

Herington, Meggan

From: Surofchek, David T <David.T.Surofchek@morganstanley.com>
Sent: Monday, March 1, 2021 2:35 PM
To: Keith Minihane; captdrdink@comcast.net; Michelle Major; dalsasot@hotmail.com
Cc: Herington, Meggan
Subject: RE: Board Review Request
Attachments: HOA letter of support.docx

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Count Pourtales HOA Board Members,

As many of you may know I'm appealing the split decision by the City Planning Commission regarding the appeal by the residents at 17 Marland to uphold the non-use variance granted by the City of Colorado Springs. This matter will now be heard by the City Council on March 9th. The residents at 17 Marland have provided your letter dated January 25th to the City. This letter may give the perception to the City Council that the HOA has made a final ruling on this matter well before my due process rights have been fully exhausted with my appeal to the City Council. As I mentioned in my email response to this letter on January 25th below, I would expect the HOA board would fully respect the City Council's decision to uphold the granting of the original non-use variance if that decision is in my favor at the City Council meeting on March 9th. With that in mind I'm asking for a statement in the form of a letter from the HOA board that states this matter is not resolved until the City Council has voted. Otherwise the letter written on January 25th may have the perception that a final decision by the HOA has been made before this matter has completely run its due process course.

Sincerely,

Dave Surofchek

Cc: Meggan Herington from the City Planning Department

-----Original Message-----

From: Surofchek, David T (Wealth Management Field)
Sent: Monday, January 25, 2021 5:28 PM
To: 'NANCY BARBER' <lattegirl1@aol.com>
Cc: Keith Minihane <kminihane@hotmail.com>; captdrdink@comcast.net; Michelle Major <mmajor11@hotmail.com>; dalsasot@hotmail.com
Subject: RE: Board Review Request
Importance: High

Nancy,

Thank you for the letter. I want to make you aware that I did receive a non-use variance from the city for the height of my fence. This non-use variance was appealed and the city planning commission upheld the appeal by a 4-3 vote. I'm in the process of appealing the planning commission's decision to the Colorado Springs City Council where I will be seeking to overrule the city planning commission's split decision resulting in being able to keep my existing fence and wall intact. It is my right to appeal the planning commission's split decision as it was the right of my neighbors at 17 Marland to appeal city planning department's decision to grant me the non-use variance. With that in mind I would expect the HOA

board would respect the city councils decision if this body does choose to vote in my favor in keeping my retaining wall and fence at the current height.

It's important to point out that my retaining wall and fence height, which is in violation of the city code, is not the only retaining wall and fence in the HOA that violates the same city code I'm violating. The code that details the violation was updated in 2016 by the city but the pre-2016 retaining wall and fence code stills put those other structures in our HOA in violation of the retaining wall and fence set back code. I have no issue with any other home owner in this neighborhood who is also in violation of the same code and I only point this out to make it known that my retaining wall and fence is not the outlier in this neighborhood.

I appreciate the statement regarding the drainage. I will be adding more trees, bushes, mulch and grass to the carriage house and driveway area. This should provide additional water run-off mitigation.

I expect my hearing with City Council will take place by mid-March. When this decision is rendered I will contact the HOA with their findings and take any appropriate and/or necessary actions in satisfying this ruling.

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

Take care,
Dave Surofchek

-----Original Message-----

From: NANCY BARBER <lattegirl1@aol.com>

Sent: Monday, January 25, 2021 5:02 PM

To: Surofchek, David T (Wealth Management Field) <David.T.Surofchek@morganstanley.com>;
george_tracy@icloud.com; amyetracy@icloud.com

Cc: Keith Minihane <kminihane@hotmail.com>; captdrdink@comcast.net; Michelle Major <mmajor11@hotmail.com>;
dalsasot@hotmail.com

Subject: Board Review Request

Please see attached letter from the Board.
Thank you.

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