

TO: Peggy Schmidt
FROM: Residents of the Downs
RE: Violations of the Downs' Protective Covenants
Date: March 1, 1999

The Downs is a residential area in rural southwestern Durham County. Without exception, homeowners chose to reside here based upon a preference for the relative beauty and tranquility of country living. Many of us enjoy spending time out of doors...supervising or playing with younger children, grilling a family meal, walking for an attempt at regular exercise, walking our dogs for their exercise, gardening, riding our horses, or simply sitting out on the deck to enjoy ourselves.

Unfortunately, the many dogs kenneled at 8007 Kennebec Dr. threaten what we value most about our life style in the Downs. Specifically, whenever these dogs are aroused by sound or movement they begin an irritating chorus that persists indefinitely. The noise they create is of a far different nature than the occasional bark of a neighborhood pet. This intrusion definitely has the ring of a kennel or dog pound. Though this kennel noise is most offensive if we are attempting to enjoy an outdoors activity, neighbors with young children are very frustrated over having naps disturbed by barking dogs from 8007 Kennebec.

Our previously peaceful walks are history. Several barking dogs race up and down the fence as we pass by 8007 Kennebec Drive. The oldest and youngest among us find this onslaught particularly frightful. If walking our pets, it becomes a real struggle to get by this obstacle of barking and racing dogs. Those of us who occasionally ride our horses "around the block" simply find the noise and confusion of the dogs behind the blockade fence too challenging for all but the steadiest of mounts.

Both the dog kennel noise and the onslaught of several dogs racing and barking along the Kennebec fence are addressed in our Protective Covenants. "...nor shall anything be done thereon which may be or become an annoyance to the neighborhood.

The physical plant required to house and maintain numerous dogs is also a concern. The Downs Protective Covenants state, "No out building shall be located between the dwelling and the street or public road." Perhaps the building that was added as a kennel would not have been as distracting if placed behind the residence. This is surely the case for the obtrusive wooden and wire fence that girds much of the road front and driveway. Previously a drive through the Downs created a very comfortable, country image. No longer...the fence surrounding the dog kennel gives the property the look of a compound. It decreases the real as well as the aesthetic value of other property in the area. Further, it violates the Downs' Protective Covenant which states, "The intent of these covenants is to assure that all of the property owners and residents...will be allowed to enjoy to the fullest the natural beauty of the countryside."

The following summarizes our concerns:

1. Excessive noise from the frequent barking of dogs kenneled at 8007 Kennebec Dr.
2. The intimidating effect and of multiple dogs charging along the fence and barking as we walk by.
3. The obtrusive kennel fence on the edge of the road and driveway which greatly diminishes the beauty of our country setting and reduces the value of surrounding property.

We look forward to the opportunity to discuss solutions to these concerns. Please contact either _____ or _____ within two weeks of receiving this communication regarding violations of the Downs' Protective Covenants. If you choose not to respond, residents of the Downs will seek other means of protecting our life style and property value .