

City won't appeal judge's decision in rental case

BY NORM CANNADA
THE JOURNAL

SENECA — A judgment against the city of Seneca and in favor of a couple who bought a home several years ago for use as a short-term rental will apparently stand.

City administrator Scott Moulder said this week there are no plans to appeal 10th Circuit Court Judge Cordell Maddox's decision in favor of Leonard and Julie Chace, who are using a home they own

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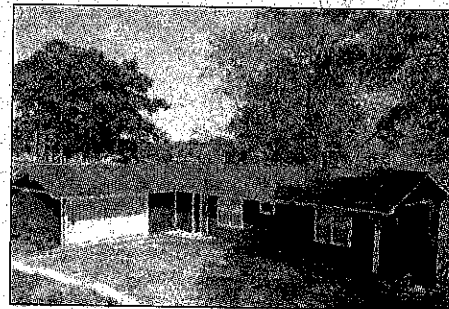
in the Normandy Shores community as a short-term rental.

"The City does not intend to appeal the Judge's ruling at this time," Moulder said in a written response to a question from The Journal on Thursday.

In a document filed on Sept. 17, Maddox also issued a "Stipulation of Dismissal with Prejudice," writing "the parties stipulate and agree to dismiss the counts in the amended complaint not ruled upon by the Court with prejudice. The parties shall bear their own fees and costs. This stipulation ends the case."

Maddox ruled in a filing on Sept. 7 that the Chaces "obtained a vested right to lease their property on a short-term rental basis" under a prior ordinance and that it isn't affected by a 2019 ordinance passed by Seneca City Council restricting short-term rentals.

At its Sept. 14 monthly meeting — a week after



Leonard and Julie Chace's decision to rent out this home on Northampton Road in Seneca sparked a legal battle that lasted several years.

FILE

Maddox's ruling — council met in executive session with Moulder and city attorney Bob Bowman to discuss "an update regarding pending litigation and other legal matters." When the public session resumed, council members voted to direct Bowman to move forward on what they discussed in executive session. Moulder confirmed the lawsuit and Maddox's ruling were discussed in the executive session.

The lawsuit, filed in November 2017 by the couple and the Leonard and Julie Chace Family Trust, challenged the constitutionality of the city's application of its zoning ordinance to prevent short-term rentals

"relating to what residents are permitted to do with their property zoned for single-family residences."

The Chaces requested the suit be taken off the docket in a filing on Oct. 29, 2018, to allow for negotiations on a settlement to continue. Officials said at the time the couple reserved the right to ask the case be restored to the docket in the future.

Tenth Circuit Court Judge Scott Sprouse restored the case three weeks after the city approved a short-term rental

policy in September 2019, which allows only primary residences to be rented on a short-term basis in the city. The ordinance does not allow second homes such as the one owned by the Chaces to be used for a short-term rental.

Normandy Shores now prohibits short-term rentals through a change in its covenants. Frank Kler, president of the Normandy Shores Homeowners Association, said the association depends on the city for enforcement of the prohibition, but that it will not be enforced on the Chace property because of the judge's decision. He said it would affect other properties in the future.

"We're disappointed in how it turned out," Kler said. "Moving forward, we feel we've got a level of protection in it."

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