

Foxx, Drew

From: Lisa Stark <sterlinglcs@gmail.com>
Sent: Monday, December 20, 2021 7:43 PM
To: Foxx, Drew; Development Review - SMB; Sharp, Cory
Subject: FILE NUMBER AR PEA 21-00773 EMAIL 1 OF 2
Attachments: cragin 1.PNG; cragin 2.PNG; cragin 3.PNG; cragin4.PNG; cragin 5.PNG; cragin 6.PNG

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RE: FILE NUMBER AR PEA 21-00773

Dear To Whom It May Concern,

This letter serves as formal documentation of our concerns regarding the preservation area/easement adjustment requested by Greg and Sheri Bianchi at 1115 Cragin Rd. We have resided at this address since 2004. When the Bianchi's moved on to Cragin it was originally land owned by Mrs Bianchi's mother who originally owned the corner lot 7521 Milner Dr (corner of Milner and Cragin) and likely should be listed as a residence that is part of this easement request. The Bianchi's built their property as a new build which is now 1115 Cragin Rd. Per the Bianchi's letter they state that they could not find any discussion as to what the purpose of the easement was actually for. The 7521 Milner was sold by the Bianchis on August 6, 2021. The builder of the following properties 1135 Cragin, 1125 Cragin and 1035 and 1045 Cragin created the easement when building those homes. He did so with deliberate intention to preserve the Falcon Estates West homes to include the home owners amazing views of the mountain range and Pikes Peak. It also protected the homes across the street by staggering the new homes to be mindful of the views. This property has brought us years of joy, peace and tranquility living in this highly desirable location of Colorado Springs. It is a piece of heaven like living in the country but we are in the middle of the city. We enjoy sitting on our deck daily and watching the most vivid Colorado sunsets .

The shed the Bianchis want to build is larger than the standard shed. Standard sheds being 8 ft. The proposed shed would be 12x16 or 18 (it is very difficult to read the plan that was attached to the request by Compass Surveying and Mapping, LLC. Either way it is almost double. It is also in a location that is far away from the Bianchi's house, but that happens to be right in our immediate line of site for our personal views of the mountains from our home. Not only are we extremely concerned about the potential obstruction of our views of Pikes Peak and the mountain range we are also concerned about the potential for how it would affect our property value if/when we sell. We paid for this property due to location and the views and this storage unit would ruin this.

The claim that all the properties have made improvements over time to mitigate erosion via landscaping and fencing is not accurate. I can't speak for the other home owners but we have made no modifications to the landscape or fencing in regard to mitigating erosion. It does not appear that the home at 7521 has made any changes to landscape either. Even if that was accurate it still should not justify a reason to develop in the no build zone.

Each home starting from our home at 1135, then our neighbor at 1125, then the Bianchi's at 1115 was built at a slant to keep any obstructions from hindering other property values. It seems that when the Bianchi's build they didn't exactly follow the specifications as the older homes as the newest build which is also unfortunate. You will be able to see in the photos I am attaching the views we have as well as the way the homes are staggered and also how the properties raise as they get further down the street. Sadly for us, 1135 and 1125 are truly the MAIN homes affected on this north side of the street as the other ones specifically included in the perseveration easement are on the west side of their property and a shed would not be in their line of site.

A Solution might be: build closer to their home (possibly right next to the back of their home-west side so NO worry of an obstruction)there appears to be enough room to build in that area to specifications allowed –and that would be more secure to have it closer to the whole house.

#4 of the declaration of protective covenants talks about two story and split level homes being permitted only in the instances where topography grade contour and finish grade elevations land such houses to the harmony and development of the area. This possible obstructed view is disharmony. There is also a manual written entitled hillside development guidelines manual. It talks about maintaining hillside properties in an environmentally sensitive fashion. It references minimizing disturbance to the terrain. Preserving natural features- to enhance street scape appearance.

To reiterate again we are objecting to the location of this shed because of its extraordinary height of 12 feet will blemish our homes view. 12 feet is quite obsessive. If this preservation easement was removed this neighborhood would be at risk for further disruption of view as well as become a huge risk with no rules, chaotic “a free for all” which is not in the best interest of this neighborhood or vision for Falcon Estates. You will be able to see from photos what appears to be other wood add-ons that are visible to my family. No one wants a view of clutter and sheds from their home. Peaceful homes.

I am attaching the photos to this letter for your review. They will include photos from inside and outside out home, where the shed they have mapped out is and you will be able to see how that is in line of site, as well as the homes being staggered as the builder and neighborhood wished. If you have any questions please email or call.

Sincerely,

Lisa Stark

719.314.5993

PHOTO 1: 1125 YARD AT POINT OF POTENTIAL SHED AND VIEW OF OUR KITCHEN AND DINING ROOM WINDOWS

PHOTO 2: HEIGHT OF 6 FT BRICK TO SHOW HOW ANOTHER 6 FT MORE OF SHED WOULD BE OBSTRUCTIVE

PHOTO 3 STAKES IN GROUND TO SHOW WHERE 1115 SHED WOULD BE AND NOTE HOW IT IS IN DIRECT LINE OF SITE OF OUR HOMES

PHOTO 4: SAME

PHOTO 5 CLUTTER ALREADY VISIBLE FROM 1115 PROPERTY (DONT KNOW WHAT THE WOOD TRELLIS WALLS ARE FOR)

PHOTO 6: SAME

NEXT EMAIL WILL HAVE ADDITIONAL PHOTOS....

From: pattipearl@q.com
Sent: Monday, December 20, 2021 1:08 PM
To: Foxx, Drew
Cc: Development Review - SMB; Sharp, Cory; 'Lisa Stark, Silpada Designs'
Subject: FILE NUMBER AR PEA 21-00773

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To: The Planning & Community Development Department

We are submitting this letter to inform you that, as property owners at the address of 1125 Cragin Road, we object to the development proposal for the "1115 Cragin Rd Preservation Easement Adjustment" (File Number AR PEA 21-00773). It is also misleading to call this an easement adjustment when there is already an established utility easement on all properties.

We have owned this property for over 24 years and take the position that the "No Build Zone" condition attached to the properties in this area was established to preserve its rural nature by controlling the density of building structures which would also provide an open area for all properties in this section of Cragin Road with equal opportunity to enjoy the mountain views. Our understanding is that it was created as part of an agreement to annexation along with other conditions, such as providing city sewer access and the closing of access to Cragin Road from Goddard. Such a condition on property use not only protects the rights of the individual property owners, but also prevents neighborhood conflicts and misunderstandings.

The "No Build Zone" should not be arbitrarily removed for the benefit of one property owner and at the expense of the properties located at 1125 and 1135 Cragin Road (other properties would be affected by increased building density but not as directly as these two lots). Furthermore, there should be no consideration to removing this zone until at the very least its true intent is fully understood. Removal of this particular use condition would definitely result in a negative impact on property values both now and at the time of resale. The negative impact to these properties is worsened by the fact that they are located on the downhill side from everyone else and an increased building density would have the visual effect of boxing us in.

PUBLIC COMMENT

The open, unobstructed area has already been compromised by the installation of a light pole to drop in utilities for the 1115 Cragin Road parcel. While the development proposal indicates it would be built from the ten foot easement forward (12 foot) the submitted drawing doesn't show it that way; and nevertheless, the **oversized** shed as proposed would be an eyesore and is only the beginning to other project(s) that would obscure the view. The property owner at 1115 Cragin Road has indicated the intention to build a gazebo which would be impossible to locate without blocking a significant portion of the view as well as just add to the overall "clutter" we would have to look through. Since there is no monitoring as to whether a building will obstruct neighbors' views, allowing construction in this 75 foot area sets a dangerous precedent for this property owner to erect any number of buildings as well as for other property owners to the west (and future property owners) to follow in kind. Considering the above concerns, the "No Build Zone" continues to serve a very valuable purpose by preventing buildings such as this to clutter the rural nature of this area.

No doubt it would be disappointing not to be able to build as proposed; however, due diligence at the time of purchase should have revealed any conditions the property owner would not be content to tolerate. Perhaps other options could be explored more fully; such as, it appears there would be sufficient space to build a storage shed on the west side of the house (there is 26.4 feet available setbacks for code and any requests for variances would be of no consequence). Even though it would mean giving up one of two driveways, this would have the least impact on everyone in the area as the building density would not appear to be increased by the shed being adjacent to the house and it would not block anyone's view, including the homeowner. The size of the shed may need to be adjusted to meet building codes but perhaps additional space, if needed, could be purchased from property owner on the west.

Thank you for your time and consideration,
Jim and Patti Pearl



Home Owners Association of Falcon Estates, Inc.

Neighbors Dedicated to the Protection and Preservation of Our Neighborhood!

P.O. Box 63183, Colorado Springs, Colorado 80962

Falcon Estates HOA Board
PO Box 63183
Colorado Springs, CO 80962

March 10, 2022

Colorado Springs Land Use Rvw
30 S. Nevada Ave
#105
Colorado Springs, CO 80903

Dear Mr. Drew Foxx:

While, we the Board of Directors for Falcon Estates Homeowners Association, stand by the rights of individual property owners to manage their property as they desire, we also recognize that the property owners in Falcon Estates are neighbors and as such, we all owe it to our neighbors to preserve the appearance and desirability of our neighborhood. These are the reasons we chose to purchase our property and live in Falcon Estates.

Therefore, with this communication, the Falcon Estates Homeowners Association Board of Directors goes on record as **opposing the request** for the plat amendment cited in file AR APR 22-00128. We feel that granting such an amendment will set precedent to approve such future requests that will have a negative effect on our neighborhood which was established decades ago for maintaining the semi-rural quality of living we all enjoy.

Sincerely,

FEHOA Board