

Dear Members of the Springdale Planning Commission,

First and foremost, I would like to apologize for the 11<sup>th</sup> hour submission. It is not my intent to burden the Planning Commission; however, I have only been afforded a few days' notice to prepare this letter. I am writing in advance of the upcoming meeting, scheduled for today to express my serious concerns regarding the revised application submitted by Breck Dockstader, which I believe remains materially deficient and should not proceed in its current form. This project directly impacts my property, the property of my neighbor, Al Kisner, the residents of Hummingbird Lane, and the broader community, yet is being advanced without proper due process, transparency, or legal clarity.

- 1. Incomplete and Condition-Laden Application:** Per Springdale's town code §10-15-5(D)(2) states that if the Planning Commission finds a project fails to conform to Town ordinances or the requirements of §10-15-4, the Commission must direct the applicant to redesign the project, provide specific feedback on areas of non-compliance, and require the applicant to submit a revised site analysis. That process must be repeated until the project is in full compliance with all applicable ordinances. Breck's current application is incomplete, overly conditional, and inconsistent with several requirements (particularly in its treatment of access, use of adjacent properties, and project scale). It lacks clarity, relies on unresolved legal issues, and includes numerous contingencies that would burden the Town with ongoing enforcement and tracking abilities. The Commission should exercise its authority under §10-15-5(D)(2) to reject the current version of this application and require a full and compliant resubmission before it is considered further.
- 2. Use of Third-Party Property Without Consent:** Breck's plans involve both my property and that of our neighbor, Al Kisner. Yet neither of us have been formally contacted or consulted by the town. This is a procedural oversight that must be corrected. No development application should move forward if it includes the use or dependence on adjacent properties without explicit written consent from those owners. This should be a basic due process requirement.
- 3. Ongoing Legal Issues Regarding Access and Abandonment:** Breck is seeking to remove the condition requiring agreement with me for our shared driveway and parking situation. While I understand his desire to simplify the process, the reality is that the issue is far from resolved. My family is still using the driveway area and implied easement for access as it was represented to us at the time of sale, and no agreement

has been reached with regards to the abandonment of that right. Both sides are represented by counsel, and the matter is ongoing. I fully expect Breck to misrepresent our position to the commission today, as he has in past meetings, and I want the record to reflect that we are not in agreement at this time.

4. **Concern Over Potential Elder Abuse and Misrepresentation to Al Kisner:** Mr. Kisner, who is 87 years old, has publicly stated that he does not intend to allow any additional easement across his property. He has consistently expressed that he was misled into granting the original easement under the belief that it was for utility access only. I am gravely concerned that Breck may attempt to pressure or mislead Mr. Kisner into granting additional access by suggesting that the town is a “on board” with his plans, or that the project is not viable without that 5 foot strip of land. This is simply untrue. Breck already has access to his property. He just doesn’t have access wide enough to support the scale and in intended commercial nature of his project. That is not and should not be made Al’s problem.
5. **Fire Code and Zoning Access Requirements:** Springdale’s own ordinance for the valley residential zone requires 14 feet of access (12-foot paved with 1-foot shoulders on each side). Breck currently meets the standard and thus has sufficient access to build a residence, which he claims is the intent. If he wishes to proceed under this access constraint, he has the option of converting the zoning designation from VC to VR and building a residence in full compliance with the existing access. What he is not have is the wider access necessary for future commercial or short-term rental use. While Breck may seek to widen his access to accommodate fire code or commercial needs, that burden cannot be shifted onto his neighbors, nor should pressure be placed on Al Kisner to make it seem as though Breck needs this access to build. He doesn’t need it. He *wants* it. If Breck intends to build a home, he has adequate access today. If he wants to build a commercial operation, he needs to scale back or reconfigure the project or rezone the property to fit the access he has.
6. **Project Application Appears Designed to Circumvent Public Hearing and Zoning Standards:** The nature of this project has wide-reaching impacts on adjacent properties yet is being advanced under the guise of a residential build to avoid a public hearing. The project is clearly designed with future commercial or short-term rental use in mind and should be reviewed accordingly. The use of neighboring land without agreement, the size and scale of the structures, and access deficiencies all point to a need for a heightened public oversight.
7. **Request for Action:** I respectfully urge the Planning Commission to:

- a. Reject the current application as incomplete and overly conditioned;
- b. Require the applicant to obtain written agreements for any use of adjacent properties;
- c. Formally confirm with Mr. Kisner in writing that no future easement across his land will be presumed or encouraged by the town;
- d. Evaluate the access plan considering fire code requirements;
- e. Treat this development as a commercial project subject to public hearing.

Thank you for your time and dedication to preserving the character, safety, and legally integrity of our town. I would appreciate that this letter made be made part of the public record for Wednesday's meeting.

Respectfully,

Erin Tyler