

MAROON CREEK CLUB MASTER ASSOCIATION

DATE: *6 January 2004*

TO: *Owners of Maroon Creek Club single family homes*

FROM: *William Lukes AIA*
SARC Architectural Advisor

RE: *Fences and dog runs*

Dear Maroon Creek Club Home Owner:

The Design Guidelines of the Maroon Creek Club Master Association contain certain restrictions and requirements for fencing portions of single family lots. The Executive Committee of the Association, acting as the Site and Architecture Review Committee, recently decided to apply the following interpretations of the Design Guidelines for any requests to install fencing or similar improvements, including outdoor dog runs of any type. The following guidelines are effective as of December 30, 2003:

FENCES:

1. Fences of any type will generally not be allowed on single family lots, regardless of whether they would be located within or without the Building Envelope.

DOG RUNS OR ENCLOSURES:

1. Walls enclosing open areas within the Building Envelope that are similar to retaining walls and that conform to the requirements of the Design Guidelines, including height, facing with masonry to match the house, etc., will be considered on a case-by-case basis. Factors to be considered would include location on the property, location relative to neighbors, existing and proposed screening, and visual and other [i.e. noise] impacts. A consideration of particular importance will be integration into the building design. Enclosure walls will not be allowed in any front yard areas.
2. Although none have yet been reviewed or approved, the Executive Committee offers the following general design guidelines for owners wishing to provide a secure area for dogs on their property:
 - A. Any enclosure would be constructed of dark colored [i.e. plastic coated in black, brown or dark green] welded wire mesh that would be concealed by shrubbery of allowed types and other plant material so that the mesh is not readily visible from common areas or other properties. The location and design should be integrated into the building massing and forms and could use building elements to accomplish that. The enclosure and plantings should not create a noticeable or strongly geometric visual element in and of themselves. Other comparable solutions without visual impacts would be considered on a case-by-case basis.
 - B. Enclosures would only be considered within the Building Envelope or, for the lots that have them, defined Development Envelopes.

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- C. Heights of any improvements would have to comply with the Design Guidelines for comparable elements such as retaining walls.
- D. No enclosures would be allowed in front yard areas, in areas that are within important view areas of other homes, or in setback areas. Locations should respect the present and future homes on adjacent properties.
- E. Some properties may not have any suitable location for a dog enclosure or yard due to the configuration, size, location or other site-specific characteristics of the property.
- F. A neighbor notification will be sent to all adjacent and nearby property owners prior to SARC's granting any final approval for such enclosures, and neighbor comments will be considered carefully by SARC in their review. If an applicant obtains written letters of support from all neighbors, SARC may waive the requirement for a neighbor notification.
- G. All such enclosures must be formally approved in writing by SARC.
- H. Approval of any enclosures or dog runs by SARC shall not be construed as allowing any nuisance of any type or as a waiver of the requirements of the Protective Covenants and other governing documents, including restrictions on noise, odors, maintenance of properties, or ownership of pets.

Owners are reminded that both the Protective Covenants of the Maroon Creek Club and City of Aspen regulations prohibit dogs running at large. With the proximity of the Maroon Creek valley and the open ski area lands, the MCC single family homes occupy lands that are also used by deer and other wildlife for feeding and habitat - please remember that dogs running loose have very real impacts on both wildlife and your neighbors.

If you have any questions, please call me at (970) 920-6929 or email me at architects@williamlukes.com

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REFERENCE INFORMATION FOR SARC MEMBERS:

Design Guidelines Amendment No. 2 presently contains the following language:

1. Road Margin:
No fences are allowed in the Road Margin. [page 2]
2. Natural Area [side and rear yards outside of envelopes]
No permanent or temporary structures are permitted in the Natural Area. No walls, paved areas, walkways, fences, swimming pools or spas, or any other improvements may be constructed or placed in the Natural Area, except as may be specifically approved by SARC. [page 3]
3. Development Envelope
Fences are discouraged, and are permitted only with the specific approval of the SARC. Refer to Section VII.2. [page 4]
4. No fences are permitted outside the Building or Development Envelope. Where permitted, they must be designed such that a minimum of eighty percent (80%) of the elevation is unobstructed, and must be specifically approved by SARC. Acceptable materials are wood, stone, metal and iron. [page 17]

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