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Dan League <danleague@earthlink.net>

Appeal of decision regarding 21 Marland Road

To  Osborne, Alex

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Mr. Osborne:

I am writing to dispute the administrative decision to allow a fence and retaining wall at 21 Marland Road which are in noncompliance with code and in violation of the covenants of the the Count portales Homeowners Association. I live at 15 Marland Road two doors north of the subject property and have so for the past 43 years. I commented on this matter in an earlier letter to you and still stand by my objections.

It is particularly disturbing to us who have lived in this neighborhood for many years to find that non compliance of a city code is allowable. The Count Portales neighborhood has been in existence for more than 90 years and for most part the residents have have obeyed the rules when it came to new construction and remodeling.

My understanding is that the owner of 21 Marland Rod is an intelligent and successful businessman and should of had the foresight to review any restrictions regarding improvements to his property. One of his justifications for the wall and fence was that other properties on Marland Road had walls and fences that were out of compliance. This is a false asseration and certainly not justification for his actions.

In closing I do not see how we can support a process that allows an individual to seek approval after the fact. If the owner had requested approval of an variance prior to going ahead with construction I might have felt differently about the outcome. If the rest of us have to abide by these rules, then there should be no exceptions.

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