

FROM: David Paul Bohn
Christopher David Bohn
Ruth Ellen Bohn

9 April 2018

4710 Limestone Rd
Monument, CO 80132

TO: Board of Commissioner El Paso County, CO

RE: Response to Letter of Intent, dated 23 March 2018, by Tom and Lesa Owens proposing a land use project in El Paso County at 4670 Limestone Road, Monument, CO 80132

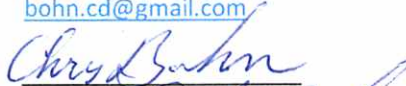
1. We, David Paul Bohn, Christopher David Bohn, Ruth Ellen Bohn, are owners of 4710 Limestone Road, Monument, CO, 80132 (“**4710 Limestone**”), the property immediately west of Tom and Lesa Owens’ (“**Owens**”) property, 4670 Limestone Road, Monument, CO 80132.
2. We request that the variance proposal submitted by the Owens be **denied** for the following reasons:
 - a. **Irreversible Obstruction of Existing Valley Views That Materially Impairs 4710 Limestone’s Property Value**
 - If the Owens are granted a variance to erect the non-conforming garage as proposed, the resulting building will impinge upon the views of the valley from the eastwards-facing bedroom of 4710 Limestone.
 - This obstruction of views is irreversible through perpetuity, and permanently impairs 4710 Limestone’s value, which draws from its unobstructed vantage point of the valley East toward Monument and Colorado Springs.
 - While we are sympathetic to the Owens’ desire to enhance their living conditions and resulting property value through this garage construction, we believe these gains accrued to the Owens should not, unfairly, be at the expense of us owners of 4710 Limestone.
 - b. **Violation of County Regulations Meant to Preserve Property Owners’ Rights And Community Standards**
 - The El Paso County drafted the Use and Dimensional Standards (“**Code**”) – that is publicly disclosed and legally binding – to establish a common understanding of how properties are built, located, modified and laid out, to protect individual property owners’ rights.
 - If we objectively applied the Code to the Owens’ proposal, the valley-facing views of 4710 Limestone are preserved given the denial of this proposed non-conforming garage.
 - We believe approving the Owens’ proposal establishes a negative precedence that undermines the Code. Left unchecked, this results in a negative communal atmosphere where neighbors, emboldened by the Owens’ successful appeal, seek approval to build and/or modify their properties in violation of the Code, and intrude on other homeowners’ once-guaranteed rights.
 - c. **It Is Technically Feasible for the Owens To Construct a Garage That Confirms to Code**
 - We address the technical aspects of constructing the garage that conforms to Code in Section 3.
 - d. **Incurring Financial Costs To Conform To Code Is Not a Valid Reason For Variance Approval**
 - The incremental cost incurred by the Owens is not a valid reason for approving this request. As homeowners and fellow community members, we all agree to live within the building codes of our county notwithstanding the additional costs to comply with it.
 - Specific to this situation, we believe if the Owens are able to (i) plan and financially commit to a garage construction, and (ii) enlist an attorney to review the Code and seek a variance approval from the County Board, it is hard to imagine the marginal dollars required to align the proposed garage along the front of the principal structure, and conform to Code, places them in “major financial hardship”.
 - Nonetheless, if conforming to Code indeed places the Owens in “major financial hardship”, they can always elect to not undertake this optional construction project that invariably impairs the value of 4710 Limestone, which represents a meaningful share of our collective net worth.

3. We address the Owens' arguments from their Letter of Intent, dated 23 March 2018:
- **Reason A:** *The principal residence is built along a ridge. The land located directly North of the house cannot be built on due to the steep drop-off behind the house.*
 - **Response to Reason A:**
 - The Owens' house rests on a ridge similar to ours, and with modification, a Code-conforming garage can be built in line with the front of their house.
 - Earth can first be removed if the garage is to be on equal level with the driveway. Thereafter, the excess material can be applied with a very small retaining wall, allowing the garage to conform to Code.
 - **Reason B:** *The garage can't be built in front of the residence due to "Note 15" referenced above.*
 - **Response to Reason B:** We believe the garage can be built without a variance exemption from the county. See Response to Reason A.
 - **Reason C:** *The existing garage should not be expanded to the West to keep it behind the front property line of the principal structure because...*
 - **Response to Reason C:** We believe expanding the garage West is a reasonable option.
 - Very few, if any, of the houses on the North side of Limestone Road have access to the surrounding wooded areas on North of their properties.
 - While the pine tree is aesthetically pleasing, we find it hard to fathom that a 30' specimen pine tree is the sole remedy available to stabilize the top of the hillside and prevent erosion.
 - As discussed in 1d, we believe the incremental dollars required for the Owens to conform to Code is (a) not a valid reason for this variance approval, (b) financially feasible, and (c) a voluntary project that they can refrain from undertaking if it negatively impacts their finances.
 - **Reason D:** *The proposed building site as shown on the sitemap is southwest of the front of the house and west of the existing driveway... Also, in order to reduce the impact that a new structure may have on our neighbors to the west, we have reduced the originally planned roof pitch and lowered the height of the roof ridge from 21' to approximately 16'.*
 - **Response to Reason D:**
 - While we appreciate the Owens reducing the dimensions of the proposed garage, their above statement acknowledges that our views are still impacted negatively, whose consequences we have elaborated in 1a.
 - We believe there are potentially better solutions to achieve their objectives in compliance with Code:
 - ❖ The best solution is to extend the current garage West which requires the removal of a tree that can be replanted (see attached). This was initially suggested by the Owens as possible except for the tree, which we do not believe is sufficient reason to grant a variance.
4. We look forward to engaging with the Owens in a constructive dialogue on how they can achieve their goal of constructing a garage without impacting 4710 Limestone and remaining in compliance with Code. Otherwise, we believe the Owens' proposal should be **denied**.
5. Please do not hesitate to contact us if you have any questions. Thank you.

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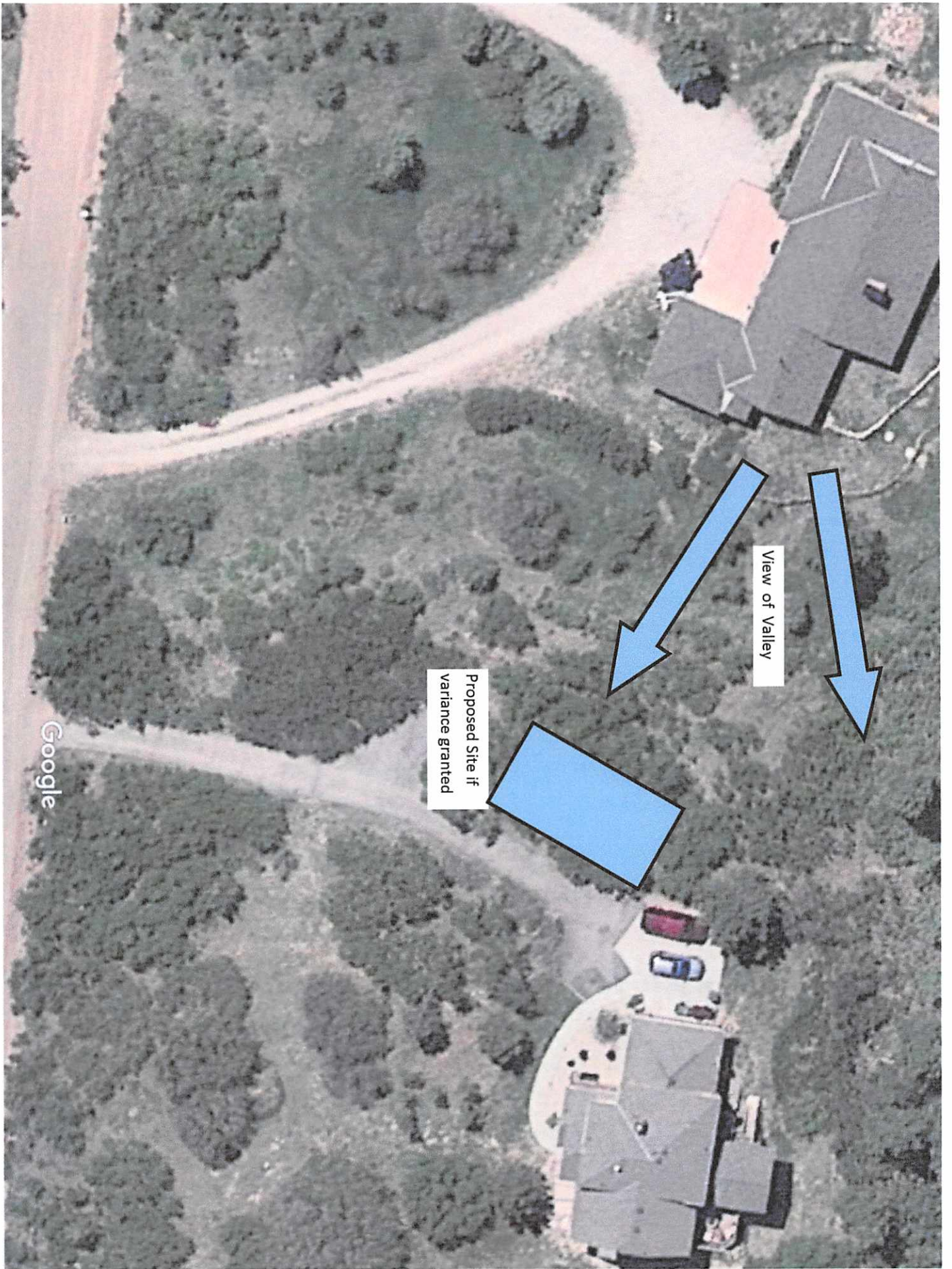


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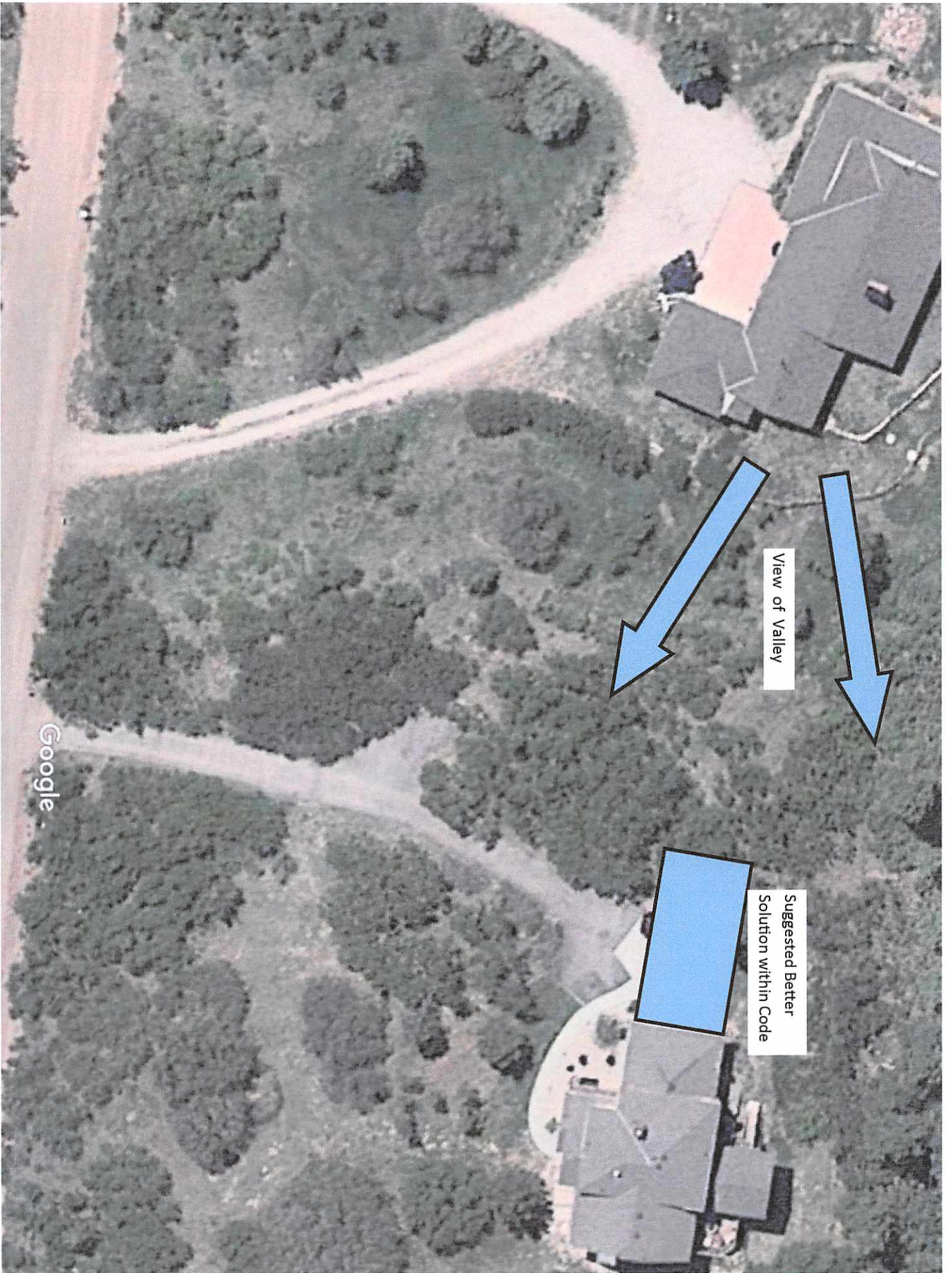
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Proposed Site if
variance granted

View of Valley

Google



View of Valley

Suggested Better Solution within Code

Google