

Wildwood Village Homeowners' Association
PO Box 88025
Colorado Springs CO 80908

XXX
XXX XXX
Colorado Springs CO 80908

21 December 2003

Dear XXX

The Board of the Wildwood Village Homeowners' Association hereby grants a *limited* variance to XXX of XXX XXX to keep no more than three horses on their property, effective 21 December 2003. This variance may be reviewed by the Board on or after 30 June 2004, a date chosen to coincide with the height of the growing and insect seasons so that conditions on the property can best be evaluated, at which time it may be revoked or continued. The Board may also review the variance for cause on or after 30 June every second year thereafter, at which times it may again be revoked or continued. Lack of action on the part of the Board within three months following the specified review date will be construed to mean that the variance is continued until the next review date. You will not be required to reaccomplish the variance request form during each review period, but any comments on file with the Board from your immediate neighbors will be noted during the process. This variance is granted to the specified property owners only, and will not transfer to others, including tenants, should the property be sold or rented.

The Board feels that the granting of variances increasing the number of animals allowed on a property is a very important step for the Association, one that we do not feel should be taken lightly. In order to avoid future confusion concerning the precedent we intend to set by this action, we explain the following conditions that we took into consideration when granting the variance.

The XXXs have had an exemplary record of maintaining their property in the Village for a substantial period of time. They have had two horses on their property for six years and at no time have there been any complaints lodged by any members of Wildwood Village relating to those animals. They have detailed to the Board the land management plan by which their pastures have been kept in such good condition. This plan includes semiannual seeding and spraying for weeds; continuous manure composting (to include watering, turning, and covering, not just storing it in a stagnant pile) and annual spreading and mulching of accumulated manure to replenish the soil; administration of a feed supplement that kills flies that land in the manure compost (*Equitrol*); administration of a product to the stall bedding that eliminates the odor of urine (*Sweet PDZ*); proper upkeep of all pasture fencing; limitation of grazing of the pasture by the horses by periodically sectioning and rotating the pasture to allow only certain portions to be grazed while others are allowed to grow grass during the summer; limitation of grazing of the pasture by supplementing the horses' diets with hay even during the growing season; and limitation of grazing of the pasture by confining the horses to their corrals at night and for significant portions of the day year-round, especially during the non-growing season. Additionally, XXX's university degree is in Agricultural Science specializing in Animal Production, demonstrating a much deeper understanding of the requirements of land management than is possessed by most people. Although not specifically related to the horses but lending strength to the argument of their considerate management of animals within the Village, the XXX also properly control their dog, confining him without exception to their property unless on a supervised walk, strongly discouraging extended periods of barking at all times, and even kenneling him in the house or barn at night to prevent him from disturbing their neighbors with nocturnal barking. Several members of the board have also personally inspected the XXX property and verified that the land and animal facilities are extremely well maintained. Finally, all immediate resident neighbors signed the standard Wildwood Village variance request form, stating thereby that they did not object to the additional horse.

NOTE: The above paragraph was derived from information supplied by the variance applicants concerning the program they proposed to ensure their additional horse would not be an excessive burden on their land. Each applicant for such a variance will be required to propose similar wording that fits their individual situations.

The previous paragraph states the details of the specific case listed above and many of the factors that were considered when the variance was granted. The general precedents that the Board intends to set by the granting of this limited variance are set forth in these concluding two paragraphs. The granting of a variance allowing additional animals on a property within the Village is a serious matter and is only granted when there is an established record of long-term, exemplary land maintenance with two horses on the property. This record must be established at a minimum by a lack of neighbor complaints about the existing animals for a period of several years; the existence and appropriate use of corrals as specified in the Covenants; demonstration of the knowledge necessary for appropriate management of the animals and the land; established procedures for grazing management, manure disposal, and weed, odor, and insect control as well as plans for extension of these procedures to the additional animal; personal visits by several members of the Board to verify the condition of the land and facilities and evidence of the plans and procedures; a pattern of responsible and considerate management of all animals, horses and others, on the property; and lack of reasonable objection by the immediate neighbors of the property in question.

By detailing these conditions, the Board intends to show that the *normal* condition is for no more than two horses to be allowed on a property and that being allowed an additional animal is an *unusual* circumstance that is allowed only after verification of certain reasonably stringent conditions have been demonstrated. The Board does not intend to establish a precedent for allowing more than three horses on a property within the Village. The Board also intends to establish a precedent that it intends to periodically review variances regarding additional animals to ensure that the land is not abused and the tranquility of the Village is preserved. As with all non-real-property variances, the Board intends to set the precedent that the variance is non-transferable.

Sincerely,

Mark Conway
President