

To: Community Development Director Robert Gould

January 13, 2012

From: William Jacobs and Mary Jacobs

RE: CUP-11-02 William and Mary Jacobs, Retreat Uses of houses located at 469 and 527 Eleanor Drive

Parcel: 302-32-031A and 302-32-032A located in East Verde Estates

Dear Mr. Gould,

I re-read today all materials and attachments for CUP-11-02 that appear online in the Board of Supervisors Jan 10 agenda. I also came across the January 12 staff letter recommending that commissioners disapprove our request for a permit because of the concerns expressed by an organized group of East Verde Park neighbors.

We see merit in some of the objections raised by neighbors reacting to our request for retreats of “up to 30 persons one or two times a month.” We can see how these neighbors might project onto this request a higher use over time than we intended, and we have listened respectfully as they spoke up at hearings or in person.

So we relented when P & Z staff offered support for this use using a lower maximum number of guests, and gladly agreed to adopt new practices in the hope that this might result in more harmonious outcomes.

Followup conversations with neighbors and weekly meetings with staff in the Payson office resulted in a set of proposed conditions that obviate sanitary risks and also address the traffic, garbage and other “nuisance” issues raised. The modified proposal offers a modest set of conditions that we hoped would merit the approval of staff **and** of the commission, and are confident that the Gila County Board of Supervisors will see it the same way.

Still, some of the attachments, and parts of your Jan 12 letter, seem to presume facts and address conditions that have been misreported over time. We feel like we’ve been hit by a Super-PAC of negative campaigning. Sadly, this follows a pattern that seems endemic to our small riverfront community – namely, a lack of trust and resistance to compromise. It is almost as if something much larger than this request is being addressed here.

For instance, the nature of our ownership of these homes has been repeatedly misrepresented, including in the opinion letter. We addressed this concern in writing before, and explained this directly to our neighbors, but those most vocally opposed have only challenged our sincerity and questioned our real motives.

On December 15 we were informed that this would not affect the P& Z staff or commissioners. I was surprised, then, to find this concern as the leading point in your opinion letter, and wish we could’ve talked about this.

**We did not acquire these homes to further our business interests; we created a business to help us be able to afford the maintenance and improvement of our homes. I cannot stress this enough.**

Help me here, as a citizen who wants to do the right thing. The LLC was created for us on advice of counsel for the sake of limiting liability, first, but also as a means for transitioning ownership to our children during our lifetimes. Our church is not involved in ownership or management of this vacation property. The existence of an LLC offers tax advantages to us personally, but this is not a deal-breaker for us, so please guide us. If we were to dissolve the LLC and/or transfer ownership of 469 Eleanor to our family trust, would this help at all?

We have improved the homes for our own use **because it enhances their value and makes the entertaining of guests more manageable**. We have added ADA compliant ramps and doorknobs and other design elements for personal reasons too. It is common courtesy to do so. There is nothing in the design plan of these homes that is inharmonious with single family residency. ADA compliance **always** adds value to a single family home.

**We can limit overnight stays to a number consistent with code and community standards.** We can continue to monitor trash and water use and septic hygiene. Staff will exercise oversight and set reasonable maximums prior to implementation, but this is not recognized in most complaint letters that appear in the docket.

Most complaint letters you received write as if there is no revised CUP. They reflect organized opposition to us as owners and as neighbors for reasons not wholly related to these specific issues. The concerns about fences, trash and “peeing in the river” are driven by an agenda not fully consistent with eyewitness accounts. We followed up and the sheriff’s department confirms it found fewer than thirty persons at the house in April.

Also, as requested, we recruited a local contact person next door who is known to all. Still, to set the record straight, we personally attended at least five of the fifteen events on last year’s retreat schedule. It is not impossible for us to be present more often, but we like to allow others lead out as they are able. Our contact was unacceptable by virtue of having lived in EVP “only three years.” Again, please guide us to a better way.

Several of our nearest neighbors have routinely observed the comings and goings at our homes for several years now, and either appeared at P & Z hearings or wrote letters saying that they observed all trash and noise concerns were addressed as they arose. (And fewer people mean **even less** trash and less water.) Some have stated for the record by letter or in person at the hearing that in their opinion group retreats do not constitute a threat to their quality of life in East Verde Park. There are several among the sixty-six HOA members in East Verde Park who have been supportive of past and present uses of the house. Some have written letters too.

You might note that several of the complainants are on record opposing any and all business ventures in East Verde Park, although other businesses have been operating in the park since before we purchased these homes. We have kept HOA President Don Brooks apprised of our dealings with neighbors, and before that we consulted with his predecessor in that position, Bill Schulz. As a side note, when Mr. Schulz urged us in 2007 to seek HOA guidance before relocating our fence, neighbors unhappy with him unleashed a torrent of hostile comments at us as well. It seems doing as he suggested at that time really hurt us, and we have not been forgiven for that.

Please let us know whether there remain certain conditions in your mind under which these houses, with appropriate limits as to the number of persons at any given time, and with the adoption of appropriate sanitary practices, might host retreats and still be compatible with neighboring uses. This was, and remains, the point of these hearings and consultations. It has been our consistent desire that, as we apply and maintain these conditions, this hosting of retreats in our homes becomes compatible and harmonious with neighboring uses.

We continue to hope for a reasonable hearing on the merits of the ten-point proposal contained in the staff recommendation attached to the January 10 Board of Supervisor’s agenda.

Bill and Mary Jacobs, owners of 469 Eleanor and 527 Eleanor in East Verde Park