

July 23, 2025

To the Members of the Arapahoe County Board of Adjustment:

We, Nass and Andrea Asali, are the residents of 1593 South Uinta Way in unincorporated Arapahoe County and respectfully request a variance from Section 4-1.5.C.2. of the Land Development Code to allow continuation of our existing six-foot fence beyond the front building line to enclose a portion of our front yard.

Overview of Request and Context

Our property is uniquely situated with a front building line approximately 100 feet from the street – a setback far greater than is typical in our neighborhood. We have already installed a six-foot fence around the side and rear yard, consistent with existing permits and County Code. We now seek to extend the six-foot fence approximately 75 feet toward the street on both sides, stopping 24 feet from the front property line, with a connecting segment and gates parallel to the frontage. The proposed fence would remain 26 feet from the roadway and will fully comply with the County's 16-foot minimum sight triangle and 8-foot setback standards under Section 4-1.5.C.3. A copy of the site plan with the location of the fence is included with this letter.

Basis for Variance – Meeting the Required Criteria

We respectfully submit that our request satisfies all six criteria required for a variance under Section 13-1004 of the Land Development Code:

1. Unnecessary Hardship Due to Strict Application

Strict enforcement of the three-foot height restriction for fences would create significant and unnecessary hardship for our family. As property owners, we face challenges not typical for most homeowners in the area due to the unique characteristics of our lot, the specific risks we face, and the way we use and care for our property.

Our home is set back an atypical 100 feet from the street. This expansive and exposed front yard effectively functions as part of our usable outdoor space, where our children play, and where we have implemented South Metro Fire District's fire mitigation recommendations by removing dead trees and planting low-fuel vegetation. These efforts represent substantial investment in both safety and aesthetics. However, this progress is being actively undermined by a frequent and growing problem: deer intrusion. Deer regularly enter the front yard from adjacent properties and have caused extensive damage to our plantings. Their presence also creates a health concern due to the risk of Chronic Wasting Disease (CWD), which may be transmissible to humans through environmental exposure. A three-foot fence would not deter deer and would fail to protect our family, property, and investments.

Additionally, we have experienced theft of equipment from our property in the past. The back and sides of our lot are now secured with a six-foot fence, which has successfully prevented further intrusions. Extending a three-foot fence across the front would offer no meaningful barrier to would-be thieves, leaving a large portion of our property – nearly 22,000 square feet – vulnerable.

The hardship is further compounded by the impracticality of locating a six-foot fence at the 100-foot building line, which would force us to abandon use of the front yard altogether. Doing so would not only sever our visual and functional connection to this space but would also present operational difficulties: our garage is located near the building line, and there is not sufficient room to back a vehicle out of the garage without encroaching into the fence line. Moreover, this alternative alignment would require removal of mature trees, resulting in further loss of privacy and environmental degradation, and contradicting the very landscaping goals the fence is meant to protect.

Finally, if we are ever to keep domestic animals, such as dogs, a six-foot enclosure is essential for both their containment and for the safety of pedestrians and cyclists on Uinta Way. A lower fence would be inadequate for this purpose and would create additional hardship in terms of how we safely use our property.

In sum, the combination of security threats, topographical exposure, wildlife hazards, functional use of the yard, and the ineffectiveness of a three-foot fence uniquely burdens our property in ways not contemplated by the general regulation. These hardships are not self-imposed and are inconsistent with the intent of the Code to support the health, safety, and enjoyment of residential properties.

2. No Special Privilege

Granting this variance would not result in special privilege. Several neighboring properties on Uinta Way, including the residence directly across the street, already have six-foot fencing parallel to the road. The requested variance simply affords us the same reasonable opportunity to secure and enjoy our property.

3. Exceptional Property Characteristics

Our property presents exceptional characteristics that are not typical in the neighborhood. The front setback of 100 feet is nearly double that of surrounding properties, which generally have frontages of 50 feet or less. The lot's significant slope toward the street leaves both our front and portions of our backyard visible and exposed. Without a variance, we are deprived of the same privacy and security other similarly zoned properties enjoy.

4. Not a General Condition

The variance we seek arises from the unique combination of our property's size, slope, and unusual setback. It is not a general condition requiring a broader amendment to the regulations. The request is site-specific and tailored to the distinctive challenges of our lot.

5. No Detriment to Public Good or Purpose of Code

The proposed fence location does not present any safety hazards or negative impacts to neighboring properties or the public. In fact, it improves safety by deterring theft and minimizing potential wildlife-related hazards. The fence will remain well outside the required sight distance triangle and setback from the street, preserving visibility and aesthetics. The design is in harmony with the purpose of the fence code: to protect public health, safety, and property value.

6. Consistent with Comprehensive Plan Objectives

The requested variance is consistent with the goals and objectives of the Arapahoe County Comprehensive Plan, which encourages development and property improvements that enhance residential character, promote safety, and preserve neighborhood aesthetics.

The proposed fence will be constructed of high-quality, durable materials consistent with County-approved fence classes and in harmony with other fencing in the neighborhood. The fence will be well-maintained and visually cohesive, reflecting the architectural character of nearby homes and reinforcing the attractive, established residential feel of the area. It will not appear out of scale or out of place, particularly because multiple neighboring homes along our stretch of Uinta Way, including the property directly across the street, already have six-foot fences parallel to the road. This continuity contributes to a uniform and orderly streetscape.

The proposed placement of the fence – set 24 feet back from the front property line and 26 feet from the edge of the street – further aligns with Comprehensive Plan goals by balancing privacy and security needs with openness and visibility. This generous setback, which exceeds the County's required minimums for sight distance and traffic safety, ensures that the fence will not disrupt sight lines or dominate the streetscape. Instead, it will complement the front yard's natural slope and landscaping, acting as a subtle boundary that protects the yard without creating a visual barrier.

Additionally, by enclosing the front yard, the fence will allow us to fully utilize and enhance this large and prominently visible portion of our lot. We intend to continue improving our fire-mitigated landscape with safe, attractive, and sustainable plantings. The fence thus supports the Comprehensive Plan's objectives of environmental responsibility, community investment, and neighborhood beautification.

In all, the proposed fence location and design are not only compatible with surrounding development patterns but will actively improve the functionality, security, and appearance of our property in a way that advances the values and vision expressed in the Comprehensive Plan.

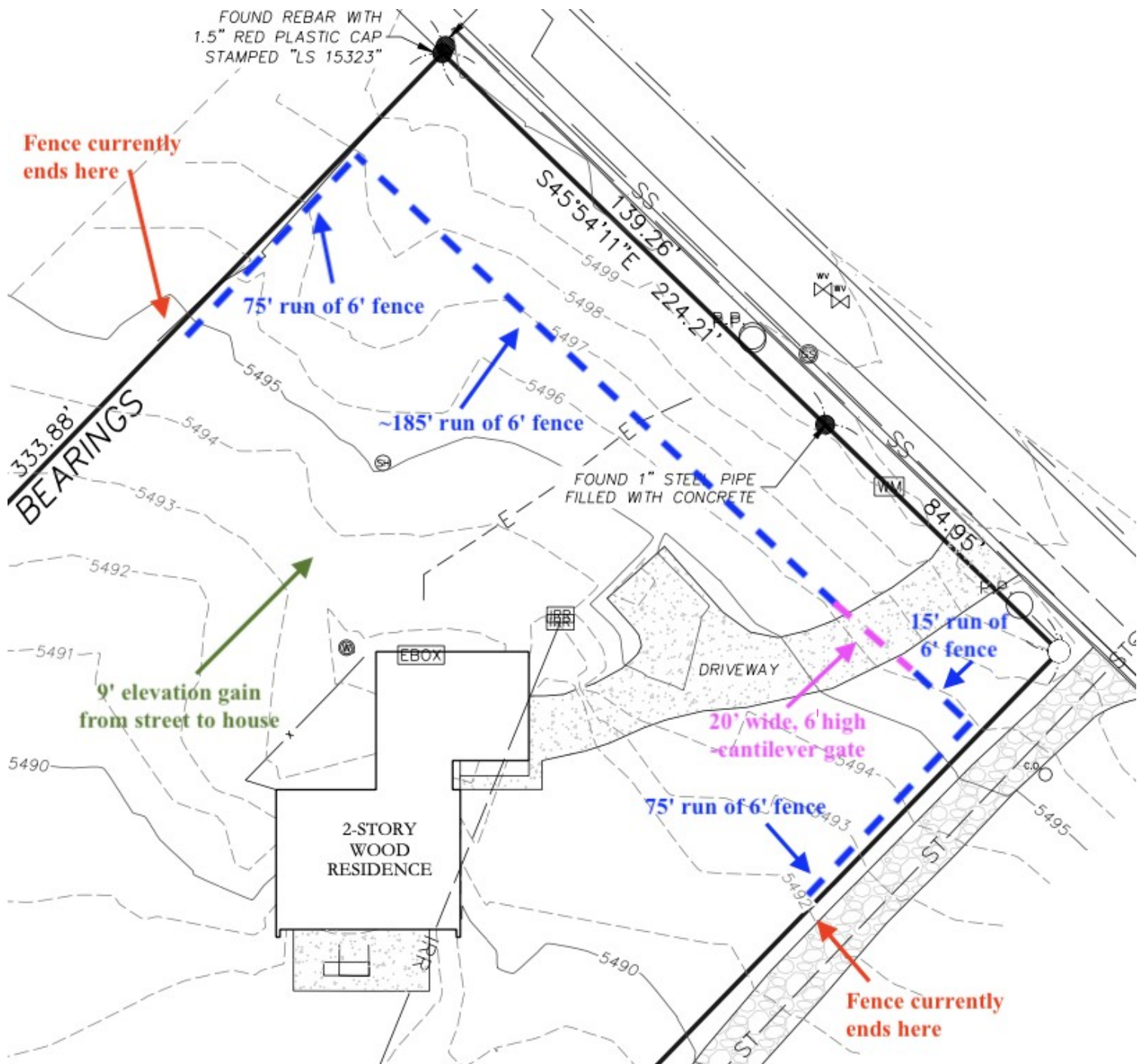
Conclusion

The variance we seek is modest, measured, and grounded in both the letter and spirit of the County's regulations. The proposed fence design enhances safety, privacy, and usability of our property while avoiding any adverse impact to neighbors or the community. We are committed to compliance with all permitting and inspection requirements and to maintaining a fence that is both functional and aesthetically appropriate.

We appreciate your time and consideration of this application.

Sincerely,
Nass and Andrea Asali
1593 S Uinta Way
Denver, CO 80231

- Front line of 6' fence would be 24 feet back from the frontage line, and therefore 26 feet back from Uinta Way
- Gate is also located 24 feet back from the front property line / 26 feet back from Uinta Way to avoid traffic stacking and maintain generous sight triangle



Fence specifications:

Height: 72" above grade

Steel Pickets: .625"sq x 18ga

Picket Spacing: 4" on center

Steel Rails: .9375" x 1.25" x 14ga

Steel Posts: 2"sq x 16ga

Powder Coating: Semi Gloss Black

Project Information:

Install a 6' tall, Ameristar Montage Majestic, pre-fabricated fence system.

The fence will be built as follows:

POSTS

2" square tube posts set 24" deep in concrete on 8' centers.

PANELS

Ameristar Montage Majestic fence panels will bolt to the posts using manufacturer's universal brackets.

POWDER COATING

All panels, posts and hardware will be powder coated semi gloss black.

