



Sat 1/16/2021 4:28 PM

Duncan Tenney <duncanct@comcast.net>

FW: 21 Marland RD, CS,CO 80906

To: Osborne, Alex  
Cc: Lobato, Elena

You forwarded this message on 1/19/2021 9:16 AM.

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I am well aware that you 'approved' the variance for the above mentioned property – need I mention, as a long-time resident (21+ years) at 26 West Cheyenne Mtn. Blvd (80906) in the Count Pourtales Neighborhood, that I must again express (see below) my concerns and must 'appeal' this decision not only based upon below, but for the following emphasized reasons:

1. As was explained below, the neighborhood decided that it was BEST to have a solid wall or a solid wood fence be no higher than 4 ½ feet and a maximum 1 ½ feet added to that but would be appropriate if that 1 ½ feet would be visibly open (such as wrought iron or panel or the like - THUS the fence would be of a total height of 6 feet ----- AGAIN, this type of guideline maintains the 'flavor' of the neighborhood while also ultimately the property values. -----The owner of the above mentioned property (the Surofchecks) have installed a 6 foot solid fence and with a 2 foot retaining wall - at its highest point, is an 8 foot fence (a distinct violation that has many neighbors unhappy!)
2. There is desire by the neighborhood for 'everyone' to comply which only leads to harmonization (neighborhood character) and ultimately an obvious increase in property values
3. I (we) chose to live in a covenant controlled neighborhood simply because we felt that there would be a GOOD chance in the future that every attempt would be made to preserve the integrity of the neighborhood. As you may have noticed, we have been quite content for 21+ years for our 'hunch' has proved correct. I feel that the City not enforcing its own code, never mind what we suggest, GREATLY impacts the entire neighborhood ----- as mentioned earlier above, a tall fence that the Surofchecks clearly does not 'go with' the neighborhood for it is rather 'unsightly' to look at it from the street, especially when one is aware that the neighbor was never consulted.
4. Also, by the city granting a variance, not enforcing its code, the City is essentially 'setting up a precedent' that will allow for (more) future violations that will bring harm to the neighborhood.
5. We have an Architectural Review Committee that reviews all construction and improvements to our neighborhood and the City granting a variance will make it very difficult to enforce our covenants
6. In closing, I must add and say how lucky we are not to have to look at such a fence on a daily basis and to have a neighbor that not only does not attempt to communicate, but builds the fence without 'approval' beforehand, thus likely to impact the entire neighborhood

Respectfully,

Duncan (& Virginia) Tenney



Tue 1/19/2021 10:22 AM

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

RE: 21 Marland RD, CS,CO 80906

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. Duncan. I can appreciate the concern they detail in their email but 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. 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.

I don't understand how my retaining wall and fence greatly impacts the neighborhood as they've stated. To my best knowledge the retaining wall is not visible from the street even during the winter months when there are no leaves on the bushes in front of the retaining wall.

Although it may not be relevant in seeking my non-use variance it's important to point out my HOA did approve my fence and wall even though the wall was approved after it was built. In addition there was an attempt to communicate with my neighbors at 17 Marland and I expect the civil case between us will amply show this was the case.

Regards,

Dave