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Steve Ubl
Department of Safety and Inspections
375 Jackson Street
Saint Paul, MN 55101

Dear Mr Ubl

This letter is a follow up of our phone conversation last week regarding a fence that my neighbors recently installed at our lot line and for which they had received a height variance without input from or notice to me.

My home is at 60 Orme Court in St. Paul. My neighbors, George and Joanne Clemens', home is at 2355 Edgumbe Road.

The recently built fence replaces a six foot tall fence, because the earlier fence had been installed entirely within my property line. Clemens were reluctant to remove it because it provided privacy for them. Nevertheless, they did remove it recently at my request, and in accord with a legal agreement we made in 2010 when I purchased my property.

My questions regarding the recently installed fence are:

- 1 What were the Clemens' stated reasons to request a variance to build an eight foot fence when a six foot fence had served their privacy issues in the past? I would ask that you, please, provide me with a copy of their application containing those reasons.
- 2 Under what circumstances may the DSI issue a variance without notice to, or input from, affected neighbors? What circumstances were present in this case?
- 3 Did anyone from your department visit the site? Do they recall any verbal exchange with Clemens regarding fence placement and their need for a variance? I respectfully ask that you ask for their recollection when the memory is reasonably fresh.

Sincerely Yours

Tom Youngren

Email June 7

Dear Mr Ubl

I am writing you in followup to our phone conversation yesterday that was abruptly cut off and left unfinished. Thank you for contacting me, however, regarding the fence that my neighbor built on our mutual lot line and for which she received a variance to build an 8' tall fence based on "terrain conditions".

I have added, in red, a letter I sent previously that explains my problem with this fence.

When our phone conversation was cut off yesterday, I believe that you were asking me what difference it would make if the fence were left in its current position and height of 7'9", or if it were moved down the hill and built up to 8'. In its current position and height, it is unnecessarily high to achieve privacy for Clemens. Having no terrain issues at that spot and elevation, she did not need a variance to achieve more privacy than the replaced 6' tall fence provided her with in the past. If she does move the fence down the hill, it should be installed at an elevation at least a foot lower than it is now. I would be happy with the fence in its current location if it is resized to no more than 7', or moved sufficiently down the hill to require an 8' fence.

Here is the email I sent earlier:

Thank you for providing me with a copy of the application for a variance that my neighbor sent to you last October. I have reviewed it, and there are several comments that I would like to make, in hope that, when you talk to Mr, Ubl, it will be clear why I object to the height and/or placement of the fence that they installed last autumn.

First of all, I did not remove the original privacy fence though I did request that the Clemens' do so. Before I bought my house at 60 Orme Court, I had the lot surveyed and found that Clemens' fence had been installed entirely within my property line. As a condition of my buying the property, the seller to me had the Clemens' sign a document agreeing to remove the fence at my request. I made that request last summer, and they removed the previous fence. I should add that that fence was about 6 feet tall, but, because the property line is at the highest elevation of either of our lots, the sight line provided both of us plenty of privacy. The Clemens' did not want to remove it, but they did so in compliance with document signed in 2010.

Clemens states that the terrain required the new fence to be built “down the hill”, and must be taller to provide them with their privacy. She drew lines on the photographs she sent to you purporting to show that the lot line was, in fact, “down the hill”. Her lines, actually, look to be drawn 4-6’ within their property line; this is her effort to demonstrate the lower elevation at which the new fence needed to be installed. Their lot line is, in fact, at the top of the hill, not “down the hill”. Surveyor stakes remain on the lot line at this time.

When they had the new fence installed, they did so right on the lot line (maybe even a bit over), at an elevation within inches of the original fence. A fence of up to 7’ would have provided more privacy than they enjoyed previously. As built, the new fence is as high as 7’9” in places.

I believe that Clemens misrepresented, to The D.S.I., their need for a height variance on the new fence.

I request that The D.S.I. cause the new fence either be lowered to not taller than 7’, or that the fence be removed and installed at a lower elevation. If removed and reinstalled, I request that someone visit the site, take a careful look, and confirm the actual height that the fence must be in order to achieve privacy for Clemens. I suspect that 8’ may, very well, be taller than is needed to provide privacy. I would like to be present if that visit takes place.

I trust that this letter will be given your consideration, and that you will understand what has transpired here. If you have any questions, please contact me. If any site visits are to be made, please include me.

And please provide me with progress reports and outcomes.

Sincerely and thank you,

I am sure that you do not like to ask someone to move or resize a new fence. The fact is, however, that Mrs Clemens misrepresented her need for a height variance and, in so doing, got you to approve for one location and elevation, then built the fence in a different location; one without a terrain issue.

Please give me a response to this email either by phone or email.

Thank you

Tom Youngren

New Fence

2'

6/5/18

TOP



TOP



New Fence



TOP



TOP

