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COLORADO

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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

Beck Grimm, El Engineer I

Craig Dossey, Executive Director

RE:

Project File #: AL-18-027

**Project Name: Newcomb Extended Family Housing** 

Parcel No.: 42130-01-016

OWNER:	REPRESENTATIVE:
Janice M Newcomb	Martina Hayhurst
12220 Preston Place	12220 Preston Place
Peyton, CO 80831	Peyton, CO 80831

## **Commissioner District: 2**

Planning Commission Hearing Date:	2/19/2019	
Board of County Commissioners Hearing Date	3/12/2019	

#### **EXECUTIVE SUMMARY**

A request by Janice Newcomb for approval of a guest house with special provisions for extended family housing in the RR-5 (Residential Rural) zoning district. The property was created via plat on February 13, 1973, as part of the Peyton Place Subdivision. On May 13, 1993, the Board of County Commissioners approved a variance of use for a second dwelling on the subject property for immediate family members with conditions that would meet current standards for a guest house with special provisions for extended family housing (VA-93-009). The previous variance expired after 5 years and the applicant is now requesting a special use with special provisions for extended family





housing. An aerial photograph from 1998 shows that there was no second dwelling on the property. Subsequent aerial photographs do not show that an additional dwelling was placed onsite. El Paso County Code Enforcement received a complaint on November 28, 2018, for inoperable vehicles and rubbish on the property. Code Enforcement notified the property owner on November 29, 2018. The violations were corrected by December 18, 2018. Compliance was achieved without the need for Code Enforcement to issue a Notice of Violation. A number of the adjacent property owners are in opposition to this application; their comments are attached to this staff report.

# A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

**Request:** A request by Janice Newcomb for special use approval of a guest house with special provisions for extended family housing in the RR-5 (Residential Rural) zoning district.

Waiver(s)/Deviation(s): There are no waivers or deviation requests as part of this application.

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

# **B. PLANNING COMMISSION SUMMARY**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

**Vote Rationale:** 

Summary of Hearing:

Legal Notice:

#### C. APPROVAL CRITERIA

Pursuant to Section 5.3.2.C of the <u>Land Development Code</u>, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a special use:

- The special use is generally consistent with the applicable Master Plan;
- The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
- The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application

demonstrates that it will provide adequate public facilities in a timely and efficient manner:

- The special use will not create unmitigated traffic congestion or traffic hazards on the surrounding area, and has adequate, legal access;
- The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
- The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
- The special use conforms or will conform to all other applicable County rules, regulations or ordinances.

### D. LOCATION

North: A-35 (Agricultural), RR-5 (Residential Rural) Agricultural/residential South: RR-5 (Residential Rural) Single-family residential Single-family residential

East: RR-5 (Residential Rural) Single-family residential West: A-35 (Agricultural), RR-5 (Residential Rural) Agricultural/residential

## E. BACKGROUND

The property was created via plat on February 13, 1973 as part of the Peyton Place Subdivision. On May 13, 1993 the Board of County Commissioners approved a second dwelling on the subject property with conditions that would meet present standards for a guest house with special provisions for extended family housing. The previous variance expired after 5 years and the applicant is now requesting a special use with special provisions for extended family housing. El Paso County Code Enforcement received a complaint on November 28, 2018 for inoperable vehicles and rubbish on the property. Code Enforcement notified the property owner on November 29, 2018. The violations were corrected by December 18, 2018. Compliance was achieved without the need for Code Enforcement to issue a Notice of Violation. Typically extended family housing is approved administratively, however, this proposal has received copious attention from adjacent neighbors, which is why the project has been elevated to be heard by the Planning Commission and Board of County Commissioners.

#### F. ANALYSIS

# 1. Land Development Code Analysis

The <u>El Paso County Land Development Code</u> (2018) requires a special use and a residential site plan approval for a guest house with special provisions for extended family housing. The <u>Code</u> has specific use regulations for a guest house. A guest house may not exceed the size of the principal residence on the lot or 1,500 square feet, whichever is less. All electric, gas, central or municipal sewer and water services to the guest house shall be interconnected to and indistinguishable from that of the principal dwelling units and shall not have separate meters, service lines

or billings. The <u>Code</u> also states that a permit may be authorized as an administrative special use to provide for temporary living arrangements to house immediate family members whom are elderly, disabled, or exhibit a family need, or whom are immediate family providing for the needs of the residents of the primary residence on the property. The approval of the permit shall be based upon a finding that the following standards and conditions have been met:

- There is a legitimate family hardship or need that justifies the request for the extended family housing.
- The special use standards of Chapter 5.3.2 of the <u>Land Development Code</u> are complied with.
- The extended family housing shall be removed within 3 months after the need no longer exists or 3 months after the date of the expiration of the permit, if one is specified, unless an application to legalize the use is submitted or an application to subdivide the property is submitted.
- In conjunction with an approval for extended family housing, an affidavit signed by the owner is filed for recording with the Clerk and Recorder acknowledging that the extended family housing may not be leased or rented and that removal of the structure may be required for failure to comply with these terms of approval.

## 2. Zoning Compliance

The property is a 5.01 acre legally created parcel in the RR-5 (Residential Rural) zoning district. Based on the applicant's site plan drawing, the extended family dwelling will meet the 25-foot setback from all property lines in the RR-5 (Residential Rural) zoning district. The proposed dwelling will be 103 feet away from the side yard property line, and approximately 200 feet away from the front and rear property lines. All of the existing structures meet the 25-foot setback. The proposed structure is labeled on the site plan drawing as 1,900 square feet. This exceeds the limits on the guest house, with the existing principal house being 980 square feet. The size of a guest house is limited to the size of the principal residence or 1,500 square feet, whichever is smaller. If the special use application is approved, the classification of the guest house and the principal house will switch, with the 1,900 square foot structure being the principal dwelling, and the 980 square foot structure being the guest house. The residential plot plan will recognize this transfer and the extended family housing affidavit will be recorded at that time, stating that the extended family housing will not be leased or rented.

## 3. Policy Plan Analysis

The <u>El Paso County Policy Plan</u> (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 13.1.3**- Recognize the need for housing alternatives that provide for the county's special populations. Special populations may include low income, elderly, and physically and mentally impaired.

The purpose of the administrative special use for a guest house for extended family housing is to provide housing for an immediate family member to live on the property to assist a family member in need. As cited in the applicant's letter of intent the property owner is disabled and needs her granddaughter's family nearby to help provide care and assistance. This application recognizes a need for housing alternatives that provide for the county's different populations.

## 4. Small Area Plan Analysis

The property is located within the <u>Falcon/Peyton Small Area Master Plan</u> (2008). Relevant policies are as follows:

**Goals and Principles 3.3.1-** Encourage diversity and variety in housing types, sizes, locations, and prices to meet the needs of existing and new residents.

Goals and Policies 3.3.4- Meet the housing needs of as many existing and new residents of differing ages, incomes, and desired living accommodations.

**Recommendations Map**- The <u>Falcon/Peyton Small Area Master Plan</u> shows the subject area of the small area plan as "existing and approved rural residential density (2.5 – 5 acres per dwelling unit) development.

The subject application will allow the housing needs of existing and new residents of differing ages, incomes, and desired living accommodations to live in this part of the County. The dwelling units per acre of the subject parcel will be 1 dwelling unit per 2.5 acres.

#### 5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The <u>Master Plan for Mineral Extraction</u> (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

# G. PHYSICAL SITE CHARACTERISTICS

## 1. Hazards

No hazards exist on the subject property.

#### 2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

## 3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel 08041C0350G dated 12/07/2018 shows that the property lies within Zone X, an area determined to be outside the 500 year floodplain.

## 4. Drainage And Erosion

The property is located within the La Vega Ranch (CHBR0400) drainage basin, which is unstudied and is not a fee basin. No public drainage improvements will be required.

## 5. Transportation

The property is accessed via Preston Place. A traffic impact study was not required due to the fact that the special use is not expected to generate 100 daily vehicle trips more than the property would be expected to generate without the approval of the special use request. No public roadway improvements will be required. Effective on and after January 1, 2020, property in the unincorporated area of the County that receives a building permit either in a public hearing or administratively is subject to the payment of road impact fees.

#### H. SERVICES

#### 1. Water

Water supply is provided by an individual onsite groundwater well, permit number: 93219-VE. The property owner shall adhere and abide by the allowances of their well permit.

#### 2. Sanitation

Wastewater is provided by a professional engineer designed onsite wastewater treatment system that was installed and approved in 1994 for two houses.

## 3. Emergency Services

The property is within the Peyton Fire Protection District.

## 4. Utilities

Electrical service is provided by Mountain View Electric Association and natural gas service is provided by Black Hills Energy.

## 5. Metropolitan Districts

The subject property is not located within a metropolitan district.

## 6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a special use application.

## 7. Schools

Land dedication and fees in lieu of school land dedication are not required for a special use application.

## I. APPLICABLE RESOLUTIONS

Approval

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Disapproval

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# J. STATUS OF MAJOR ISSUES

There are no outstanding issues.

### K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.2 of the <u>El Paso</u> County Land Development Code (2018); staff recommends the following conditions and notations:

#### CONDITIONS

- 1. Approval is limited to the extended family dwelling, as discussed and depicted in the applicant's letter of intent and site plan drawings.
- 2. Prior to building permit authorization, the extended family dwelling affidavit stating that the guest house shall not be rented or leased must be completed, notarized and submitted to the El Paso County Planning and Community Development Department for recording with the Clerk and Recorder.
- 3. Prior to building permit authorization, the applicant shall apply for and receive approval of a residential site plan.
- 4. The proposed use shall comply with all requirements of the <u>Land Development Code</u> and all County, State, and Federal regulations except those portions varied by this action.
- 5. The property owner shall comply and adhere to water allowances as determined by the State of Colorado and detailed in the approved well permit (No.: 93219-VE).

## **NOTATIONS**

- 1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. 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 special use conditions/standards are being violated, preceded by notice and public hearing.

3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

## L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight (8) adjoining property owners on January 30, 2019, for the Planning Commission meeting. Responses are provided.

## M. ATTACHMENTS

Vicinity Map Letter of Intent Site Plan Public comments

# El Paso County Parcel Information

PARCEL NAME
42T3001016 NEWCOMB JANICE M

File Name	AL-18-027
Zone Map N	No.

ADDRESS CITY STATE
12220 PRESTON PL PEYTON CO

**ZIP ZIPLUS** 80831 8617 Date: January 29, 2019





#### Add PCD file No.AL1827

#### Request of justification:

We are asking for a special use to allow for a guest house with special provision for extended family housing and this applications has certain regulations. I will provide a copy from the land development code under guest house 5.2.28 and the special use section 5.3.2 for everyone to understand the specific standards.

I am disabled and need my grand daughter and her husband and their family near so my granddaughter and her husband are able to provide care and assistance. There is existing structures on the property barn, garage, wellhouse. Total number of residential units is one 14 ° 71 mobile that Janice lives in. My granddaughter residence will be a new or newer residence.

Proposed use: One single family home, one guest house with special provisions for extended family housing.

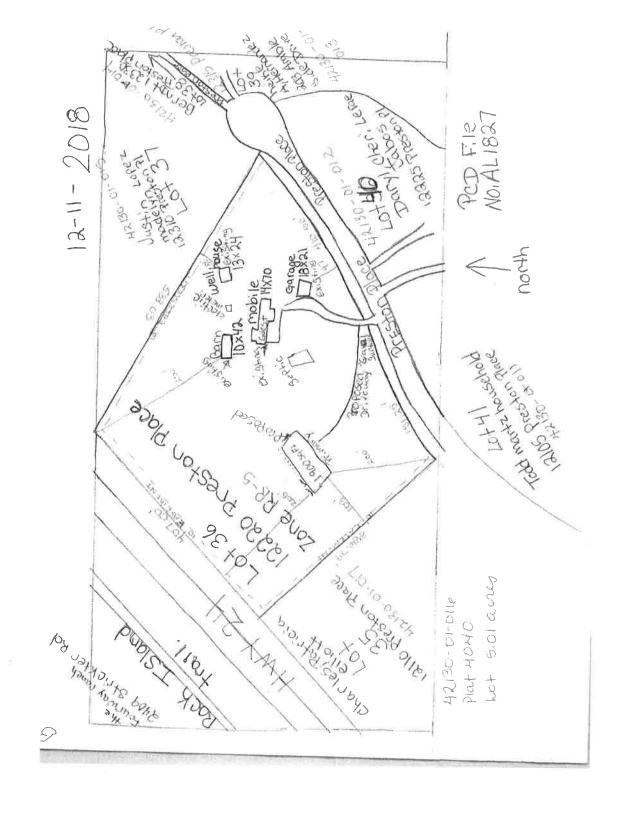
- There is a private engineered septic ( made for 2 homes). I want to clarify that the septic goes by rooms not people and will not affect anyone it is 2000 gallon engineered septic an made for 5 + rooms.
- We'll hook ups for 2 homes an this will not affect any adjacent property owners because it's a private well.
- Electrical hook up.
   These were all installed with the previous variance I had. An was done nicely to not offend any of my neighbors of 26 years.
- 4. I also want to verify that the drainage from the proposed use will not have a negative impact on any of the adjacent properties.

Janice Newcomb

April Mar

12220 Preston place Peyton Colorado,80831

719-749-2694.



December 3, 2018

El Paso County Zoning
Leonard Kendall
2880 International, Ste 110.

Colorado Springs, CO. 80910

Ref: Parcel 4213001016-www.epcdevplanreview.com

Dear Mr. Kendall:

l am writing in regards to the application for Variance for the Newcombs Extended Family, 12220 Preston Place, Peyton, CO. 80831.

At this time; I feel the application is incorrect and not submitted correctly, as required by Zoning instructions.

- 1. Notice to Adjoining Home Owners. Mrs. Newcomb used, Example 1 in notifications as a street, where only 3 parties to have a opinion to a additional Mobile home being added to this property. The correct notification, per your application, was Example 4, notification on a Cultisac, that would include all parties, that would be effected by this variances request. I ask El Paso County, to correct notification process, to the examples, as stated on your Zoning Application site. Mrs. Newcomb is aware she lives on a Cultisac and Example 4 was the correct notification procedure and should had followed your clear directions correctly. The drawings and examples are clear and easy to understand.
- 2. Specs of use: This spec plan is dated 1993 and is clearly incorrect. The current 14x70 Mobil Home is not placed where indicated on this plan. See photos by Covenant requested drive-by. The home is straight from driveway, does not show the garage placement, is missing the torn up well shed the eye sore since 1993, is not indicated on this plan, nor any livestock out buildings. Including but not limited to; a modification needs to be presented to Zoning that part of the back lot will have a expansion of Hwy 24 that will effect the size of the lot. 5.01 acres will not the the correct size of this lot, a 4 acre with current existing buildings would be correct. I request Zoning to obtain the Plans of the Hwy Improvements, from CDOT in Mrs. Newcombs possession, that will be effecting this lot size, before any further request be made for this Variance. Lot size and drawing is incorrect. These plans from 1993 were just copied and submitted. This is indicating no Licensed General Contractor or Authoried Agent dated 2018, with the assumption you would not catch that date. So this project will be family built as before, with the same history from 1993, with no General Contractor direction or guidance. I am aware Mrs. Newcomb can be her own Contractor, but nothing ever gets finished or looks professional.

- 3. Per the Plans and Specs, this new Mobile Home, (??? not described) will be placed over a open hole, that currently has natural debris "compost" and some construction debris "concrete", placed into the hole as filler. A request was made to Mindy, El Paso County Compliance, to do a drive-by visual inspection, on the current conditions of 12220 Preston Pl., Peyton Colorado. This was requested, so El Paso County Compliance would assist as a neutrial arbitration, on behalf of the current land owners, adjacent to this variance request, due to fear of retaliation, that has already been threatened to all owners.
- 4. The Notice of Intent, claims only 2 additional people will be living on property. There will 8 + living at 12220 Preston Pl., Peyton, CO. 80831. If there was only 2 people, a variance, would not be required. This count needs to be addressed, how many residents will actually reside on this property to to proper services will be able to supports the large number of residents.
- 5. El Paso County Compliance provided a drive-by observation on 11/29/2018 at 3:00 pm, as requested and will report their findings, with photo support, to Mr. Kendall assigned to this project, as requested. You will see in the photos the plans are incorrect from 1993, there are current issues with abandoned vehicles, fences are and have been down for years, open hole was validated with debris that warranted a visual inspection. Mrs. Newcomb, continues to thumb her nose at compliance regulations from the past, that needs addressing moving forward for the future.

Adjacent homeowners have been kind enough, to not make us any problems, to our lifestyle, but the variance request, required these items and safety issues to be addressed, per the origination of Mrs. Newcombs request and where placements would be indicated.

6. On 11/30/2018 at 10.00 a.m. Mrs. Newcomb called El Paso County Sheriffs Office, Call for Service Number 2018-221587, made a request to file charges against Cheri Jacobs at 12225 Preston Place, Peyton, CO. 80831 for Harassment, due to the request, for a drive by visual inspection by El Paso County, Sheriff Deputy Gawugh, stated the call was a "cold" report with no information or support to validate any harassment, only Mrs. Newcombs rage about the incident. I ask you to take this sinister action by retaliation as threatened, by Mrs. Newcomb, to validate the constant bullying, harassment, lack of respect, to any and all adjacent land owners, the waist of time for Sheriff, for asking for arbitration, by El Paso County. This behavior, will be our future, with this project. Please scan this letter and attachments into you database, to validate that a professional review was required, but the STANDARD OPERATING PROCEDURES by the Newcombs, will be the example set forth with false reports, tantrums, false reporting to Sheriff Department, against neighbors, that voice concerns, be stopped A.S.A.P. The current request needs corrections to made and a HONEST application process be a MUST from origination and moving forward on this project.

Thanking you in advanced for consideration to my letter for concerns and please review El Paso County Compliance photos and report on the request of adjoining homeowners. The County drive-by should give support for working together on this project. Again, if violations are current on property, that is not harassment. That IS NON-COMPLIANCE to your community since 1993 and we are addressing these today, due to origination of Variance. I only asked for vehicles be removed

because they do not belong to Ms. Newcomb and a visual on the open hole, where 2nd home will be placed upon. Seems to be a problem regarding tires, that have been moved, painted, put along fence line as decorations. As expected, some disrespect to neighbors, living with investment interest, is now commencing.

Respectfully submitted;

Cheri Jacobs

**Daryl Jacobs** 

Lerae Jacobs

12225 Preston Pl.

Peyton, CO. 80831

719-322-8289

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Sunday, November 25, 2018 2:34 PM

To:

Len Kendall

Subject:

Variance for Newcomb File No. AL1827

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall:

Hello. Our names are Cheri, Daryl, Lerae Jacobs, I am a adjoining property owner to 12220 Preston Pl. Peyton, CO.

I was notified regarding the request for a additional Moble Home being put on this property.

I reviewed your application policy. I feel not all owners were notified correctley. Mrs. Newcomb used example #1 for the notifications, but this is a CULTISAC. Per your application process, indicates, more owners will be needed to approve, due- to-the- fact, they share common interest in the road and this can make gaining access to their properties, very difficult, during snow events, Application Example #4, would have been the correct notification procedure. All these owners are Seniors and Disabled, so their interests and voices, needs to be equally considered, because it will effect them every day of living on this cultisac.

Also, the notification to property owners, claims only 2 people being added to the property. That is incorrect, the count will be 8 + users of the property. This needs to be reviewed, correctly, for well and septic requirement standards.

The variance in 1993 was approved with 2 false approval letters. The letters from 4 Way Ranch, on Elbert Rd. IS NOT a adjoining property owner, that voted FOR the variance AND S & T Cattel CO., W. Tracy Lee, was the seller of the lot, the Developer. Mr. Tracy did not care, because his interest was for selling and making money on this lot, he never was a adjoining property owner, never lived there or be living there, in the future. I feel this is example of two FRAUDENT adjoining owners. Clearly, this property was BOUGHT on 2/21/1993 with INTENT to be Multi-Housing FROM PURCHASE, submitted March 3, 1993 with a Variance, (10 days). This was a PURCHASE ISSUE, NOT a ZONING issue. But slid right past the eyes of the El Paso County. You did not catch the fraudulent owners being addressed, that gave favor to vote for a property variance, funding their own personal interests. I expect more from El Paso County. With technology today, this can be checked now. How a 1979 single MH, got pulled into there, is beyond me and decomposing since being pulled into lot. This was not improving the community???

I was told, by Mrs. Newcomb, in July, Grandkids and Great-Grandkids, don't want to pay high rent in town, they were moving here period, because, Landlord raised their rent. Mrs. Newcomb threatened a lawsuit against me, if I did not sign this Variance. I have be bullied for 20 years and this stops, today. You need to be aware, I am done with 20 years of problems, living next to this lot and now threats and harassments towards me, is happening NOW. At this point, anymore threats going forward, Sheriff will be notified, along with the constant abuse, the family does to the roads, that El Paso County DOT services. I will call Chuck Deon, report on a daily basis, start having the County, take consideration to others who live here. Pictures for your review of road damage will be provided at the meeting. We will need a long meeting, to disclose pictures and support, against this project. But notification must be done correctly from the beginning. Period. She knows this is a Cultisac,

but avoiding other lot owners, on purpose, is not correct notification to people with investment and ownership rights.

I ask you to get in your vehicle and come see this project, that has not been completed from 1993 and a continued eye sore, from day one, nothing is completed to this day. Covenants have been broken over and over, junk cars on lot for years, no paint since origination 1993. The home there now, IS NOT on any foundation, SHOULD HAVE BEEN, title is from 1979, (40 years old) has not had any visual improvements, ignored since the beginning. The past behavior will be the future behavior and I will be watching every document filed, so no fraudulent documents happen again, as it did in 1993. Only now, they started the cleaning of the property, 4 roll offs of trash have been done to make room for this project, but I have had to live by it and seen this mess for over 20 years and a huge hole, being addressed for this project, due to this home going to be over this hole, per specs submitted. You need to see this hole and what is in it. Please do NOT allow more crap in here, to rot, decompose, blow into our properties. I beg you, to drive out here. Please come see this asap, support our voices, to understand our complaints. This week...can you come out here and perform a drive-by.

\*\*\*FYI...they were served a letter from C-DOT, 11/24/2018, they will be loosing part of this property due to the widening of Hwy 24. This application needs to be voided immediately, \$\$ refunded, due to the above stated problems and this Highway project commencing. You can't make any decisions, NONE, until the project is completed and lot re-structure, will be modified, by State of Colorado. Waist of all our time, because changes are coming. So this puts the specs unable to be approved, due to this State takeover by the state. You can verify by contacting El Paso County Engineers this project is taking place. If approved, an appeal will take placed by us and our Attorney, will need be involved, due-to-the-fact, of this Hwy widening project. How can we vote on this.. when a HWY project is coming in taking part of this property. Too much being shoved at us to even make any decisions.

So you will have all NO's from all at my address of 12225 Preston Pl, Peyton, CO. 80831. We are going to fight this time. It is not 1993 out here anymore, expect improvements from the County, the disabled card being played again, is the same as 1993, (see scanned letter of intent on VA-93-009), for all other owners who DO following zoning and covenants and are all Seniors and Disabled with the same issues Mrs. Newcomb has, but living in a community without favors, with respect to the other owners..

Review: Your records on VA-93-009, clearly shows, they purchased the wrong property for what they intended from origination. Again, purchase problem. I checked zoning, before I purchased, they should have done the same. But, trying to move family, into our current land investments to avoid high rent, cannot be a free pass onto adjoining land owners, because we have an invested interest for over 20 years, if this starts, there will be no end to Variance requests. We cannot be El Paso County's Affordable Housing Program solver, but this is the intent to use these properties as such, going forward. There are rental properties available and Homes for purchases on the market, in walking/driving distance to 12220 Preston Pl, Peyton Colorado. This is the best option for our community, covenants, Hwy 24 widening project and zoning.

# Respectfully submitted:

Cheri Jacobs Daryl Jacobs Lerae Jacobs

Property: 12225 Preston Pl., Peyton CO. 80831. Ph: 719-322-8289

From:

Cheri Jacobs <tarawaywinds8989@gmail.com>

Sent:

Thursday, December 13, 2018 11:34 AM

To:

Len Kendall

Subject:

Project AL 1827-Newcomb Extended Family

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall;

I herby request, for the Modification to 12220 Preston Pl., Peyton, CO. 80831 from Colorado Department of Transportation. This buy out is to be settled by 12/20/2018.

Per the Site Plan provided to this project, clearly shows a Highway between this Property and The Four Way Ranch L.L.C. and dose not make them adjacent property owners. I am requesting review of the purchase agreement between Newcomb Extended Family and Colorado Department of Transportation for the community review.

This modification will change the width from a 2 way Highway to a 4 lane with safety turnoffs. This large buyout will change the acreage from a 5.01 acres to a smear I amount of land. (Approx. 6000 sq. feet of land being taken). Due to this modification, placements of homes and building would need to be re-defined and modified. The Four Way Ranch will have 4 lanes of Highway 24, turning lane turnoffs, Utility Easements, between their property and 12220 Preston Place. They are about 8 miles away from this project.

The owners on Preston Pl., Peyton, CO. (Todd Marst and Rose Burnt) would seem to have more opinion to this request, than Four Way Ranch. Todd Martz corner of lot, is directly adjacent to Newcombs' lot, (corner to corner) and shares the street.

The addresses of the owners are as follows. 12105 Preston Pl. and Rozella Burndt property is 40 feet away from this project. I can't find her address, but on El Paso County Assessors Site. Rose Burndt shares the driveway easement between Ms. Lopez and Ms. Hernandez and, sits as a flag lot, behind these two properties. If Lopez is adjacent and Hernandez is adjacent, then the theory, so is Rose Burndt by driving through those 2 properties. I hope you can see the lot placements and concur, that she and the Martz Family, also; should be notified as a adjacent owners on a Cultisac. Just my opinion, of course, but I feel there could be legal actions in Civil Court, if not defined today, against Newcomb Extended Family. Correct notifications are very important, due to investment authority, grandfathered into this community for over 20 years.

Can you please get a copy of the buy out agreement from CDOT, scanned into this data base, for my review, prior to sending out Letters on this request. I'm working on details, not on a blank request with tons of mistakes. Thank You.

Respectfully Submitted:

Cheri Jacobs 12225 Preston Place, Peyton, CO. 80831 Can you please get this information as-of-record for our review?

From:

Cheri Jacobs < tarawaywinds8989@gmail.com>

Sent:

Saturday, December 15, 2018 7:26 AM

To:

Len Kendall

**Subject:** 

AL 1827-Newcomb Family -Special Use-Notice of Error

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall:

On 12/14/2018. I met with my Attorney regarding this project. I had him review the Adjacent Property Owners Notice and El Paso County Application process.

He stated the notifications are under the advisement of El Paso County guidelines, BUT.....Lot 41 is adjacent by the corner to corner placement of the properties placement due to layouts of sub-dividing. If I am adjacent, then T odd Martz also, would be considered adjacent. This project would effect more due to traffic.

Also, on this map scanned into your data base, clearly shows lot 37, 38, 39 at the end of the Cultisac. You are requiring notification of 37 and 39, but jumping over a slice of Lot 38, Rozella Burnt.

Could you please reply to my e-mail today, why El Pasco County is not notifying these 2 lot owners. Please include why 4 Way Ranch has a opinion when this site shows a highway and railroad easement between there 120+ acre livestock range. If this is required, make sure 1200 notices goes out to the cows and are returned with hoofprints on there votes. That would be accurate notifications. As I said, I am watching every detail, that would be correct.

Please respond in writing via e-mail, why certain lots are being left out and livestock range has a vote. Makes no common since, in anyway, shape or form. Thanking you for consideration of this NOTICE OF ERROR per Cheri Jacobs, under advisement of Attorney.

Respectfully Submitted:

Cheri Jacobs

CC: Attorney via Forward. -M. Thomas

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Saturday, December 15, 2018 11:59 AM

To:

Len Kendall

Subject:

Al-1827 --- Occupancy Certificate and current Permits

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall;

I pulled Building Permits on 12220 Preston Pl., Peyton CO. 80831. There is no new permits on this property.

I do not see a Occupancy Certificate of record, after a major flooding event, that is in construction, at this time. This was a Haz Mat issue with Black Label for mold, everything was required to be removed from the home, I see no permits pulled and no inspections of record.

I see no current permits for the following projects going on at this time:

Flooding Reconstruction dated 2017, no permit for Hot Tub outside added to front of Mobile, no permit for the Exterior Siding Project on back, both sides of mobile, now sitting for a year now, not completed with exposed walls to winter conditions, no siding- the OSB board, now exposed to weather, had plastic added recently, approx. in November?

Are the filing of these required permits, behind with El Paso County or were they never purchased? Please refer, by photos, drive-by El Paso County Compliance. I have left Mindy a phone call, but she is out of the office till 12/19/2018, so; I feel you need to be included in all of our communications with project currently under re-construction in 2018.

Thank You:

Cheri Jacobs

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Sunday, December 16, 2018 11:34 AM

To:

Len Kendali

Subject:

File AL 1827-Newcomb

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall:

I really have a few more questions for you. I have to speak for several elderly people, who are disabled, have no access to the internet. So please bear with me, trying to represent their interest. They have no computers or Wi FI. They tell me to notify you.

The questions are on your re-defining instructions. The Site Plan states no additional structures are added to this address, #5, but the Adjoining Owners letter by Mrs. Newcomb states, she added a barn, garage, storage/or well house.

You stated a driveway permit will be required, but nothing about the following; Permits for septic, temp. electric to final electric, barn, garage, well house, 2 covered enclosed decks, hot tub, exterior siding project in process and she had a new furnace put in and we see not ONE permit on your site? Was that missed or are they not required anymore? Why was this not caught by El Paso County during the review process?

Mrs. Newcomb started getting sick in September when heat was turned on, and is still sick today. Was the new furnace ever inspected? No record of who installed? There is children staying in that home, God forbid a Carbon Menoxide or mold from leaks contributes to the illness that she is displaying. On 9/11/2018 I have texts from Mrs. Newcomb of headaches, weakness, pain, tbi or a seizures, flu like symtoms from September and still sick today? So, we need to notify you and have of record that El Paso County was notified.

Sorry to bring this up, but your very busy with 651 projects, this needs to addressed ASAP to not waist your time or ours. Can you please review the Building Permits vs current additions and see what your guidelines would be against photographs made by El Paso County Covenants. I know building size is a factor, but only El Paso County can make those requirements.

Thank You

The Elliotts Family The Jacobs Family

You can call and verify with the Elliotts at 719-749-2302 they agree on permit research before commencing of Guest House Request.

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Friday, December 21, 2018 11:30 AM

To:

Len Kendall

Subject:

Re: File AL 1827-Newcomb

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 Service at 520-6355 if you are unsure of the integrity of this message.

Thank you for your response. I want you to be aware the adjacents, do not have computers, e-mail, or Wi Fi due to their age. I'm glad you concur that 41 (corner to corner) should be included, but skipping lot 38, still hard to understand. AG Land, 4 Way Ranch, is not part of our community, so we will debate in the Board meeting. I have pictures of 1200+ plus cows on the AG Land, the Owners, per your requirement notification, lives in Colorado Springs, so that is a un-fair vote. Rozell Burnt, lot 38, will be affected with this request, due to snow drifts, created by the 3 foot stacked painted tires as yard décor and if a home "of some sort" is there, will also make a snow drifts, that in turn, will cause her to loose legal access to her property, if she needs medical care or fire support. That's important to me. So that will be a Civil matter. That's real nice, since she is 84 years old.

Looking forward to our meeting. Thank You, have a nice Holiday

The Jacobs

On Fri, Dec 21, 2018 at 10:58 AM Len Kendall < LenKendall@elpasoco.com > wrote:

Ms. Jacobs,

I have included your emails into the project file online. The project is still in review and we will look into everything that is required. Our office does not review structures other than their placement on the property and the use for which they are intended. I will make sure the appropriate people get notified. We consider adjacent to be across the streets, including highways, and across corners.

Best,

Len Kendall

Planner I

El Paso County Planning and Community Development

2880 International Circle, Suite 110

Colorado Springs, CO 80910

(719) 520-6300 - Main

(719) 520-6447 - Direct

From: Cheri Jacobs < farawaywinds8989@gmail.com>

Sent: Sunday, December 16, 2018 11:34 AM
To: Len Kendall < Len Kendall @elpasoco.com>

Subject: File AL 1827-Newcomb

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall:

I really have a few more questions for you. I have to speak for several elderly people, who are disabled, have no access to the internet. So please bear with me, trying to represent their interest. They have no computers or Wi FI. They tell me to notify you.

The questions are on your re-defining instructions. The Site Plan states no additional structures are added to this address, #5, but the Adjoining Owners letter by Mrs. Newcomb states, she added a barn, garage, storage/or well house.

You stated a driveway permit will be required, but nothing about the following;

Permits for septic, temp. electric to final electric, barn, garage, well house, 2 covered enclosed decks, hot tub, exterior siding project in process and she had a new furnace put in and we see not ONE permit on your site? Was that missed or are they not required anymore? Why was this not caught by El Paso County during the review process?

Mrs. Newcomb started getting sick in September when heat was turned on, and is still sick today. Was the new furnace ever inspected? No record of who installed? There is children staying in that home, God forbid a Carbon Menoxide or mold from leaks contributes to the illness that she is displaying. On 9/11/2018 I have texts from Mrs. Newcomb of headaches, weakness, pain, thi or a seizures, flu like symtoms from September and still sick today? So, we need to notify you and have of record that El Paso County was notified.

Sorry to bring this up, but your very busy with 651 projects, this needs to addressed ASAP to not waist y	
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would be against photographs made by El Paso County Covenants. I know building size is a factor, but of Paso County can make those requirements.	only El
· · · · · · · · · · · · · · · · · · ·	

Thank You

The Elliotts Family

The Jacobs Family

You can call and verify with the Elliotts at 719-749-2302 they agree on permit research before commencing of Guest House Request.

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Wednesday, January 2, 2019 3:13 PM

To:

Len Kendall

Subject:

Fwd: New Inquiry from PPRBD.org

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall:

I received this information and want you to have for your file on Friday. Also, on 1/2/2019, I dropped off 2 envelopes at front desk for you with Cheryl Mondragon. You were closed due to water main break.

Could you please have for meeting 1/4/2019 at 4:30 p.m.

Thank You;

Cheri Jacobs

----- Forwarded message -----

From: Matthew Matzen <matthewm@pprbd.org>

Date: Mon, Dec 17, 2018 at 9:32 AM Subject: RE: New Inquiry from PPRBD.org

To: Cheri Jacobs <farawaywinds8989@gmail.com>

You are correct there are no records of the additional work you stated.

From: Cheri Jacobs [mailto:farawaywinds8989@gmail.com]

Sent: Monday, December 17, 2018 9:30 AM
To: Matthew Matzen <matthewm@pprbd.org>
Subject: Re: New Inquiry from PPRBD.org

Thank you. I was wondering if not scanned intodata base because before scanning. We were checking, none were found.

On Mon, Dec 17, 2018 at 9:06 AM Matthew Matzen < matthewm@pprbd.org > wrote:

Good morning,

Thank you for your emails and I have forwarded them over to our compliance team to review. Have a great day.

From: PPRBD Notification

Sent: Saturday, December 15, 2018 2:21 PM

To: Rita Phillips < rita@pprbd.org>; Matthew Matzen < matthewm@pprbd.org>

Subject: New Inquiry from PPRBD.org

You have a new inquiry from Cheri Jacobs.

12220 Preston Place, Peyton, CO. 80831 - Newcomb Please be notified this residence is asking to change zoning to multi-family, this property has never had sewer permit or perk test, leach field inspection and new furnace was added, no permit found of record. Are the permits not on this site, because they were never purchased?

Email Address: farawaywinds8989@gmail.com

**Phone Number:** 7193228289

Note: This message was generated by <a href="www.pprbd.org">www.pprbd.org</a>, but may be replied to normally to get a message back to the person who sent it.

Browser: Chrome 64.0

This inquiry was sent to: rita@pprbd.org;matthewm@pprbd.org;

From:

CHARLES ELLIOTT < CHEZZER420@msn.com>

Sent:

Friday, December 28, 2018 7:08 PM

To:

Len Kendall

Subject:

Re: Administrative Special Use Request for Janice Newcomb

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 Service at 520-6355 if you are unsure of the integrity of this message.

File: AL-18-027

Parcel ID: 42130-01-016

To whom it may concern, we(Charles and Patricia Elliott, at 12110 Preston PL), being neighbors to(Janice Newcomb, at 12220 Preston PL), Strongly appose the "guest house". As it will increase traffic. Janice's grandsons treat the culdesac like a race track. Increase in noise(Because of the five children). It's our understanding that Janice has many code violations of her property that has not been addressed. Their farm animals(Four pigs) do not have adequate shelter to stay out of the weather. They start projects they never finish, which creates an eyesore.

The well house roof was never fixed and panels are still blowing off, creating hazzards to the neighbors. Since 1993 the mobile home has been on going construction, jobs are never completed, yet they want to move in another mobile home, under the guise of a "guest house".

We feel the property and well could not handle two mobile homes with five children, and possibly even more people.

Thank you, Charles and Patricia Elliott. 719-749-2302

EL Paso County Zoning and Planning 2880 International Circle, Suite 110 Colorado Springs, Colorado 80910

Attn: Craig Dossey, Director, craigdossey@elpasoco.com
Leonard Kendall, Planner I, lenkendall@elpasoco.com

Re: Variance Request from Ms. Janice Newcomb 12220 Preston Place, Peyton Colorado 80831 Parcel number 4213001016

December 20, 2018

Dear Sirs,

My name is Madelyn Lopez, my son Justin Lopez and I own the property whose address is 12310 Preston Place, Peyton, CO 80831. I currently reside on the property. On November 8, 2018, I received notice from Janice Newcomb, 12220 Preston Place, Peyton, Colorado 80831. The notice was sent certified mail and described Ms. Newcomb's intent to file for a variance to place a second dwelling on her property at the location stated above. The reason stated was due to health issues that greatly inhibit her ability live alone. Ms. Newcomb describes her health as poor and her condition as disabled. (Copy Attached)

To better understand the process, we are hoping that you can explain the process going forward and ensure that we have the opportunity to attend any hearing on the matter. It is our intent to protest any such addition to the property. Our property is adjacent to the Newcomb property on the eastside. I have been a resident of El Paso County for 60 years. I have always paid my property taxes and abided by all planning and zoning requirements, your records will note a variety permits that I and my family have obtained over the years to make improvements on a variety of properties including the property at 12310 Preston Place.

I am eighty years old and can understand the need to have family near and the additional care that age requires. With that in mind, I would like to note the reasons why my son and I oppose the variance on the Newcomb property.

- Ms. Newcomb's property has a variety of blight issues that include: non-working automobiles,
  old poorly maintained buildings, blowing trash, and animals (pigs, goats and sheep) that are not
  permitted according to El Paso County Land Use regulations. I have born a number of difficulties
  from the issues above, including blowing scrap that has damaged my trees and blowing trash
  from the Newcomb's burying trash on the property to avoid the time and expense of hauling it
  off.
- Ms. Newcomb has always had a large number of people coming and going from the property. A number much greater than the driveway permit originally allowed. To that end, these visitors have brought several of the junk vehicles that currently reside there. If the variance is granted, I suspect this will only increase and create an even less tolerable situation.
- The well and septic that currently serve the property are providing service for a single-family residence. How will this be addressed?

- Ms. Newcomb has been cited repeatedly for a variety of planning and zoning offenses. Your officer's have visited the property several times, and I have given them permission to enter my property to better view hers if needed. They have been very respectful, and declined my offer. I very much appreciate their attempts to address those violations.
- Ms. Newcomb continually rides herd on the rest of the neighbors holding them to a standard, that she herself refuses to abide by. She is hateful, un-neighborly and threatening. It is laughable that she makes such a request based on her declining health. I continue to see her out in her yard looking after her 5 grandchildren and attending to her family's animals that they house at the property.
- Finally, Ms. Newcomb continues to violate the acceptable animal provisions that have been laid out by the county.

I would ask that the county deny this variance. Instead of an additional residence, the Newcomb family could replace the existing home with a newer larger single-family home on a permanent foundation, much like the one I had to place my home on. In addition, this could concurrently be done with improvements to the septic and outbuildings. Together this would address the existing code violations and ensure that the property remains within the current planning and zoning regulations.

Please keep us in the loop, as this moves forward and feel free to contact us at any time, should the need arise.

Respectfully

Madelyn L. Lopez

Justin V. Lopez 719-491-6367

12310 Preston Place Peyton CO. 80831 Notice to Adjacent property owner's

The reason Lam asking for the Variance of use for a second triveling unit or one RR-0 lot, is that Librarice Newcomn's disabled and in populationary need my grand daughter and her husband near to provide pare and assistance.

This letter is being sent to you because Jamos Newtomb is proposing a land use project in El Paso County at 12220 Prestor place Peyton Colorado. 80831 Focated on the abust side of frighway 24 on 5.01 acros on 86-3. This information is being provided to you prior to a submittal with the county. Please direct any questions on the projects to Junce intercently at 1719-749-2694. 12220 Prestor place Peytor Colorado. 80831 from to any public hearing on this proposal a half-fraction of the time and stable of the public his may will be sent to the Advanced proposity owners by the El Place planning Copertines). At that time you will be given the till flace county confact information, the file number and an importancy to response other to: appoint or expressing no pointing in writing or in person at the sublic hierarchy for this proposal.

Janice Newconsti

giorn Itte

12220 Prestort place Peyton Colorado 60831 719-749-2004

## To whom it may concern:

Hello my name is Martina, I am janice newcomb's granddaughter. Since I moved to my grandmother house in Aug 2018 yes we have been cleaning up the property not because of the "new project" but because my grandmother has been wanting it done she was tired of how it looked and couldn't do it herself. We have only had 2 roll off dumpsters not 4 that was mentioned. I have provided receipts. The dirt hole that was addressed was getting filled in well before I moved in here. Even cheri Jacobs has put landscaping materials in there ,my grandmother has texts.

As to the malicious statement about my grandmother's house. Yes it has been painted the original was brown an white. Windows have been replaced. The porches that got addressed were original and have been here for 27 plus years only thing is the wood got updated due to age. As for the hot tub, my grandmother has had a hot tub since she moved here 27 years ago due to medical reasons. The insurance company had to replace the old one. The new spa is not currently in use. When it was delivered there was never a mention that you need a permit. We will make sure to acquire a permit if required. As for my grandmother's furnace was not just recently replaced. She had the ducts cleaned and the furnace serviced. There are carbon monoxide detectors in use, no one is sick. Yes my grandmother is permanently disabled and not getting any younger. There is no mold here. In 2017 my grandmother had a pipe burst, water flooded her kitchen and part of her livingroom. The company that was hired had hazmat come not for an issue of mold but, because they wanted to make sure there was no asbestos from the tiles and insulation due to the age of the structure, which the result was that there was not.

To address the issue of the "eye sore" well house yes my grandmother wants it redone, and siding put on her house but things take time an she has had to use her limited income on other things. Everytime we turn around, we get complaints and fix them that takes money and time. As for the minion tires it was not my attention to disrespect anyone I was trying to be creative and find a way to make them useful I didn't see an issue because I see tires around trees and Fields for animals to use ,piled on the side of houses, use for flower pots and that's not disrespectful? To state that they are causing snowdrifts we live in Peyton snow drifts form all on its own. I don't know how many times I've witnessed snow drifts on roads the middle of the field caused my mother nature. I feel that people should worry about their own property and stop nitpicking my grandmother's because everybody has things that they could fix. Yes my grandma did call the sheriff's department not because cheri Jacobs called code enforcement but because she was videotaping my family working outside on things that she complained on and watching every move we made. Even when other family comes to visit she videotapes and watches. Which is a massive invasion of our privacy. my grandmother did tell the sheriff that they were friends and she called code and that she asked cheri to leave her family and herself alone and she chose not to my grandma does have proof if needed. My kids don't want to play outside and fear of being videotape and watched which is sad we had some signs removed that state of no trespassing, cars broken into. We have had to spend money on more signs and better cameras.

I also wanted to state that I have never asked for a handout from anyone we work hard for our money, and to make a statement stating everyone can't be affordable housing problem solvers is an unwanted accusation and there was no need for it. We can afford to live on our own. Yes my lease was coming to an end and my landlord was going to raise the rent and we were looking to buy, but the housing market is crazy and yes landlords are taking advantage of it. My grandma didn't want us to renew our lease cuz she needed our help now, so we moved in and started helping right away. I didn't know it would be an issue with everyone and I had to ask for permission before moving on to my grandmother's property not anyone else's. I thought they would be grateful that things were getting done but I guess we weren't moving fast enough, and the cold and wind is unsafe to work in and my grandma wanted us to get a house here which I would be making payments on..

My grandmother has been under a lot of stress due to everything that has gone on to this point and her health has been deteriorating from the Stress, and stress can cause many symptoms like cold/ flu, weight gain, weight loss ,hair loss ,body aches ,etc ,etc .My grandma would have never thought that her friend cheri jacobs would ever do this to her. My mother and father even took cheri Jacobs to lunch to Red Lobster in January 2018 to say thank you. An cheri stated that's what neighbors do help one another. We heard from a person that my grandmother knows that she called asking questions and stated that I'm causing my grandma more health issues which is false and also heard that she can take better care of my grandmother more than anybody else can. And she is even wrote my grandmother a letter and sent it certified, my grandmother chose not to pick up cuz she wanted no form of communication with cheri Jacobs she accusing me of stealing my grandmother identity saying that I stole my grandmother's phone is false my grandmother has her phone at all times and stating that i challenge her I don't know when because the last time I talk to her is when she called my grandmother asking if we wanted leaves for are animals and I said thank you an even went out to help and I haven't had communication with cheri ever since all these issues have happened .my kids, my grandmother and my family have all been stressed out we have had to deal with defamation of character ,harassment, threats and more. as you can read in the several previous letters that she has wrote. And that's enough to cause stress and embarrassment and in fear of what else she might do. I don't feel that we have to answer to cheri Jacobs as she don't work for the El Paso county planning department or any other department . She shouldn't tell you guys how to do your jobs... And all of a sudden there are covenants that nobody follows but I guess only my grandmother breaks those rules.

The statement that my family is messing the roads up than I guess you should complain about the other people that speed, drift an what not they are dirt roads when it rains snows than u drive on them it happens. I have seen people that are not my family doing all of that. An my family shouldn't just be singled out. Everybody contributes to the road every time you drive on it.

And to state that we will trash my grandma's property and that will be the future is false assumption we have done nothing but clean and would like people to understand that things can't happen overnight and we don't want any issues with anyone and we want to live in peace and enjoy the property and not be in fear and for my kids and family not to be in fear of pictures and video tapes having fun and being happy the way it should be. People move to the country

to get away from the city life in fear of your kids playing getting grabbed walking home being hit by a car and riding a bike I understand these things can still happen. I lived here for many years growing up and went to Peyton school district and love playing outside, learning to take care of animals, breathing the fresh air, and having fun and my husband and I wanted the same for our kids. My kids love their school play sports, get tutoring has amazing grades and are doing well. An the stress cheri has caused could affect my kids and that is not ok.

And I wanted to state that my grandma bought her property, owns her property, she has invested on her own property and I have invested many years on this property Blood Sweat and Tears and so has my family an family members. Cheri Jacobs has appointed herself as the neighborhood spokesperson for Preston place, and in all my grandmother's years, she has never had an issue with her neighbors. Until Cheri Jacobs has been maliciously making them.

Thank you for taking time to read my letter.

From:

Cheri Jacobs < farawaywinds8989@gmail.com>

Sent:

Thursday, January 3, 2019 1:46 PM

To:

Len Kendall

Subject:

File-Al 1827-Newcomb

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall.

I am requesting the letter by Martina??? uploaded 1/3/2019, not signed, be removed as the "Applicant Response Letter."

- #1. Martina is Not on the Application. There is no Power of Attorney signed by Janice Newcomb, on this record, to give her Granddaugher the right, to speak on her behalf, when she knows nothing of the history of our community, clearly; not aware of anything prior to 8/2018, like dumpsters.
- #2. The community was notified, by El Paso County to please notify Mr. Kendall with any and all issues regarding this project. Issues have been stated, as requested. This was requested by Regional not by any Neighbor.
- #3 Martina..."??" is NOT on the Deed of Trust, has no Opinion Rights or Investment Rights, to override any and all comments. Due- to-this fact of NOT being a Landowner or a Adjoining Landowner, her comments and opinion do not apply. This letter speaks volumes in itself and I hope you reviewed the admissions stated on this response.

A certified letter was sent for request of a final payment, for work done on the flooding project, that has not been paid, along with the support of Black Label Restoration, who never was paid for their services on this property. The payments were to Janet Newcomb and to each subcontractor as joint payment, but Sub-Contractors were not paid. The Attorney General of Colorado, has been notified, for investigations to these checks for payments. Mrs. Newcomb continues to blame insurance for non-payment. Thank you for bringing this to a light to the Certified Letter. This admission, now constitutes, Liens for non-payment and now can be provide to El Paso Clerk and Recorder, refusal of settlement of payment for prior work done on this property.

No; I do not work for El Paso County, but I have been a Construction Specialist for the Construction Industry for over 40 years. My degree is in Risk Management and Compliance, UCC Law in the State of Colorado, bonded by the FDIC. So if El Paso County could utilize my services, please contact me. I speak as a professional with factual data and support and have had Adjoining Seniors, with no access to computers, in my best interest.

Any and all comments are supported by El Paso County Code Enforcement, that was called, to represent the Adjoining Landowners, to protect us from this continued, aggressive behavior by the Grandchildren, that are wanting to rent land, put a mobile home on the property. Code 5.2.28 is being ignored to the rules of a Guest Home and the Site Plan is incomplete.

Respectfully Submitted:

Cheri Jacobs



# PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

December 21, 2018

RE: Administrative Special Use Request for Janice Newcomb

File: AL-18-027

Parcel ID: 42130-01-016

## To Whom It May Concern:

This letter is to inform property owners adjacent to 12220 Preston Place, Peyton CO 80831 that they have requested a special use to allow for a guest house with special provisions for extended family housing within the RR-5 (Residential Rural) zoning district. The Planning and Community Development Director may make a formal decision regarding the request on January, 4, 2019 at 4:30 P.M. Any comments or questions may be forwarded to me prior to that decision. At the discretion of the Planning and Community Development Director, the approval process may be elevated to the Board of County Commissioners for consideration. Administrative approval by the Planning and Community Development Director is subject to the appeal provisions of the Land Development Code.

You may view the application documents online at <a href="https://www.epcdevplanreview.com">www.epcdevplanreview.com</a>. Please feel free to contact me with any questions, comments, or concerns you may have prior to the decision.

Respectfully,

Len Kendall, Planner I

El Paso County Planning and Community Development

719-520-6447

lenkendall@elpasoco.com

2880 International circle, Suite 110
Phone: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127 FAX: (719) 520-6695

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Friday, January 4, 2019 2:46 PM

To:

Len Kendall

Subject:

AL-1827-Newcomb

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 Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Kendall;

I have reviewed the Application in detail and wanted to advise, that Martina ???, was not authorized to have any comments by Mrs. Newcomb as the AUTHORIZED REPRESENTATIVE on your application form. I feel the attack against my name may need to be reviewed by my Attorney for a Civil complaint. Your application is very clear, a Representative needs to be authorized to speak, but you allowed this negative attack against me, that is not factual, backed by El Paso County Code Enforcement, Mindy, to be of permanent record, when not assigned, as a party allowed, to speak on behalf the Landowner. We have a HUGE problem here. Legal Issue!!

I called the El Paso County Attorney's Office and walked the Attorney through the Application and then to the letter, as a attempt to shame me on a Public Site. I told the Attorney's Office, I will give you till Monday morning to have this letter removed, before,I will commence legal action against the parties.

I feel this letter and the personal attack behind the attack, may have caused some of the Adjacent Landowners not be able to voice their rights and concerns, by this VALIDATED RETAILATION. I am thankful it was put out, so now, I have record of the application, the site map, the opinions or other Landowners and the lies and puzzle of information, difficult to even follow or read, that were false claims, made against me.

I feel there is ample amount of information to be able to file charges with the DA against this behavior as a slander attempt and used as a form of intimidation, in the opportunity, of using your process as a Public Shaming.

Again, thank you and your team for being respectful, understanding the conditions of my older neighbors and for your Public Service for working for our community. I understand the importance of Zoning, Permits, Covenants and Call-before-you-dig, 811, to keep our communities safe. Some just disregard, but thank you for representing us as a unified front.

Have a Nice Day;

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Friday, January 4, 2019 7:56 PM

To:

Len Kendall

Subject:

AL 1827 Newcomb

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Dear Mr. Kendall:

Please upload more mistakes I caught on my review. I was notified by Certified mail, this project is moving forward.

Whoever, is being given the authority to "PASS THE BUCK PROGRAM" better be aware of the agreement made by Ms. Newcomb and Regional Zoning on 10-2-2018. READ YOUR APPLICATION!!! SOME LAWYER WROTE THIS, FOR A REASON.

Here is my review, if the typing is so small, nobody reads the details. I own a magnifying glass, so I can help with your requirements.

TO THE BEST OF MY KNOWLEDGE, THE INFORMATION ON THIS APPLICATION AND ALL ADDITIONAL INFORMATION SUPPLEMENTAL DOCUMENTATION IS TRUE, FACTUAL, AND COMPLETE. I AM FULLY AWARE ANY MISREPRESENTATION OF ANY INFORMATION ON THIS APPLICATION MAY BE GROUNDS FOR DENIAL OR REVOCATION. AND BLAH, BLAH, BLAH...AND SIGNED AND AGREEDED TOO. NOW REVIEW ALL THE MISTAKES POINTED OUT IN YOUR REDEFINE DOCUMENTS. SO SIGNING A AFFIDAVIT TO NOT HAVE A KITCHEN WILL NOT SUFFICE. SORRY!!! You cannot enforce that requirement. You cannot enforce the Guest House not being rented. Clearly the children are already in school. You CANNOT enforce anything, if approved. You have no power. Please have for the Board meeting, how you will resolve these requirements and validation how you can perform, to the standards you require, in Land Code 5.2.28. So to be direct...PROVE IT!! If you cannot conform to your regulations, a DENIED request would be in your correct decision authority.

We were not born last night, not going to fly by us the Adjoining Landowners. You have not lived here and put up with the YEARS of B.S. we have endured. We live next to Disfunction Junction, refuse to live this lifestyle anymore. Excuse, after excuse... We are all Seniors Disabled and we all need help, so were all are on the same playing filed. The Neighbors are not medical attention seekers, needing attention to gain sympathy. But they require the same help from family and don't request the Zoning to be changed. We deal with it as Adults. I know the game being played, due to the open disclosures and will appeal as many times as need be.

The Landowners have requested other options, in a professional manner and these suggestions need to be considered. I will hold my opinion until the meeting, but know...we are unified in this, as a community. Again, a reminder; yes you do work for us. Planning works for the community, that includes the Adjoining Landowners!!

You waisted so much of our time, to meet your deadlines you required. Planning broke their agreement to Adjoining Landowners, your letter stated required response by 1/4/2018 at 4:30 meeting. Is there a insider friend involved here? I suggest, all Planning, sit down and read your FORMS. This should be a done

MONDAY and deal with the site plan. What's next? One done in Crayolas or on a chalk board? I cannot believe the mistakes made. You have a solid count of 8 Landowners AGAINST. That is the majority. Where the hell is our rights? That is not a "PASS OFF TO ANOTHER PARTY" because we don't want to deal with it. It's a disgrace. I will speak for my neighbors, because I have NO FEAR of this disrespectful family that gives the middle finger to neighbors, leaving for work and have learned, sometimes you have to get low to meet them at their levels.

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Sunday, January 6, 2019 9:21 AM

To:

Len Kendall

Subject:

I received your phone call.

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Thank you leaving me a message regarding the meeting. I was at work.

On the letter issue, from Martina ?? not aAuthorized Land Owner or Representative. I have a meeting with my Attorney on Monday to review, if this was a Defamation and Libel Malice action against me personally, with the intent to harm my reputation. CRS 18-3-105 clearly states any false statements that are obtained on a 3rd party site that is public, in writing, can be a Class 6 Felony under Libel enforcements. That was why, I called the El Paso County Attorney and had a in depth discussion regarding the use of your site, as a TOOL, to hurt people AGAINST their projects, as a form of intimidation. It's a Country owned product that needs review of responsibility and accountability. I am requesting, this action should VOID, any and all future requests, on a Professional level, on this project.

This response was not factual and on was not on the path of details of the site, home, placement, home design and the review of Land Code for the Guest House, that is what this discussion is suppose to be about. (What, when and where) On the issue of my responses being such a shock. Mrs. Newcomb actions, embarrassments, are the results of the against votes. Calling your neighbor, making threats of lawsuits and threats of false reporting to Sherriff on the neighbors, driving down to homes for face-to-face confrontations, is on her/their hands ONLY. (If you don't vote for this, I will do this to you; mentality). She, conducted herself, at her own free will, created her own massive stress, with continued web of lies. So, she was never a close friend. I have moved on, leaning this a person of no integerty. The statement of implying, I am breaking into their cars, is to assume, I did this for some reason. They have expensive cameras, signs all over property. I can advise Martina and Mrs. Newcomb what to do with them or where she can put them, but we are not here to discuss anything else, (the past or lunches) except this application, codes, permits, zoning. I don't have time, for the Newcombs childish drama, playing Victim, excuses, over and over, hatefulness and acts of shaming to distract, from the factual site issues, that are not even correct. There is not one locate, any indicators where the home will be placed, year or model of this future Mobile Home, nothing but dirt covering the hole where this subject non-disclosed product, is suppose to be place.

I'm thankful the Board will read all of this. I understand Mark Waller is a Attorney, so I have already notified him for a discussion. The Police Report on previous letters on 11-30-2018, the Newcombs' were "ALL" told, by the Sheriff, not to contact me or my family. But on 12/4/2018, Mrs. Newcomb contacted Daryl Jacobs via text, in my possession, stating she received a Certified Letter from HIM, but in this response, now of record, they said they NEVER picked this the letter up. The letter was not from him. He new nothing about the letter and never engaged, into Mrs. Newcombs, I will stir up trouble for you VENDETTA. The taking of photos affecting the children, totally laughable. Mr. Kendall, you reviewed my photos that correspond with Code Enforcement and site issues. No children or family were in those photos ever. I don't see how they effected anybody. The tires to be removed, disclosers of being Minion yard decor? Well, I laughed for over an hour on that admission, I am older, can't believe this is acceptable to El Paso County, now is a Civil matter. I live at my home and use it as intended, as my home. If I cannot be on my property and it bothers Martina, there are homes to buy/rent in the area/ RV's, as options, instead of changing our Zoning status, to accommodate her FAMILY, is the right

direction here. So, playing these games with Regional, is up front and center with them and that is the example, of many, over 25 years; we the Adjoining Neighbors, would like to discuss with the Commissioners that voted, AGAINST this project, including but not limited to; Deputy Gwnaugh, who has been notified, of the Harassment and Defamation. The Newcombs, who initiated contact, disregarded the Sheriffs demand, but she choose to make contact anyway, to try to create more problems into MY personal life. This was intended, to harm me on your site. The appropriate response from me, I have asked for a criminal complaint on 1/5/2018. If I get the charges I am requesting, I will forward to the Board. So keep me informed on the status, if you can.

So; now HAVING this validation of the complaint of Harassment in black and white. This action by the Newcombs Extended Family has now, clearly kept some people from voicing their opinion and do not want to loose a day of pay, for ANY benefit for Janice Newcomb or her family. Why should they loose anything, especially pay? This is wrong, on every level. The Adjoining Landowners, voted and responded as required, by 1/4/2018 as the majority. This procedure needs to be reviewed by your in-house Attorney for improvement. In our culture today, this is becoming the norm, but I am hopeful, El Paso County will rise above this event, remain on task review of site plans, site risks, lack of any details not being disclosed and not submitting, a correct presentation of true and factual data, that was attested and certified as complete, by the Application process.

As you see, signing any Affidavit, for a Guest Home, of no kitchen to be used, in a Mobile Home, when this product COMES with a kitchen, is beyond STUPID, because Regional cannot enforce this requirement, without a key, getting past the security to keep El Paso County OUT of this project, locked behind un-permitted gates, on a driveway without any permit, children already enrolled in K 12 school, to paint a visual picture, as a snapshot of today's performance to date. This will never be enforced, so let's stop playing games and stop taking everybody's time as a form of respect, to the other Landowners. They are agenda driven, not following or ever followed any codes, permits, covenants, and I can say zoning, will follow this past behavior. Any Affidavit to be signed, will be disregarded, as demonstrated by the example, of disregard to the Sheriffs Department request.

As you requested, you have every comment in written form. I'm so glad for the opportunity, to place facts in writing and demand focus on the project and all the downfalls taking place, against the voting process.

Please let me know when and where the meeting will be held. Please schedule a longer time frame, due to this process. My Attorney may want to attend, if he is not scheduled for court that day.

All disclosures must be brought to the attention of the Board, in a honest, truthful manner. I'm sure you concur with this, to move forward.

Thank you again for your service, but we STILL have no details...So how do you even start???????

Respectfully Submitted:

By Cheri Jacobs President of Encore Estate Elegance

By Cheri Jacobs
Vice President/ Secretary/ Treasurer of Snap One Inc. Services

Please upload for Board and Counsels review.

From:

CHARLES ELLIOTT < CHEZZER420@msn.com>

Sent:

Tuesday, January 8, 2019 12:06 PM

То:

Len Kendall

Subject:

Re: Administrative Special Use Request for Janice Newcomb

**Attachments:** 

Janice house.png

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File: AL-18-027

Parcel ID: 42130-01-016

There is some confusion about another mobile home being at 12220 Preston PL. There never been another mobile home on the site at any given time. There is not any utilities provided for another site, only the mobile home Janice Newcomb resides in. See satelite image.

There is no second mobile home outline present or evidence of second mobile home being there. Janice Newcombs son-in-law(Butch) abandoned the project for a second mobile home back in 1993. If you need any further evidence I can give you names and dates.

Thank you, Charles and Patricia Elliott. 719-749-2302

Stay

12220 Preston Place

Google

Imagery ©2019 Google, Map data ©2019 Google

United State

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Tuesday, January 8, 2019 3:28 PM

To:

Mike Hrebenar; Len Kendall

Subject:

Al 1827

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To whom it may concern:

Thank you for the notification, of the elevated status, on this project, I received today.

I picked up my photos and the market analysis, completed by my Broker, but I hope you have kept copies for your records, that shows the neighborhood values to the subject property. I also, reviewed the Appeal process at your front desk, they said a letter would be the accurate form of appeal, I hope that would be the correct process.

This notification states this will be a TEMPORARY PERMIT, for a allowed period of time. This will not be a permanent residence, per El Paso County?

I think there is confusion on what is going in there, a mobile home or a new Guest Home. We keep going to the same disclosure and site plan of 1993, as the mobile in there before. Again, there was NEVER a 2nd home on the property. Never was there electric attached, a well attached, septic attached, any underground power, placed to a second home. The site plan, is presented, as a fraudulent discloser, but this is my opinion only. You can Google the site, via satellite, since 1993, to validate, only one home, has been there from origination. We need the facts, brought forth.

As indicated to Len Kendall; on review of the El Paso County Assessors site, Mrs. Newcomb purchased a AG-35 Lot, with the approved zoning, of Multi-Housing on 5-2-2002 by a Warranty Deed. On 2/23/2017, Janice was the owner on this property sch. #2300000312, she Quit Claimed to her daughter, Michelle Knopp. This indicates family is VERY close to Mrs. Newcomb, to help her and we do not want, the Mobile Homes, on this APPROVED zoned site, change OUR zoning rights with a votes against, then move them here into our RR-5 Zoned community.

The Broker Analysis of 2018 values, indicate the mobile home, is not trending to the community improvement standards (subject is MV of \$68,000.00, \$63,000.00 is improved land) and this can and will effect our properties, when listed for sale. I will not get the same sale amount as 12220 Tracy Lane, Peyton, CO. 80831 Listed for \$295,000.00, when comparable, same number of bedrooms and bath, garage and outbuildings. The 2nd Mobile, per Mr. Johnson, again, could effect the value of my property.

I have attached a Google Image, of public record, to validate, Multi-homes on the lot, that Mrs. Newcomb purchased on 5/6/2002. We do not want our zoning changed, just to accommodate one family, in our community and have the risk, of one of these mobile homes, be brought into our community as a temporary living, with a term of 10 or more years, by only a purchase of a permit. This would be a injustice to all the adjoining neighbors that have invested into their homes and property.

This is for information only, to be presented to the elevated board, not named as of yet, for further review of factual data.

Attachment by forward image, per Google. 1 of 2

Thank You;



From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent: To: Friday, January 11, 2019 9:29 AM Mike Hrebenar; Len Kendall

Subject:

AL 1827-Newcomb Extended Family

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Rebuttal to new Application, Site Plan, Rules and regulation 1-2019.

#1 Site Plane states 5.01 acres. This will not be correct. Will be 4.? acres after Mrs. Newcomb receives her payment for the 4-Way Highway Project of HWY 24. Not exposing, the buyout, is not disclosing the change in property size. Hiding this fact, is not appropriate or acceptable.

#2. Site Plan does not state, Model, year or type of mobile home being put onto the site. There is no disclosure of what will be going onto the site. This is a important on the regulation of Code, that it is required to be applicable to the community Master Plan, does not effect impact to the community's property values, and will provide tranquility to the neighborhood. We don't have that now, due to this lot. This cannot be discussed as of yet, due to no details were provided.

#3 Site Plane states this new home will be the main residence. The mobile home, currently on site, will fall into a secondary position, has a kitchen, both parties are receiving mail and children are enrolled in K-12 school. This is not conforming to Code 5-2-28. A reasonable request, of 1 NEW Single Family Home, that would house ALL members would be reasonable and meet all code requirements. Removal of the 1979 Mobile, IS NOT applicable to the community Master Plan and will never be finished. Code 5.2.28, (C) & (F).

#4 Letter of Intent states Mrs. Newcomb is in NEED of family being NEAR. This request has already been met, including but not limited to the following family members.

Daughter- Michell Knopp-Calhan, CO. Is near.
Daughter-Sue and Troy ??-Colorado Springs, CO. Is near.
Cody Moore-Simla CO. Is Near
Ashley Deann Moore-Simla, CO. Is near
Steven Moore-Calhan, CO or Simla, CO. Is near
Harley Moore, Calhan CO., Colorado Springs, CO. Is near.

All family members are within 15 mints to 30 mints, to help Mrs. Newcomb, if in need. This list of family members, that has been helping and visits, almost on a daily basis, does not REQUIRE, our zoning to be changed. If they were all out of state, that would be acceptable request, but they live close by, currently live in the area and attentive of her needs and all her demands. The family has dumped, sheep, a ram, a horse, tons of chickens, now slaugher hogs, onto this property, with the assumption, Mrs. Newcomb is capable, of taking care of these type of livestock.

#5 Mrs. Newcomb asked Granddaughter to move out here, to not pay the Landlord anymore. It would better for Mrs. Newcomb financially, if they could pay her. An Affidavit recorded at El Paso County cannot stop rents from being collected because El Paso County cannot monitor this code requirement, People lie. This is not a family that respects contracts or any deal whatsoever. Already proven, for not paying Sub-Contractors on

flooding project and using funds for purpose not intended from that project and Process Servers knocking on my door, looking for family members who do not live with Mrs. Newcomb, is a nuisance to the neighborhood. Mrs. Newcomb refuses, to receive any documents from Process Servers, yells for them to get off her property, where they then, come to neighbors to seek information. The servers are representing a Legal Firm in Denver, CO., looking for Harley Moore, who uses this home 12220 Preston Pl., as his residence with Creditors. I work in the evening, I sleep during the day, they have knocked on my door 3 times with guns on their sides in 2017 and 2018. This is a complete nuisance to me and my privacy. Mrs. Newcomb is teaching, defiance to rules and regulations and avoidance of accountability, as the continued disrespect to our roads. Mrs. Newcomb will blame a 80 year old women instead of being a community member and stop the disrespect to our community, knowing whos doing burnouts. It's not the neighbors, caught on security images.

#6 Due to #5 If this request is granted, I will request a LETTER OF CREDIT, be requested, to finish this project on a timely manner. Mrs. Newcomb home, since origination has not been finished sine 1993, the excuses over and over, of having NO MONEY, is concerning to our community. They are not able to fix or repair current problems that are important today. Exp. Siding.

#7 I am questioning the legitimate family hardship. Mrs. Newcomb can drive a vehicle, if her Grandson can put the car back together for her. Also, we have a transit service for Seniors from Calhan to Colorado Springs. Mrs. Newcomb receives Meals on Wheels from Colorado Springs CO. The PACE program can bring in a Nurse to monitor her health. Mrs. Newcomb immediate family, 2 daughters, that live close by, are not tending to their parent and they SHOULD be. I have a text detail from Mrs. Newcomb prior to this application 10/2/2018, on 9/11/2018, where she disclosed the findings of her MRI and they found NOTHING. This disclosure will be presented at the meeting via snapshot photo. If she truly feels she needs that much help, she should live with one of her Daughters or closer to services in Colorado Springs, CO. Moving a large family with children and more animals into this community, does not seem to be the normal trend along; with the disclosure from Martina Bayhurst, who concurs by a letter now of record, they did not want to pay the higher rent, required by their previous Landlord. Admits Mrs. Newcomb offered living here on the grounds of "I can use some help" because I'm getting older. Under a umbrella of, I have a approved variance and you can live here or I will sue all my neighbors, mentality. Then actually picking up the phone and calling, making these threats to Neighbors of lawsuits, if we don't conform to her request. Unhinged behavior. I have personal experience with Mrs. Newcomb and know she can tend to herself, just fine, with the wonderful help from Ashley Deann who comes out of her way, when needed and has been helping for over two years. Ashly Deann is a joy, respectful to the neighbors and proved what a wonder help she is to ALL of the Seniors in our Neighborhood. Steven Moore also, has been available to help if needed. Martina Bayhurst, is not the same persona. Accusations of Elder Abuse, prior to her moving here, is totally unacceptable against other family members or against Neighbors, who went out of their way, to help Ms. Newcomb. If there was any abuse, I would have reported. This never happened under the care of Ashley Deann. This is was way out of line, but I have of record, of this accusation. Martina is a bully and harasses the neighbors, for her agenda interests. On 12.2.2018 drove down to Mr. Elliott and conducted a face-to-face altercation, for talking to another neighbor and made a assumption, they broke into her Van. In the letter response, on record, Martina makes the assumption, that Ms. Jacobs, broke into their Van. These are false statements and a example of her aggressive behavior and we DO NOT welcome them to our community, in any, way, shape or form. We will not tolerate her mental attitude and her drama, of false crimes being claimed, committed against them. Two family's will not post on this site, afraid of retaliations and vendetta against them. Not here, Not today. So I will speak for them with the support from other Landowners voting NO on this project and concur with all written correspondence submitted.

Due to the above; I request the board please take into consideration that this is a SENIOR COMMUNITY, needs transquility and harmony. As of this date, we have nothing but aggressive actions, disrespect, like giving the middle finger to one leaving for work, by this family with Mrs. Newcomb standing in arms, allowing this behavior. This will not be acceptable, moving forward. Again, we DO NOT welcome them to our community. That is blunt and direct.

I attest and certify this 10th day of January, 2019 that all statement herein are true and factual, can be verified, at the board meeting with data and photo support. Len Kendall, has reviewed private correspondence.

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Saturday, January 12, 2019 7:17 AM

To:

Mike Hrebenar; Len Kendall

Subject:

AL-1827 Newcomb-Market Values Impact Report

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This was missed in the scanning for review. Please upload ASAP. This current El Paso County Market Values for 2018, indicates this project, is currently having a negative impact to the community and has since 1993. This property is effecting the values in the community. This is not a few dollars, this is a large negative impact. This report supports, the many votes against this project. This is for Board Review.

El Paso County Assessor Tax Market Values of Public Record

Newcomb Extended Family Request-Lot 36

Address: 12220 Preston Pl, Peyton CO.

Schedule #4213001016 Land 2018 Market Value \$57,000.00

After Inspection Well \$ 5,000.00

Schedule #930003822 Trailer (40 years old 2019) 1979 Windsor \$ 6,600.00 Fair Condition

Total Market Value \$68,600.00

2018 Market Values of Subdivision including; New Sales or Appraiser/Broker.

CURRENT: Market Values per El Paso County Assessor-Peyton Place Subdivison

Lot 34 Scott-11980 Tracy Ln. \$221,784.00

Lot 31 Vandiver-17355 Mckenze Ln. New Sale \$314,000.00

Lot 43 Biddison-12220 Tracy Ln. \$295,000.00

Lot 9 Eckhardt-12198 Bradshaw Ln \$261,158.00

Lot 1 Hoxie-12447 Bradshaw Ln. \$190,906.00

Lot 3 Farrell-12480 Bradshaw Ln. \$293,724.00

Lot 16 Connelly-1195 Tracy Ln. \$241,015.00

## Adjacent Values

Lot 41 Martz-12105 Preston Pl. \$202,333.33 Lot 40 Jacobs-12225 Preston Pl. By Broker Assessment \$265,000.00 Lot 38 Berndt-12330 Preston Pl. \$199,878.00 Lot 39 Hernandez-12315 Preston Pl. Rental \$158,037.00

This is the current market trend for 2018 from El Paso County Assessor Database.

## 1/7/2019

JAN 14 23:0

Leonard Kendall
El Paso County Planning Division
2880 International Circle, Ste. 110
Colorado Springs, CO. 80910

Dear Mr. Kendall:

I am writing regarding, a elevated meeting, with the Board, for Janice Newcomb, AL 1827.

I work at Walmart and cannot loose a day of pay, to attend this meeting, for Ms. Newcomb or her family.

I am very against this project, on the grounds, Ms. Newscomb already placed garage, that creates a massive snow drift, about 22 feet long and I have already dealt with this issue in the past. Ms. Newcombs garage, is not in front of her home or on the side of her home, doesn't cause her any concerns or problems, because she doesn't work, like I do. It was placed longways running with Preston Place, that creates a long snow drift. Working a Walmart, I have many different schedules, I need to get to work and pay my bills.

I will state a fact on the record. The last massive drift, was created, by the garage on Ms. Newcombs property. I had to get to work within 24 hours. Ms. Jacobs at 12225 Preston Pl., Peyton, CO. 80831, took the issue at hand ,called a Private Contractor and paid \$150.00, out of her pocket, so I and others, could get in and out of their homes, so if Medical or Fire Services, would be called or needed. El Paso County can take days, to open this road. I paid her what I could afford back, due to her kindness and gesture to her neighbors. Ms. Jacobs digs the snowdrifts from our walking paths, my wheelchair ramp, by hand, because Ms. Jacobs is aware, I am 84 years old, fell on a snow event outside, broke my hip, in my driveway. Her concerns are valid and are proven, is correct on her concerns and she contributes a hand out, if needed, to her neighbors.

This letter is to inform you, I cannot loose a day of pay, to attend this meeting, unless reimbursed by the Newcombs. Nor do I have a computer, any WI FI. Please keep me in the loop of the information, moving forward, via phone or by letter and please keep a voice for my concerns, moving forward.

Best Regards;

Regula Bund purtongol

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Thursday, January 17, 2019 1:47 PM

To:

Mike Hrebenar; Len Kendall

Subject:

AL-1827 Newcomb Extended Family

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### Dear Sirs:

Can you open this site for more documentation towards comments. The number of comments posted, directed towards this project, were regarding mistakes being made in the notification process and not following instructions and County examples (#1.) A blank site map was submitted, without any buildings stated, as a blank site, caught by Code Enforcement (#2.) Photos from Code Enforcement, that was used as a tool, to speak on behalf of the Adjoining Land Owners, that supported every detail on this project and continues to this date. This game of "Let's guess this project" has no purchase order, no invoice, no title, no estimates on costs, no model, no year, no description or Vin ID, what-so-ever. It's laughable, the Septic, "privately engineered", states "this should be inspected", being 2000 gallons. Well, the new change of guest house now, is assigned 1000 gallons of septic already (2/3 bedroom), but no discloser, of the new or newer home, so it will work? Seems 8+ people, may need a 3000/4000 gal. on the Colorado Secretary Regulations or clean out will be every other week. New vs. newer home? A 1949 model, is newer than a 1945. As a Loan Officer in Construction, this would get a "Denied Request" letter. We don't make loans on a car, unless it has a clear title, clear ownership, without any liens, must have some value, must be disclosed, the type of vehicle with a complete Vin #. Same request on Mobile Homes, due to titled ownership. Where is this Title, who is the owner, any liens, taxes paid current aka disclosures? Will need a permit to be moved and liability insurance, moved by a party licensed to move it. These are reasonable questions being brought forth. I would hate it stuck on a bridge somewhere, 7:00 am traffic, trying to make a turn, to slip it into this community. So far, this is my expectations, demonstrated to date.

Due to this poor project presentations, now (3), we will need ALL letters for/against project, on this site for the preparation of our Appeal Process, (30 day filing requirement and fee collected) including but-not-limited-to; The Community Petition, supported by letters and future Legal recourse, that will commence against all parties involved, now named on the Application and Authorize Representative named herein.

Please post the date of Board Meeting A.S.A.P. Many need to make arrangements with Employment. If you need to delete first 3 comments, please feel free to make room on site. The legal recourse, carries more weight, than determination of Owners, that has now been met and satisfied.

Thank You;

From:

Jennifer Martz < mommartz03@gmail.com>

Sent:

Monday, January 14, 2019 7:48 PM

To:

Len Kendall

Subject:

Administrative Special Use Request for Janice Newcomb Parcel ID: 42130-01-016

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Len,

Our official response for the above-referenced application is as follows:

No

Regards,

Todd and Jennifer Martz

From:

Cheri Jacobs <farawaywInds8989@gmail.com>

Sent:

Saturday, January 26, 2019 3:32 PM

To:

Mike Hrebenar; Len Kendall

Subject:

Newcomb AL-1827

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To Board Review;

Ref: Request for El Paso County Building Inspector to check site placement.

I have reviewed the new comments and want to bring attention to the Board the following:

### A. 5.1.29 (C) Guest House requirements.

The Letter of Intents have not been clear and changing on every submission, has created some confusion. This has been a submission of getting any approval, anyway possible, with no thought process or logic. Due to 3 submissions, a Inspector needs to be involved with this project.

#2 Land Code 5.1.29 (G) Guest/Primary (whatever it is) House must meet Code Requirements, prior to requesting a Guest/Primary 2nd Home on the property. Does that mean 1code item or all code permits. I read this requirement, as ALL code requirements. This would require a Inspector to confirm, if property is in compliance or non-compliance on all codes. The time we have spent to accommodate, one human being, needs to stop immediately and get on the correct path, prior to moving forward. This project NEEDS a educated, licensed, Inspector to take charge of this project and re-check all the measurements indicated of site map.

Now; to further review;

- B. Project Documents states a arrow pointing North is required. North easement is NOT correct.est. 15 feet off, by CDOT ownership. The new site map states the garage is 47 feet from the road. Per Land Code of RR-5 lots, page 150 & 151, (15) the garage is not meeting set back requirements. Also, clearly in Land Code, in black & white, the Accessory Structure, the GARAGE, cannot be in front of the Guest Home aka Primary Residence, in Letter of Intent #3. It's right on Site Map number #3., because there are not any easements on east and west sides of property. So, if this is indicated on Site Map, again...A inspector is needed to measure the set-back, the placements and all permits and codes in compliance or non-compliant.
- C. Per Project Documents 1/25/2019, a driveway permit is required for existing driveway and must be paid to commence project.
- D. 2nd driveway permit is required for new primary residence.
- \*A waiver is required for Hot Tube permit, admitted installed and no permit purchased. The excuse of not knowing, when your Father is a Licenses Electrician, unacceptable.
- \*A waiver is required of permit for a 100% deck re-build of complete structure, including composite materials, 2 installed hand rails, at approx. 36 inches height.

- \*A waiver of permit for current siding project in process, un-abled to be completed, due to lack of funding. The white Lowes blown off plastic is unacceptable. The excuse, of no money is unacceptable, should have never been commenced.
- E. I have been told the mobile home will be a gift. Well, that speak volumes and I was correct on my concerns. Was it gifted via title or Gift Affidavit, and where is it? Needs to be scanned into this file. What was the values given. I hope not \$00.00, because this community has been in the gentrification process to up-grade, that would be a acceptable lawsuit for all parties to present of Civil Court against Ms. Newcomb and family, et all. El Paso County needs to review the Market Analysis I submitted and VALUE the community efforts and input regarding rezoning policies. This free mobile home, not disclosed, would have a destructive effect against the community improvements.

Due to the amount of errors, many items to be redefined and reviewed, is a reasonable request, of all measurements be re-checked, as indicated on Site Plan, by a El Paso County Inspector.

### F. On Code Enforcement;

- \*A waiver of El Paso County regulations of allowance of slaughter hogs not conforming; to allowance of 2 Pot Bellied pigs, under 100 Ilbs, waiver of shots, waiver of spay and neuter requirements.
- G. Community Reinvestment Report to El Paso County Human Resources.

Being a ex-employee of El Paso County. I have a great idea for El Paso County. Could you donate materials to finish the current siding project and labor to finish the siding project. This would meet the hours donated to your community. After the siding being finished, could your Ackers, Chuck Brown location donate 5 gallons of paint to Ms. Newcomb and El Paso County Inmate program provide labor to finish this Guest Home/Primary residence. We would really appreciate looking at a finished project. It's been a long 28 years with no-funding available. El Paso County could have the Work Release Program donate Community Service to provide Labor. Now; there is a solution, Ms. Newcomb receives the services she needs without the excuse of no income, no Letter-of-Credit would be required for current project.

All comments, to be scanned into file; to be further used in future debate as of record. Request of a El Paso County Inspector to be assigned and/or review by in-house Counsel, to have assigned Inspector, to enforce El Paso County rules and regulations. I did not write this policy manual, but I expect El Paso County to monitor the rules. Solutions are being presented.

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Thursday, January 31, 2019 12:25 PM

To:

Mike Hrebenar; Len Kendall

Subject:

Newcomb Extended Family-AL 1827

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To the Board of Review:

12225 Preston Pl., Peyton, CO. 80831

Daryl Jacobs-Against Cheri Jacobs-Against Lerae Jacobs-Against

The reason of "NO" against this project is as follows;

- 1. The previous variance was in place, approved and abandoned, from 1993 The community now has new people moved into community and have been trending in upgrading from old trailer homes. It was the responsibility of the Newcomb Family, to maintain the approved variance. They did NOT do due diligence to maintain the granted variance.
- 2. This Special Exception to Zoning in our community, would create a drastic alteration to the landscape on Preston Place. Due to "no disclosure" of any description of the home intended to be put into site, this addition, of some home that will be gifted, would create a major issue and have a negative impact in the sub-division.
- 3. The practice of extorsion against adjoining neighbors, of threats to force "For" voting to influence favor to Ms. Newcombs' project, under the umbrella of disclosure, the Grandkids were moving in to avoid paying rent that was increased. This project is happening, no matter what of your opinions. If you don't say yes, I will sue you and call Sheriff on the neighbors. This was not a professional submission of the variance request.
- 4. Public Safety issues with the roads in the community, using them as the El Paso County Dirt Track, as in Calhan. Offensive gestures from Newcomb Family.
- 5. "Un-necessary hardships" are demonstrated to the Adjoining Neighbors by the following.
- A. Meals on Wheels brings Ms. Newcomb meals.
- B. Family is established close by, in the towns of Calhan, Simla, Colorado Springs, CO. Family does not live out-of-state.
- C. Record will be given to Review Board on the amount of traffic servicing 12220 Preston Place. A daily record of number of vehicles coming and going daily, from property in the month of January, will validate Ms. Newcomb has more help, by family service, than any Senior living on Preston Place. This has increased traffic on Preston Pl.

- 6. Site Plan is not correct, easements were copied off another file on EPC site, added to Newcombs and easements are indicated in error, set-back needs inspection. Drainage was not supported by a Engineer Report or elevation drawing or map including but not limited too; any opinion by CDOT, who will be adding 4 lanes of asphalt, that will drain into the adjacent property at 12220 Preston Place. Ms. Newcomb could have asked CDOT their opinion on Drainage, to forward to El Paso County, but no effort was made, to meet the El Paso County request.
- 7. I would like to submit a viable alternative that would work in harmony with the community. 5 properties have Extended Family Housing on Preston Place and Tracy Lane. The community has accepted Class A RVs or 5th Wheels as a solution for temporary housing, that would conform with neighbors, not creating any major issues and maintains our Zoning rights. Any approval of Extended Family Housing, could open the door to 5 more submissions in the future.
- 8. Ms. Newcomb required to finish her current home in a acceptable time frame, established by the board, before any new construction permitted. All codes and regulations brought current to 2019.
- 9. All facts and evidence support, have been submitted to Len Kendall, to be uploaded into database for future review for Appeals, Adjoining Neighbors Land Use Attorney's with letters, concerns, non-disclosure of project details.

Respectfully Submitted;

The Jacobs

From:

Cheri Jacobs < farawaywinds8989@gmail.com>

Sent:

Thursday, January 31, 2019 5:57 PM

To:

Mike Hrebenar; Len Kendall

Subject:

Well Access Permit for Newcomb AL-1827

CAUTION: This email originated from outside the EI 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.

To Board Review:

Thank you for well permit from 10/4/1979...under the name of William Vallow.

This document clearly states. A Domestic Well can service up to 3 single family homes under the title or label of DOMESTIC, but described in (11) the number of homes to be serviced by this well.

Clearly item (11) states...A household, a yard & garden, a septic, a leach field.

Means (1) nowhere its indicated 2 or more households or designed for more than one home anywhere indicated on this form. So many lies, you need a Secretary to keep up with this back and forth, stupidity. The title of DOMESTIC, does not mean, it's approved for 3 homes. The permit is designed for only one home. States on the permit black and white item 11.

The State Water board does not approve these permits anymore, out-of-date, due to changes in the acquafers. I believe the service max. is only 2 homes and must be proven, to the State Water Board. So again, where is the proof of this service by a Well Company?

Where is the Septic Permit? I bet, same smoke and mirrors as the well. Does anyone read these documents, prior to loading into scanning?

Where is the Title for this home? Where is the Gift Affidavit for this home?

That's step #1. Is there a home? A teepee? A home from scrap? A camper? A Tarp? A box? How can anything be determined.

When is our questions going to be answered? I am going to start charging for my services, soon.

The loss on income for Neighbors on 2 meetings, for no disclosures. a complete embarrassment. The Land Use Attorney, will have a hay day with this one. Keep loading documents. It's now becoming entertainment to be deducted from my Business Tax Return. I hope the Board and Commissioners will see, the work by neighbors, to not burden their time to try to determine, any factual data. Every detail and dispute is in writing with reasonable questions.

From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Thursday, January 31, 2019 5:57 PM

To:

Mike Hrebenar; Len Kendall

Subject:

Well Access Permit for Newcomb AL-1827

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From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Friday, February 1, 2019 10:52 AM

To:

Mike Hrebenar; Len Kendall

Subject:

Newcomb AL-1827

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.

To: ALL Adjoining Neighbors; The Martz Family, The Elliott Family, The Lopez Family, The Bernt Family, The Hernandez Family and 1200 + Cows @ 4 Way Ranch.

Ref: Meeting dates are posted on 2/19/2019 EPC Dev. and 3/12/2019 BOCC. Locations should be sent to all parties.

I am asking for you to PLEASE attend ALL the meetings, on the grounds of Letter of Intent, has been changed several times. The well permit, posted on 1/31/2019 was a Permit Under name of Vallow, Permit Number 7357, dated 8/17/1979. The Letter of Intent you received, states the permit was approved for 2 or more homes. That is a title for "Domestic" wells only and "CAN/MAY" be able to be used for 3 properties back in 1979 (40 years ago). That is NOT what the permit states, as defined in 1979, on line item (11). The gallons per minute were at 10 gpm in 1973, that was designed for a Family of 4, (range to 8-12 gpm) in 1973 at a depth of 325 feet.

\*\*\*\*Please take note\*\*\*\* Location of Well House and Placement of 2nd home on Site Map. As we have been disclosed, by your well providers, the Aquifers are diminished by the MMJ Industry and the new Water Laws are very detailed and strict, on usage requirements. I'm telling all Neighbors, what this project will be, as disclosed to me personally ..2 homes to be permanent, by Ms. Newcomb. The "Special Provisions", cannot be monitored or audited, unless access is offered, but this is closed site. A Claptrap.

The Sewer permit, was pulled for a "Owner Build", but no support documentation of any final inspection, submitted to Zoning for a peace of mind, with your properties, is your well water as 62.\* \*\*Please table as 4.\*\*

submitted to Zoning for a peace of mind, with your properties, is your well water safe? \*\*Please take note\*\* Now; no support of final inspection, I have been searching public records, but not finding the finished, inspection report.

All other disputes and concerns, by Neighbors requests, with no computer access, have been loaded onto this site and will be used as a tool, so future fees for Attorneys', help with the lowering costs for research and deposition time, of any Class Actions/or Private Action brought forth, as a Community Service. That is why, so many Review Comments, are on this site, to serve a valuable resource, to have majority of comments/concerns, to bring every detail dispute, to this public forum site for this project. I thank Zoning for having a site with this capability and as wonderful asset for providing history, that really helped, evaluate Intent. Only Neighbors have past, current and future experience and was bought into the light, of expectations commencing forward. Zoning is only following Application Guidelines, must stay in a neutral position. Your comments, experience, expectations are valued and your time is very important. So please, do not feel intimidated, by voicing your concerns or coming to the meeting.

I am asking every neighbor please attend all meetings. I am aware some are self-employed and the loss of income (2 days) for each party attending, example my family (3 people x2 days= 6 day's of income loss) could be harmful to your finances, to come for the Newcombs' proposal, that I believe, is a Claptrap, by NO disclosures of the home, NO Inspector, NO support of current documentation if project is even logical request, NO Lic. Engineer or NO General Contractor involved, to proceed forward, conforming policy on any details/water/sewer regulations, on this project.

Please be aware, you have the right to protest by your Civil Rights on your Investments on purchased property, by Zoning and Land Use Policy, that was stated on your Title Insurance you purchased.

Please keep records of loss of income, as we move forward towards meetings, appeals, attorney consultations, possible court proceedings. You are entitled to receive payment for loss of income, even if a Voluntary Attendance, to protect your rights. Colorado Statue 29 CFR 78528. These would be considered "DAMAGES", that could be pulled together for recourse action, added together, that will be major loss of income to the Adjoining Neighbors. There are many steps that have been avoided, that put the "cart before the horse" for details, having Neighbors, jump through deadline requirements, for your voting rights.

When this project is settled, we can file Claims against ALL the parties that created your "DAMAGES" by a Class Action, that I am willing to commence, on your behalf, under the Administration a Land Use Attorney, located in Colorado Springs, CO.

I do not have contact for everyone, but posting here, on this site, to make aware, we need every single person to attend this meeting and please take the "Loss of Income" aka "Personal Damages" to accommodate and protect YOUR investment interests. Ms. Newcomb has the right to ask for this special provision, but she purchased the wrong property in 1993, with INTENT of multi-housing, now; in this Site Archive database, purchased on 2/24/1993 and Variance Application 7 business days later 3/4/1993. The History is on this database, will be continued moving forward. There is solid evidence of the INTENT in 1993.

Try to attend the meeting, but please; DO NOT RISK loss of employment, for this project. There are so many issues, a meeting should not have not been appointed, by my opinion only. I feel confident, the ones who will be attending will present, in a direct professional manner with factual data. But the meeting could stray off the rails, with our past experience, but the black & white, is stated on this site for your property protections.

Any questions or concerns, my home has a open door policy and coffee can be brewed. Newcombs' are NOT allowed on my property or allowed to contact me or my family, per El Paso County Sheriff, but breached the request on 12/04/2018 @ 9:40 am, by using Daryl Jacobs as a tool against me personally aka playing games, for a discussion of a letter he had sent, they never received this letter, per their own documentation. Due to the extorsion threats against neighbors, continued harassment, false reports to Sheriff and documentation, this offer is only for those parties stated by name above.



COMMISSIONERS: MARK WALLER (CHAIR) LONGINOS GONZALEZ, JR. (VICE-CHAIR)

## **COLORADO**

HOLLY WILLIAMS STAN VANDERWERF CAMI BREMER

KENDALL

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

January 29, 2019

This letter is to inform you of the following petition which has been submitted to El Paso Coun

AL-18-027

# SPECIAL USE NEWCOMB EXTENDED FAMILY

A request by Janice Newcomb for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located on the northwest side of Preston Place, approximately 553 feet north of the intersection of Tracy Lane and Preston Place. The property is located within the Falcon/Peyton small area master plan. (Parcel No. 42130-01-016) (Commissioner District 2) (Len Kendall) Type of Hearing: Quasi-Judicial

For Against T No Opinion

Comments:

Red Attack Flast Your Flast
(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- This item is scheduled to be heard by the El Paso County Planning Commission on February 19, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- The item will also be heard by the El Paso County Board of County Commissioners on March 12, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (wwww.elpasoco.com).
   Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: <a href="https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2019-hearings/">https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2019-hearings/</a>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call **719-520-6300**.

Sincerely,

Len Kendall Planner I

Your Name: CHARLIS E// off PARIS TO Elle of Patrolle of Signature)

Address: 12/10

Property Location: PReston P/

Phone 7/9. 749. 2302

2880 International circle, Suite 110 Phone: (719) 520-6300



Colorado Springs, CO 80910-3127 Fax: (719) 520-6695

## 17

### Len Kendall

From:

CHARLES ELLIOTT < CHEZZER420@msn.com>

Sent:

Friday, December 28, 2018 7:08 PM

To:

Len Kendall

Subject:

Re: Administrative Special Use Request for Janice Newcomb

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File: AL-18-027

Parcel ID: 42130-01-016

To whom it may concern, we(Charles and Patricia Elliott, at 12110 Preston PL), being neighbors to(Janice Newcomb, at 12220 Preston PL), Strongly appose the "guest house". As it will increase traffic. Janice's grandsons treat the culdesac like a race track. Increase in noise(Because of the five children). It's our understanding that Janice has many code violations of her property that has not been addressed. Their farm animals(Four pigs) do not have adequate shelter to stay out of the weather. They start projects they never finish, which creates an eyesore.

The well house roof was never fixed and panels are still blowing off, creating hazzards to the neighbors. Since 1993 the mobile home has been on going construction, jobs are never completed, yet they want to move in another mobile home, under the guise of a "guest house".

We feel the property and well could not handle two mobile homes with five children, and possibly even more people.

Thank you, Charles and Patricia Elliott. 719-749-2302



COMMISSIONERS: MARK WALLER (CHAIR) LONGINOS GONZALEZ, JR. (VICE-CHAIR)

## COLORADO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

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KENDALL

HOLLY WILLIAMS

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please call 719-520-6300. Sincerely. Jocobs Len Kendall Planner I Your Name: Address: Property Location: Phone

2880 International circle, Suite 110

PHONE: (719) 520-6300



COLORADO SPRINO Fax: (719) 520-6695

# El Paso County Parcel Information

PARCEL NAME
4213001016 NEWCOMB JANICE M

File Name-	Al,-18-027
Zone Map N	ło

ADDRESS CITY STATE
12220 PRESTON PL PEYTON CO

ZIP | ZIPLUS | 80831 | 8617

Date: January 29, 2019





Summary:

- Review, 3/12/19 BOCC Review. These comments will serve a valuable resource for communications, reviews, that brings questions (+ or-), regarding this project request, are for the use of Adjoining Neighbors, the Appeals Process, the Attorney's being retained for Class Action or Private Civil recourse, if Newcombs' are granted this request. The community is unified in PROTEST of this request. 4-Way Ranch is livestock, 1200 + cows. I don't think they are/will be affected by this request and the Owners DO NOT live in this subdivision nor have any investment rights, NO TITLE INSURANCE purchased for Title/Zoning/Compliance agreements made, in place, to have any voting rights.
- 2. Ms. Newcomb is receiving muti-caregivers from Rocky Mountain Pace Program. Her Grandchildren(2or 3) currently are being paid \$12.00 an hour, as employment, to take care of her needs. Ms. Newcomb is also receiving, Meals-on-Wheels, while caregivers, are paid to cook/clean/ provide for her needs. This request is a shameful display of free handouts, since Steve Moore also, lives with Ms. Newcomb, most of the time. If request is granted, YOU WILL HAVE 2 HOMES with one family in one and Ms. Newcomb and Steve Moore, cozy together, in the GUEST HOME. FACTS!! 3 Adults- will be living on the property, can have up to 10 children, coming and going. Due to this PACE PROGRAM PLACEMENTS BY SUPPORT, is already in service, being paid, to meet all her needs. All Family members lives close-by, in Calhan, Simla, Colorado Springs. Disclosed by Ms. Newcomb, this request, was to allow Grandchildren, avoid paying rent and where she could retain profit/gains, extra help, if they lived on her land. They did not want to pay rental prices, in Colorado Springs, CO. Now validated by Martina Hayhurst comments to Neighbors protests. The Zoning change request, is DISGRACEFUL AND UNWORTHY, will create a drastic, negative effect, on this community and not conform to the improvements being made in this subdivision. El Paso County cannot monitor any compliance and will not have any access, to the property. Zoning changes, should only be used, if a the system, by making affordable housing, for family members. If granted, this will open a massive rush, by others to follow suit. El Paso County does NOT want to head down this road. Neighbors feel confident, Civil Recourse would be warranted, due to Ms. Newcombs stored texts and disclosures, continued actions.
- 3. Threats of extorsion, constant harassment, retaliation against neighbors, if they did not vote, in her favor. This has been on-going for 28 years. On 2/2/19 a accident took place on Preston Place and Tracy Lane, damages to fences to the Stone/Elliott properties and a run through Martz Family. The driver was Ms. Newcombs Grandson, damage to a El Paso County Culvert. The driver left the accident and did not call into Sheriff in a.m. At sunrise, Neighbors waited 4 hours for the Driver/Ms. Newcomb, to take responsibility with neighbors, work-out solution for repair, but made the choice, to HIDE, in a cowardly fashion, when parts were left behind in the properties, that will be submitted to the court. Law Enforcement was called, not allowed to view the vehicle, by Martina Hayhurst, refusing entry, where

back-up was called in, from Calhan Police, to help defuse the "negative environment". The driver was cited by State Patrol, Ms. Newcomb was giving neighbors her finger, in front of the Police and witnessed by the State Patrol. \_\_State Patrol, then asked Ms. Jacobs, if she was interested in persuing "Harassment" charges against Ms. Newcomb, by their witness. Ms. Jacobs told State Patrol, not worth her time, this is the demonstration of actions of Deplorables, that can addressed, in a Court of Law. This constant disrespect, chaos and criminal activity, is not welcomed, by the Adjoining SENIORS, (10 EA), who expect, to live in harmony and tranquility, without all these problems. Ms. Newcomb and Martina Hayhurst, DEMONISTRATED they are Enablers and Accessories to these crimes, all witnessed, by Neighbors on 2/2/2019. The Call-for-Service number is 2019-00021346 at 12220 Preston Place, on El Paso County Sheriffs blotter at 11.39 am, complaint filed by Mr. & Mrs Stone. El Paso County Department of Transportation, Scot Cuthbertson, has been notified, to inspect damage of culvert and replace t-posts that indicate the drop for autos from dropping into the ditch and now, can impale another human and be removed for safety. The State Patrol Report, will be avail. 10 days from incident on 2/2/2019.

- 4. On 2/3/2019...After the incident with Law Enforcement, now they paint Mrs. Newcombs house after 28 years. This eyesore did not matter, until the actions of shameful, cowardly, heinous behavior, displayed on 2/2/2019 in front of Neighbors. Only because they want to live for free, in this community, never giving a concern about how the home looks, until this Application was filed. Never was any Code Enforcement, Code Compliance Regulations respected, until they need to live for free, now it's important, since we want to take your rights from you.
  - 5. Well Water. This well is in the Dawson Aquifer at 325 feet, pumping at 10 gpm in 1993. Per the current studies, by Colorado State University in 2018, the MMJ Industry demands, this would be the accommodation for a family of 4, not being used anymore for ANY new water requests, longevity is doubtful. The permit uploaded, states; 1 avg. Household use, on line 11, DOES NOT SAY "SERVICE TO 2 HOMES". The Dawson Aquifer, has too many "straws" in the supply and the re-charge rate, in Bijou Basin, cannot replenish the current supply demands today. Wells today, are at 600-1000 feet, Denver supply. On this factual data, from the regulatory providers, the well would have to be PROVEN, to be able to service of 2 homes, #bedrooms cannot be defined, due to no disclosures, the Water Law have been changed and VERY restricted. Per Site Plan, clean water would run through Leachfield, sludge, whatever is in the ground, a school bus? No current dated correspondence, from Can-Am Drilling, was supplied, to validate, the statements in the Letter of Intent, are true or and factual.

#2 Well-NEVER has, EVER serviced 2 homes. Project was abandoned by William Moore. Any statements of "HOME AS BEFORE" are not truthful. Many problems will arise, that are not projected. As Neighbors, we will watch every element of this project, not to help, but report violations, demand El Paso County, monitor every element of this project.

- 6. Septic. Permit was bought for \$125.00 and states 2000 Gallons, built by OWNER. Just paper. No purchase receipt was provided, proving the purchase of this size septic. No current dated, correspondence, no clean-out receipts or inspection record uploaded. Water District in Denver, monitors these large size septic s (2000+) they have "No Records Found" for regulatory compliance under their jurisdiction. El Paso County is trying to find history, but so far, nothing can be validated, forward e-mail sent to Len Kendall, knowing project was abandoned, the DEMAND, the Septic MUST be PROVEN.
- 7. So far no home has been presented, by title, by gift affidavit, by photos, by purchase order, by any Company, presenting this future home. What type of crap, in theory, going to be pulled into this community. There is a REASON, not being disclosed. A DEMAND of home disclosure, pictures and condition to Adjoining Neighbors and a current Inspection by El Paso County, before this can be decided.
- 8. Site plan, is not correct and setback requirements stated on Site Plan, on garage, need to be proven and re-checked due the the measurements, stated on Site Plan. In my review, the layout, was copied of another Site Plan in the database. "Bellville Extended Family" because their easements, were added to Newcombs site plan, They do not have the easements, as indicated. Now; this has been brought forward to Lopez and Elliotts, where they have shared, vested interest. This is irritating, to review the many errors, being presented, without any Professional involved.
- 9. Current home on site. "Guest House" or Whatever. DEMAND completion, in a time-frame to accommodate the board. Permits be bought and current for driveway, gates, deck, hot tub and current siding project, sitting since 2017. Demand of this current home to be finished, prior to any other home coming into property. Due to the villainous behavior displayed, Neighbors, no longer, will not turn a blind eye to this property. There was no logic, on sub-mission of Application, that these items would be swept under a rug. This is just contemptible, to blame Neighbors, when Newcombs' did not follow and building codes and have the heinous behavior, to call the Sheriff, blaming Neighbors, without any accountability to their actions.
- 10. 28 years, is too long to look at a unfinished home and the Lowes Logo, on this "Guest Home" is only a billboard for advertisement of the LOWES product, that is tearing off with the strong winds. #2 Repair of roof on well house, winds are tearing the roofing off. REQUEST in stipulations of; RESPECT TO all community compliance. The attitude of, covenants are old, no HOA involved, so we can do whatever we want to do and \_\_\_\_\_\_ you mentality "STOPS" today. Otherwise, calls will be made. \*Promises made\*. We have had enough of the behaviors, Building, Code Enforcement, DHS, Law Enforcement, El Paso County Court, et. all. will be notified. I hope this PROTEST IS MADE LOUD AND CLEAR. No forced, clean-up by Code Enforcement, painting home, only to make a display of effort, the constant daily traffic in-and—out, disrespect of El Paso County Roads, offensive gestures to Seniors. I will not put a bow on my statements, for the hell we have endured, by this family. The Jacobs



COMMISSIONERS: MARK WALLER (CHAIR) LONGINUS GUNZALEZ, JR. (VICE-CHAIR)

## COLORADO

HOLLY WILLIAMS STAN VANDERWERF CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

January 29, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County

AL-18-027

**KENDALL** 

### SPECIAL USE **NEWCOMB EXTENDED FAMILY**

A request by Janice Newcomb for approval of a special use for a guest house with special provisions for extended family housing. The property is zoned RR-5 (Residential Rural) and is located on the northwest side of Preston Place, approximately 553 feet north of the intersection of Tracy Lane and Preston Place. The property is located within the Falcon/Peyton small area master plan. (Parcel No. 42130-01-016) (Commissioner District 2) (Len Kendall) Type of Hearing: Quasi-Judicial

For Comments:	Against	No Opinion
(FOR ADDITIONAL COMMENTS	PLEASE ATTACH ANOTHER SHEET.	

## MIMENTS, PLEASE ATTACH ANOTHER SHEET.)

- This item is scheduled to be heard by the El Paso County Planning Commission on February 19, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- The item will also be heard by the El Paso County Board of County Commissioners on March 12, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (wwww.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: https://planningdevelopment.elpasoco.com/elpaso-county-planning-commission/planning-commission-2019-hearings/

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely

IRACY LEE - 4-WAYRANCH, LLE

Property Location: 4200000 380

Phone

2880 International circle, Suite 110 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127 Fax: (719) 520-6695

# El Paso County Parcel Information

PARCEL NAME
4213001016 NEWCOMB [ANICE M

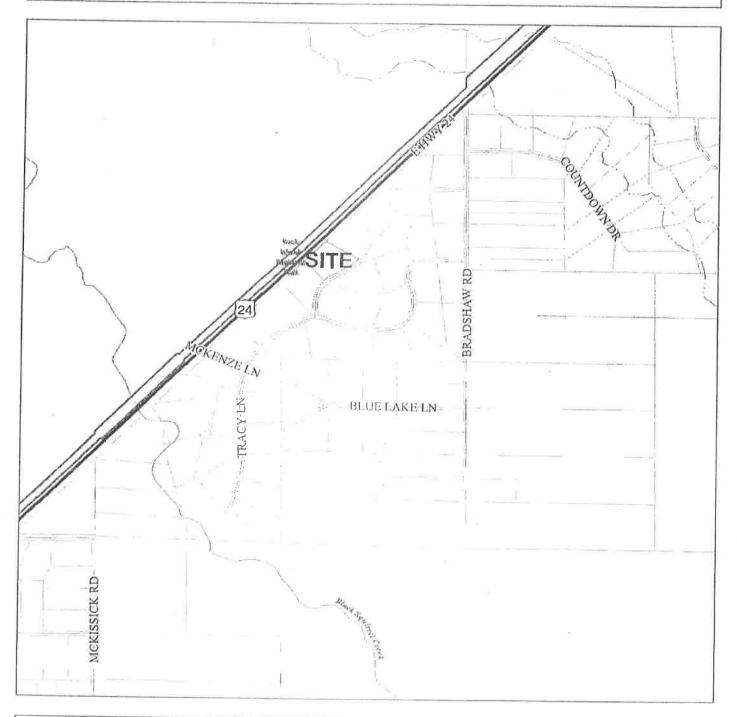
File Name AL-18-027

Zone Map No. --

 ADDRESS
 CITY
 STATE

 12220 PRESTON PL
 PEYTON
 CO

ZIP ZIPLUS 80831 8617 Date: January 29, 2019



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



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COMMISSIONERS: MARK WALLER (CHAIR) LONGINOS GONZALEZ, JR. (VICE-CHAIR)

## COLORADO

HOLLY WILLIAMS STAN VANDERWERF **CAMI BREMER** 

FEB 07 2019

KENDALL





PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

January 29, 2019

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•	Februa Hearing Springs The ite March Auditor	ary 19, 2019. The Piss.  marker will also be the 12, 2019. The situation of the pisses	neard by the El Paso County Board meeting begins at 9:00 a.m. and will b Cascade Avenue, Colorado Springs.	ill be conducted in the Second Floor ter, 2880 International Circle, Colorado of County Commissioners on be conducted in the Centennial Hall
•	Commu Actions	unity Developme	en this item will be considered can be nt Department or through El Paso Cot Paso County Board of County Commi	unty's Web site (wwww.elpasoco.com).
•	The on The Sta	line submittal po aff Report for this	rtal can be found at: <a href="www.epcdevplar">www.epcdevplar</a> s Agenda item can be found at: <a href="https://ornmission/planning-commission-2016">https://ornmission/planning-commission-2016</a>	/planningdevelopment.elpasoco.com/el-
Your respor to appear in please call 7	person a	at the hearing to	further express your opinion on this pe	nt prior to the hearing. You are welcome etition. If we can be of any assistance,
Sincerely,	/1	U	I can com	e I would

2880 International circle, Suite 110 PHONE: (719) 520-6300

(printed)

Len Kendall, Planner I

Your Name:

Property Location:

Address:



COLORADO SPRINGS, CO 80910-3127 Fax: (719) 520-6695

(signature)

# El Paso County Parcel Information

PARCEL NAME
4213001016 NEWCOMB JANICE M

 ADDRESS
 CITY
 STATE

 12220 PRESTON PL
 PEYTON
 CO

File Name AL-18-027

Zone Map No. --

ZIP ZIPLUS

8617

Date: January 29, 2019





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COMMISSIONERS: MARK WALLER (CHAIR) LONGINOS GONZALEZ, JR. (VICE-CHAIR)

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For	Against	No Opinion
Comments: The Pesidence at	12220 Preston Place	Peyton Co
All property owners,	Zoning Standards	that Apply to
(FOR ADDITIONAL COMMENTS, PLEASE ATTAC	ip- should Not be	Gonsidered-

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Sincerely,	<i>f</i> , , ,
LICH	
Len Kendall, Planner 1 Justin V Lope 2	In of
Your Name: Madelyn L Lopez	Mad Cyn & Frage
Address: 123/0 Preston Pl.	Perton, (signature) 80831
Property Location: Lot 37 Peyton Pl	Phone 1-719-7490388
116/0 Tracy Lane Payted Ca 80831	719-491-6367
10 - Chill	

2880 International circle, Suite 110 Phone: (719) 520-6300

Colorado Springs, CO 80910-3127 Fax: (719) 520-6695

## El Paso County Parcel Information

PARCEL | NAME 4213001016 | NEWCOMB JANICE M File Name: AL-18-027

Zone Map No. --

ADDRESS CITY STATE
12220 PRESTON PL PEYTON CO

| ZIP | ZIPLUS | | 80831 | 8617 Date: January 29, 2019





From:

Cheri Jacobs <farawaywinds8989@gmail.com>

Sent:

Friday, February 8, 2019 3:20 PM Mike Hrebenar; Len Kendall

To: Subject:

Newcomb Extended Family Al-1827

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.

### New FACTUAL DATA for file:

Well Permit 111812 William Vallow-Newcomb/Moore with Colorado Division of Water Resources.

1. Per Yolanda @ 303-866-3581, Colorado State Well Water Permits. Research Auditor, 2/8/2019 1.40 pm.

Permit 111812 had Expired, the New Well Permit # IS 173187, drilled at 12220 Preston Place, Peyton CO. Was only intended to service \*\*1 SINGLE FAMILY HOME, as stated, on the Well Permit. Nowhere, do the records state, 2 homes were approved for usage, per Yolanda.

Due to this NEW disclosure, EL PASO COUNTY NEEDS TO VALIDATE WITH COLORADO STATE WELL WATER PERMITS the new disclosed information. The site you can see this information is on <a href="https://www.Water.State.CO.us">www.Water.State.CO.us</a>., Permit Number is 173187 with Janice Newcombs/Moore name on Permit. Please have the research available on 2/19/2019, because; I have my research and copy in-hand. This should stop meeting from commencing forward.

On El Paso County Permit Page with Regional, there were only 3 permits ever on 12220 Preston Pl. Peyton CO. 80831.

Permit #1-Current Mobile Home.

\*\*Permit#2-A VOIDED Permit for 2nd Mobile Home in 1984. This permit validates, there was NEVER a 2nd mobile on the property, as stated, validates Adjoining Neighbors statements were true and correct, the project was abandoned.

Permit #3- Temp. Electric Service, NO permanent electric has been issued a Permit.

- 3. On 2/3/2019, the Mobile Home was painted, including the PLASTIC insulation on the walls, with no siding. Per Paul, Regional Building @ 719-799-2692, on his Inspection, The Newcombs stated the wind caused the siding to be removed, from East and West, Front and Back, of home, they were not going to replace the siding. I informed Paul, this was another FALSE statement to Regional Building. The Grandkids tore all the siding off to install new windows, from the insurance payments from flooding damage. (Not used as intended). The WIND DID NOT blow siding off. Again, not any truthfulness being reported to Regional Building. I made a complaint, this was bold face lie to El Paso County. But, as neighbors, we are seeing the un-truthful facts, that will brought into meeting on 2/19/2019.
- 3. El Paso County did replace all T-Posts that were a safety hazard, created by Newcombs Extended Family-Mr. Moore. The culvert cannot be addressed at this time, due to the frozen ground, but a report, will be made regarding Culvert to Dept. of Transportation and a Inspection will be done at a later date. Thank you.

4. I feel El Paso County should have checked the Well and Septic, prior to meeting on 2/19/2019. This meeting will cause (2) people to be fired from their jobs, but willing to take the financial damages, by the Newcombs' request, now knowing; the well CANNOT support 2 homes, as stated on the Letter of Intent.

This data is being filed of record, for any and all future Appeals and Civil Complaints of Damages, with factual support for research verifications.