

Jeremy Barnhart

From: Peter Lanpher
Sent: Friday, July 15, 2016 12:02 PM
To: Jeremy Barnhart
Cc: Peter Lanpher
Subject: Practical Difficulties Statement

Practical Difficulties Statement

In June of 2011 our neighbors, with out permission, painted the side of OUR all natural cedar fence that they viewed. During the same time period they also did the same to our other neighbors fence. For my wife and I this was the start of 4 lawsuits and 5 appeals coming our way. We have spent tens of thousands of dollars of personal monies and hundreds of hours defending our property rights in dealing with the many disturbances that our neighbors have caused us. Much much more money has been spent by our insurance company in defending our rights in two of those suits brought against us by our neighbors. Our property has been trespassed upon and damaged. The Courts have granted us favorable verdicts in every one of these lawsuits. There has been restitution paid for the damage(s) caused. In regards specifically to the fence painting law suit we have been given authority by the Court to repair our fence as well as access to neighbors property in the repair of the fence. Law enforcement is authorized to assist in enforcing that order if necessary.

But, to this very day OUR property is still being trespassed upon. Our neighbor continues to swear at us while we are on our property and has given both my wife and I the finger whenever feeling the need. A detrimental nuisance has been created and we seek the cities understanding and help in this matter.

Our asking for variances only apply to the height of the two fences.

FENCE 1 - Side property fence between the properties we are asking that for the first 30 feet from the street where 42" is the guideline that we be allowed to START the 'new' fence build at the street to start at its current existing 46" wood slat height for the first (approx) 8ft section. The second 8ft section then to be stepped up to 54". Third section to 62" and the fourth section to continue for the rest of its length at 72" up to the 75' lake shore set back. This wood slat transition from 46 to 54 to 62 and finally 72 would visually offer a comfortable viewing path.

This new fence will NOT have any visual impairment impact and will NOT alter the essential character of the locality as it sits right in front of our existing 10-11 foot arborvitae hedge.

If possible we would ask that we could be granted permission to extend the fence further down the property line and into the 0-75 foot lake shore set back area about 3 to 4 additional feet. This will then end approximately close to our neighbors illegal shed which is located 15 inches from the property line. That would put the end of the fence at about the 71 foot mark of the lake shore set back.

FENCE 2 - Road Side Picket Fence: 95% of these wood slats are 52" in height. Our ask for a variance here is to only keep this fence as it currently is and have be a matter of record as such. It does not have any visual impairment impact to anyone and does not alter the essential character of the locality. It also sits in front of a 10-12 foot arborvitae hedge. This picket fence is 23" to 30" from Rest Point Road and helps supply additional privacy that we require.

We also ask that due to the unique circumstances surrounding this matter that any fees be waived for these variances.