

• Oct 8, 2021 at 3:39 pm

Scott Gustin

Determination issued and within 15-day appeal period.

Remove Comment • Oct 27, 2021 at 5:04 pm

Scott Gustin

Granted reconsideration request. Please provide any additional info for this determination in the next 10 days. I'll follow up with the city attorneys office as to the effect of so-called DRB 1 decision.

Remove Comment • Nov 12, 2021 at 7:50 pm

Scott Gustin

Reconsideration findings posted and within 15-day appeal period.

• Nov 29, 2021 at 8:15 am

Luke Purvis

Ps. Make sure this is appealable. It is really upsetting that you will not respect me enough to explain To me how no violation = on going violation

• Nov 29, 2021 at 9:36 am

Scott Gustin

Good morning Luke. This administrative determination is appealable. Today is the last day of the appeal period.

In all of our correspondence about this matter, I have never said that no zoning violation equals a zoning violation. This seems to be your take on the city's position; however, it does not line up with the explanations I've provided.

• Nov 29, 2021 at 5:41 pm

Luke Purvis

Scott, please confirm I will be able to appeal.I sent an email about this as well. The decision was no violation...Jeanne's decision letter was a notice of non violation....so you are going to have to explain your logic. Would you mind doing that? I have asked a bunch of times. How does no violation equal on going violation to you? If Jeanne has

found a violation or provided evidence that the structure was discontinued or increased, then sure this would be a difference in opinion about whether the DRB decision to omit the language to restore to green space was purposeful. But this all started with a notice of non violation. So it was improper for Jeanne to include any mandate to remove a structure without identifying a violation of the structure. The drb recognized this error and removed the enforcement related to her flawed logic regarding the structure. Would you also provide me the section of the ordinance that allows the city to remove a structure without issuing a notice of violation?

• Nov 30, 2021 at 2:20 pm

Scott Gustin

Hi Luke. As I mentioned yesterday, the admin decision is appealable. Yesterday was the last day to file an appeal. I've requested copies of the in Limine documents from Attorney Sturtevant.

• Nov 30, 2021 at 2:50 pm

Luke Purvis

Scott, I requested the appeal yesterday via this channel and via email over the weekend. So are you able to explain the city position now? I asked very clearly to explain how no violation = on going violation which is part of your fence permit denial decision. Can you please explain what is going on? I believe that decision represents the city's position, so it would be really helpful if you could explain this contradiction. If the city has a new and different position can you explain it? Why is it so difficult to get these simple answer out of you? I don't need the entire motion. I need the the parts that you are referencing in your decision....You should have that readily available since you used it to make your decision. Please try and answer questions with substance and honesty. This is really ridiculous to have you dance around the substance and change the English language to suit your intentions. Come on man. Pick it up. Treat people with respect by answering their questions. To be clear, just because you responded today does mean you addressed my questions.

• Dec 1, 2021 at 5:37 pm

Scott Gustin

Hi Luke. You requested that I confirm the administrative determination is appealable and I did confirm that. I don't see anything in your comment or in your separate email

stating that you are actually appealing the determination. Clearly, you think I'm avoiding answering your question, yet, as far as I can tell, I have answered. Nowhere have I stated that no violation equals a violation. The problem has been and remains the southern strip of gravel alongside your paved driveway. Lot coverage and setback noncompliance. Yes, I understand that you feel it is legitimate. You've been afforded due process rights and months of time to build your case that its legitimate.

• Dec 1, 2021 at 6:10 pm

Luke Purvis

Scott, my comments were to appeal this decision and to ensure I was able to appeal this decision.stop playing games with the English language. Thank you. They were clear. I say clearly make sure this decision is appealable. That fence permit says on going violation . No where is there a decision that says I have a violation related to a structure determination. That is what I am asking for clarification on, why are you not able to explain this in English? Clearly Jeanne did not possess evidence the structure was discontinued, she took picture of structure to document no parking....so her methodology and evidence does not support your decision.

• Dec 2, 2021 at 3:39 pm

Scott Gustin

Hi Luke. I've addressed your questions and points a number of times. You clearly think that I have it wrong. Due process involves appeal rights to argue your case to the Development Review Board and then to the courts. You did not actually file an appeal. I have offered to combine an appeal of this determination with your pending fence appeal. You did not tell me that you wish to do that. I have read and re-read your correspondence. I recall you were hesitant with doing that and may want to pursue this separately. Remember that all of this could be remedied by simply converting the subject gravel area to green space.

• Dec 2, 2021 at 5:33 pm

Luke Purvis

Scott, asked on Monday to preserve my right to appeal. That was the last day of the appeal period. That was to ensure I could appeal this with the fence permit. Are you telling me I didn't use the magic words to appeal? What are those magic words? I asked

to appeal this decision via email and comments on Monday the 29th and again on Tuesday the 30th.

• Dec 2, 2021 at 5:36 pm

Luke Purvis

Scott, I sent money in on this appeal during the original decision. That made it clear I intended to appeal this decision as well. Please acknowledge my right to appeal this decision based on the paper work and check I submitted and the email and multiple posts on his decision on that ask to preserve my right to appeal Thank you

• Dec 2, 2021 at 5:44 pm

Luke Purvis

Scott, I'm very confused about the status. This decision will be appealed at the same time as the fence permit. I asked to preserve my rights to appeal this, I sent in money and filed an appeal form during the original decision. It appears you have closed this for some reason despite my request to preserve my ability to appeal this decision

• Dec 2, 2021 at 5:52 pm

Luke Purvis

Scott, it was my understanding this was being rolled into the fence permit appeal...I had no need to resend the check I had already sent because my fees for the fence permit appeal would cover this, that is why I asked to preserve my right to appeal this decision. It was my understanding that was sufficient to ensure to appeal this decision. I don't believe the current permit status honors my request to preserve my right to appeal

• Dec 2, 2021 at 7:13 pm

Luke Purvis

Scott, please attach the formal appeal I submitted including 250\$ check to this record. That should clear up your confusion. My formal appeal was well timely as it was submitted on 10/22/2021. Thank you

• Dec 3, 2021 at 2:08 pm

Scott Gustin

Hi Luke. You've got a pending appeal as to the fence application denial. I will include your correspondence as to appealing this matter for the DRB's consideration as to whether your appeal is timely and complete. I agree that you sent in an appeal of the original determination. That; however, became moot when I agreed to reconsider the decision, review additional evidence, and then issued a subsequent determination.

• Dec 3, 2021 at 2:16 pm

Luke Purvis

Hi Scott, was any communication sent to me that the appeal became moot? That was most certainly not my understanding. I communicated to you my desire to appeal this decision based on my understanding that my appeal was legitimately in place. Please confirm if any communication occurred indicating my appeal rights had been lost. Thank you.

• Dec 5, 2021 at 10:21 pm

Luke Purvis

Scott, I'm posting this in the administrative appeal period section because I would like to document on the record the events which have transpired that have lead you to conclude my appeal to this permit to be untimely. I submitted an appeal with fee on 10/22 related to this permit so that I could preserve my rights to a DRB hearing and allow neighbors to testify against administrative decisions that place the gravel inception of the 2' strip at 1983. Per your recommendation, I asked for reconsideration of the initial decision as a way to allow you and Kim to connect given some upcoming time off by one of you and while I investigated the feasibility of carbon dating the gravel/strata layers like you suggested. Within the reconsideration appeal period, I then requested that the Fence Permit be extended for another 3 months so that those neighbors who intend to testify about the gravel predating 1883 for the 2' strip determination wouldn't be inconvenienced by joining in with the fence permit DRB timeline (like we had discussed multiple times over phone), smack dab in the middle of Holiday traditions. This was a request you required to administratively link the two permits to the same DRB appeal and not run out of time for the fence permit appeal. I contacted you via email and via online portal multiple times to preserve my appeal to the DRB even during the reconsideration timeline. You did not tell me, that my request to appeal the

reconsideration did not include the magic phrase that actually allows the appeal to occur. Actually, you did not respond in that permit from 11/26, the first time I asked via email to preserve my appeal, until after 5pm, 11/29 - after business hours of the last day to appeal. -Even at that point you did not tell me that I had not re-formalized my appeal correctly. A couple days after 11/29 you informed me that I missed my timely appeal. My 10/22 appeal and check was returned to me via unmarked mail while my family was away during the week of Thanksgiving. I did not request that my appeal be returned or that my guarantee for a DRB hearing on this matter be relinquished. The city staff did not inform me my appeal was being returned and was no longer valid. I did not learn this until 12/2 - after the reconsideration appeal period had expired. On a personal level, I'm mostly saddened that you, as my project manager of this permit, did not inform me until too late that I did not say the words exactly as required to avoid this state of 'untimely'. I can't for the life of understand why you would return my appeal during Thanksgiving week after I informed you I would be out of town for the entire Thanksgiving week - directly after a week of time off by you. By placing me in the status of 'untimely' I believe you did not act in good faith as my project manager on this permit, and that you allowed me to believe my appeal would be rolled into the fence permit, only to say I actually missed a deadline. As a resident, I can see how these types of administrative oversights can occur. I don't want to believe there is bad faith behind them. But, if you insist that my appeal is untimely, I must turn to the facts above to protect me from unwarranted administrative tactics employed against my appeal rights and a project manager who seems to have guided my project into a state of an untimely appeal to my detriment. Thanks, Luke