



Woodmoor

IMPROVEMENT ASSOCIATION
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October 19, 2022

Sent via email to: kyliebagley@elpasoco.com

Kylie Bagley, Project Manager, Planner
El Paso County Planning and Community Development Department

RE: File Number AL2214 Special Use 17340 Fairplay Drive Minor Kennel, Mark & Anne Seglem

Ms. Bagley,

The Woodmoor Improvement Association (WIA) consists of more than 3100 properties and seven sub-associations. WIA recently acquired common area through a donation from the Walters Open Space Committee LLC that is directly behind the property noted above. On behalf of the WIA Board of Directors, WIA wishes to express its firm opposition to this request for the reasons stated below.

As adjacent property owners, WIA certifies that this Special Use for a Minor Kennel at 17340 Fairplay Drive is against our Covenants, Rules & Regulations, as follows:

A. ANIMALS

1. The Covenants provide that no animals, livestock or poultry of any kind shall be housed, raised or kept on any tract or property either temporarily or permanently, except that commonly accepted domestic household pets may be kept **provided they are not kept or maintained for any commercial purposes.** (Emphasis added). The number of pets permitted per household is four (4), by El Paso County law.

2. Dogs

By County ordinance, dogs must be licensed in El Paso County, which includes Woodmoor. If a resident's dog is barking excessively or is not contained on its lot to the annoyance of the neighborhood, such activity will be considered a covenant violation. Following are the conditions under which lot owners and/or pet owners may be cited and subsequently fined:

a) Whenever any pet in Woodmoor, whether within an enclosure, leashed, contained by an electronic device, or left free to roam, creates an undesirable situation with respect to noise, threatening behavior, or unwanted presence on another's property as verified by one or more of the following: (1) A WIA staff member, (2) A member of the WIA Board of Directors, (3) An individual appointed by the Director of Covenant Enforcement, (4) Multiple complaining residents.

b) Excessive dog barking is defined to be any occurrence of barking that is not adequately addressed by the pet owner or custodian so as to stop the barking prior to verification by one 5 of the parties identified in the above section (a).

WIA also notes the following Covenant provisions:

Section 10. Nuisance. Nothing shall be done or permitted on any Lot which may be or become an annoyance or nuisance to the neighborhood. No noxious or offensive activities or commercial business or trade shall be carried on upon any tract, except that professional offices such as that of a lawyer, doctor, dentist, or engineer may be maintained within the main dwelling upon specific approval by the Architectural Control Committee in each case. Outside aerials or antennas will not be permitted.

Section 13. Animals. No animals, livestock, or poultry of any kind shall be housed, raised or kept on any tract or property either temporarily or permanently, except that commonly accepted domestic household pets may be kept provided they are not kept or maintained for any commercial purposes.

There is a well-utilized walking trail that runs directly behind the above property. Residents have voiced concerns about the number of dogs, as they cannot walk behind 17340 Fairplay Drive without the dogs barking. Woodmoor Public Safety, WIA's armed security, has received numerous complaints of barking and aggressive dogs at this residence.

The request for Special Use states "For Approval of a minor kennel as a special use for eight (8) personal dogs". WIA has had several reports that there are currently between 8 and 12 dogs, including puppies, at the residence.

Based on the concerns noted above, as well as complaints received against this property, WIA, acting by and through its Board of Directors, respectfully and firmly opposes granting this Special Use application.

Respectfully submitted,



Brian X. Bush
President, WIA Board of Directors

Attachment (1)



250 125 0 2
 ORIGINAL SCALE: 1" = 21'

SOUTH WOODMOOR PRESERVE,
 FILING NO. 2
 JOB NO. 25186.00
 JANUARY 31, 2022
 SHEET 7 OF 17

TRACT F
 D REC. NO. 22007826
 R. C. GREENS
 PAGE 26

WARRANTY DEED
 REC. NO. 22007826
 SOUTH WOODMOOR PRESERVE
 REC. NO. 22007826

WARRANTY DEED
 REC. NO. 210102634
 SOUTH WOODMOOR PRESERVE
 REC. NO. 210102634

TRACT A
 SOUTH WOODMOOR PRESERVE
 REC. NO. 22007826

TRACT B
 SOUTH WOODMOOR PRESERVE
 REC. NO. 22007826

BASE OF BEARING
 330°02'00"

100' WITNESS CORNER
 74 CORNER SEC. 20

COUNTY OF COMMERCE
 REC. NO. 22007826

WARRANTY DEED
 REC. NO. 22007826
 SOUTH WOODMOOR PRESERVE
 REC. NO. 22007826

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