



Dear Planning Commission,

We have included a new Site Plan drawing to review with the City staff's recommendation that "an exception is hereby granted to allow a 6 foot fence, 4 feet from the rear property line that abuts a street, in lieu of the required 10 foot set back for a portion of the fence. The applicant shall coordinate with the Public Works Department to alter the fence along the southwest property line to ensure that it does not create any conflict with site triangles." We discussed the southwest property line with the city engineer, Nicole Lecy, and the site triangle in the southwest corner was found to be 10 ft by 10 ft. Our proposed fence adjustment would be 18ft by 14ft, which is greater than the recommendation. However, we are open to additional adjustments/recommendations by the board. We want to work closely with the city in whatever way possible to resolve this situation as quickly as possible.

There have been unfair assumptions made about our character that could influence the city's decision. We never said anything remotely close to what Chino claimed in his letter to this board. This is hearsay and should be judged accordingly. We had hoped to avoid sharing the details of our relationship with Chino, as this has caused continued frustration and stress on our family. However, in lieu of the tone of the last meeting we attended, specifically as it relates to the intention of our actions, we think it is appropriate to briefly shed some light on our history with Chino.

We had extreme difficulty in the build process with Chino. Unfortunately, our only recourse was litigation to complete our home purchase. We spoke with Chino primarily through our attorney after January 1<sup>st</sup>, 2017. After completion of our home, we learned of other several other families that had very similar difficulties with Chino. Collectively, three families, ourselves included, turned Chino into the Builders Board of Appeals for unethical behavior in the fall of 2017 (this complaint is on file). The Board chose to take no action against Chino as they didn't want to get involved in what they deemed a civil manner. When we turned Chino into the Builders Board, he reported our fence in code violation shortly afterwards. He also reported another family's fence (who was also involved in the complaint) in violation the same day.

For numerous reasons, we actively chose to avoid working and communicating with Chino while completing various projects such as our back patio, landscaping and sprinkler installation, and building our privacy fence. We utilized and relied on the expertise of other professionals for these projects. Also, of note, we have subsequently won a judgement from small claims against Chino for violation of the agreement he signed with our attorney. At least part of Chino's motivation appears to be revenge.

In addition, we would like to comment on Mr. Orvil Davis's comments at the last meeting. Although the city does not have any power over neighborhood covenants, we feel his speech was trying to shed negative character on us, as he is in business with Chino. He stated we broke covenants for the gemstone subdivision, which followed city code. After the last meeting, we reviewed the covenants and it does not follow city code as Mr. Davis presented. There is no setback for a double front yard in the covenant, and as such it's difficult to judge if our fence is in violation according to the covenant. Chino's own personal fence is in clear violation of this setback guideline per Orville's covenants.

Regardless, this does not change the fact that our fence is in violation of code and that we made an unintended mistake having the fence constructed in its current location. We are both medical professionals, with no previous experience in home building. This was a simple mistake that we seek to rectify as quickly and amicably as possible. We hope the city consider it on this merit alone.

Thank you,

Scott and Laura Schirber