

06PD056

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From: Paula Lewis <paulalewis@rushmore.com>

To: <councilgroup@rcgov.org>

Sent: Tue, 15 Aug 2006 14:05

Subject: Fwd: Appeal of Stoney Creek Town homes

Roy Boschee is submitting an appeal to the city council of the denial of 06PD056 that was denied August 10th at the planning commission. I am attaching a letter from our attorney, Curt Jensen, that explains the background of this dispute with some residents of the neighborhood. The engineer, Roy Boschee, submitted the request for the PRD in January and used a picture of townhome that was built in another town and referred to that and others as "similar architecture." As we know now he should have been more specific and shown a drawing of the split-foyer we started with. The plat showed 2 different footprints, but no one asked why so we thought everything was ok. We were at the city numerous times regarding details of this unit and it even went back for a minor amendment to ok a driveway position. The building permit was issued and we ordered materials and started building. The foundation was done some time before the crew was available to start framing. I received a call from Bob Dominick that we hadn't submitted the correct elevation, but he said it was a technicality and needed to be submitted as a major amendment. The personal attacks started and were e-mailed to the planning commission and placed on the web site. This was truly an error since I have never done a PRD before and I don't think the engineer had either. At no time in any of our visits did anyone look in the file and see that the subject of the building permit was not the same as the picture. As you can see, the right to protest the style of town homes was decided last year and we were only correcting a mistake that we made. Yellow Jersey Construction did not submit the request and is only the builder. The original owner was Dr. Jeff Bendt and he is still involved as an owner.

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