determination just doesn't seem reasonable.

Please reconsider this decision.

Lonnie and Patricia Cole 3420 Lone Feather Dr. Colorado Springs, Co. 80929

Photo from Dec 2018



Photos from 7/23/2019





Commissioners: Mark Waller (Chair) Longinos Gonzalez, Jr. (Vice-Chair) HOLLY WILLIAMS STAN VANDERWERF CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

## EXECUTIVE DETERMINATION AUTHORIZING LITIGATION

August 7, 2019

Lonnie Randolph Cole Patricia Louise Cole 3420 Lone Feather Drive Colorado Springs, CO 80929

Re: File No. CE-19-477

Property Owners,

A notice of violation was issued to you by El Paso County Code Enforcement on July 16, 2019 for violation(s) of the El Paso County Land Development Code (LDC) and/or County Ordinances on the property located at 3420 Lone Feather Drive (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 5.2.38 (A)(3) Occupancy of Vehicles Prohibited: No person shall occupy or reside within any vehicle and/or recreational vehicle. Recreational vehicles may be occupied when located within a RVP district or used as temporary housing subject to the standards of Chapter 5 of this Code.

\*\*\*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 5.2.38 (A)(3) of the Land Development Code as provided by Colorado law.

In accord with Section 11.3.2 (C) 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, Code Enforcement Supervisor, at 719-520-6304 or at mindymadden@elpasoco.com.

Regards,

**Executive Director** 

Craig Dossev

El Paso County Planning and Community Development Department

Enclosures: Resolution No. 18-010