



Sat 1/16/2021 1:21 PM

Michelle Kohl <kohlmj@msn.com>

21 Marland Rd Appeal

To: Osborne, Alex  
Cc: Lobato, Elena

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Dear Mr. Osborne,

We live at 9 [Crossland Rd](#), not far from Marland Rd where the fence at 21 Marland is and can be seen from the street when we walk our dog every day. Our home was built in 1953 and we have lived here for almost 21 years. We chose to live in this historical part of town for the bigger lots and because the homes weren't cookie cutter. We each have also served on the Board for the Count Pourtales Association and like that we have an HOA and architectural review committee that typically ensures the character of our neighborhood.

We are writing you to express our support for **appealing** the approved administrative decision which allowed a 8' finished grade fence height (6' fence on top of 2' retaining wall). The appearance of the 8' structure is not in harmony with the look and feel of our historic neighborhood. Quite frankly, the fence looks like a roller coaster track given its height and waviness of its implementation. Furthermore, it reminds us of an outside wall you would find on the grounds of a prison given it's 8' stature.

It is not acceptable that this structure was implemented against city code without an approved variance first. It's like knowing you're going to commit the offense but will ask for forgiveness later. Most contractors and fence companies are aware that city's and HOA's have regulations on fence height. It also did not allow the neighborhood a chance to review the plan and provide input. We understand that a letter went out and a sign was posted before the variance was approved, but we never saw either. We saw the recent sign for appeal and it didn't make sense—it sounded like the fence was a done deal.

Furthermore, our HOA's job of enforcing our covenants are sabotaged if the city allows this fence to stay as is and not comply with the code. We cannot allow this kind of precedence for fencing to be set. It will degrade the value of our properties in this highly desired neighborhood.

We would be awfully angry with the city if one of our adjacent neighbors did this to our yard and the city just looked away. People who break the rules shouldn't be rewarded.

We respectfully ask you to strongly consider the appeal of this decision to ensure integrity of your processes and to ensure no harm to our neighborhood now and into the future.

Thank you.

Sincerely,

John and Michelle Kohl



Tue 1/19/2021 10:47 AM

Surofchek, David T <David.T.Surofchek@morganstanley.com>

RE: 21 Marland Rd Appeal

To: Osborne, Alex  
Cc: Lobato, Elena

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Alex,

I appreciate the opportunity to respond to the email you received from Mr. & Mrs. Kohl. I respect Mr. & Mrs. Kohl's comments. I will repeat what I stated in a previous email response. I believe it's important to point out the wall and fences at 5, 28, 29 & 35 Marland road also don't meet the criteria of what they've detailed a fence and wall should look like in our neighborhood. I don't believe any of these structures, many of which are also violating the same code I was violating, have had anyone in our neighborhood express their concerns as they've expressed about my wall even though they've been in existence for longer than I've owned my home at 21 Marland. They mentioned the rollercoaster appearance of my wall and fence which is similar to the wall at 29 Marland, which to my knowledge no one is complaining about this wall and fence.

Our wall and fence are necessary for my property to allow for reasonable access into my garage. Without the expanded driveway it makes it very difficult to use my garage, which requires a retaining wall to prevent my driveway from eroding into the property at 17 Marland and mitigates water from flowing onto 17 Marland. The 6 foot picket fence is necessary to provide the privacy I need to live in peace in my home. Last but not least the neighbors at 17 Marland have done things purposely to violate our privacy by shining spot lights onto our home and putting cameras that are directed into our home. This 6 foot picket fence and the trees we've planted next to it is our only ability to provide reasonable privacy.

Please let me know if you have any questions or concerns.

Regards,

Dave Surofchek