

February 20, 2015

Elizabeth, if you have a survey that shows the neighbor is encroaching, then simply indicate that the survey is proof of the encroachment and if your neighbor thinks the survey is wrong (which you disagree with) then they need to produce a new survey to back their claims. Absent a new survey (which the neighbor has not produced), the hearing officer should accept your survey as best evidence and enforce the setback laws, ie, require your neighbor to remove the encroachment. In addition, tell the hearing officer that regardless of setback requirements, the easement only allows ingress and egress not blockages of any kind. So, on two fronts the neighbors are in the wrong. Tom.

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