

October 19, 2018

County of Mendocino
Department of Planning and Building Services
860 North Bush St.
Ukiah, CA 95482

attn: Sam "Vandy" Vandewater

CASE #: V_2018-0007

Defay Variance request for reduced setback (APN: 133-220-12)

My husband and I were lot line neighbors with the Defays for 17 years. Last year we sold our parcel and moved to another within the same development. I am a retired RN and we live here fulltime.

Thank you for inviting us to this hearing. This hearing, regarding the Defays property and their proposals, is the only one that their neighbors have been invited to speak at.

I strongly oppose the variance of the lot line setback proposed for the property of Charles & Peri Defay for the following reasons.

There are strong and valid concerns regarding the safety of the buildings being considered for inclusion in this variance. In my letter to you dated September 24, 2018, I discussed the concerns we have about the ongoing deterioration of the bank that the dwellings are suspended above. I believe our concerns that the buildings, as sited, will certainly fail with the hillside potentially blocking an essential access road is a valid one.

Let's review the material sent to you last month. Photos indicate two of the buildings are not only 20 feet over the setback but are hanging, unsupported, over the precipice. It would appear illogical for the county to grant this exception to the regulations. Defay knowingly and with understanding of the requisite building requirements and codes chose to build his property in the current unacceptable location.

Defay chose to construct and maintain multiple habitations for 27 years that were never inspected nor approved. I maintain these are unsafe structures due to foundation failures that are visible (see photographs). I shudder at what can NOT be visualized. Additionally, they have posted online (see posting from Airbnb) that no fire extinguisher nor carbon monoxide detectors are available for their renters.

Charles Defay habitually chooses to defy the laws, codes, and rules and is unrecalcitrant of his failure to meet his debts throughout Mendocino County.

The Mendocino County Tax Rolls indicates the Defays have paid the bare minimum of property taxes on property in question. They have paid less than \$200/year for the past 27 years.

[How much do each of you pay?]

This needs to be confirmed with the Tax Collector but we understand that Defay owned a commercial property in Point Arena that he lost due to NON payment of property taxes.

Per Patrick of Mendocino County Defay has paid no TOT (Tourism Occupancy Tax) tax on his Airbnb rentals totalling a minimum of \$12,000.

Defay knowingly chose to discharge untreated toilet waste for 27 years until the newly installed septic was finalled in the summer of 2018.

Defay continues to chose to manipulate the county system for his benefit as evidenced by Christina at Environmental Health stated that he “had tried to slide something past me” re: the septic installation.

Defay continues to chose to misrepresent facts to Mendocino County as evidenced by Joe Milff at the tax assessors office. Joe stated that Defay told him his buildings had been built within this past year in Mr. Milff’s effort to assess the current value of his property.

Mendocino County provides it’s residents with essential and numerous programs, benefits, and assistance. We pay taxes to pay for these services. Defay has evidenced that he has never chosen to pay his own share for the services he receives from Mendocino County. When something is taken and not paid for that is called theft.

By granting this variance you are making an exception to the established rules. Exceptions may make sense if there is a compelling reason. I see no compelling reason.

Why would you continue to enable, to facilitate, to make exceptions for a property owner and allow him, essentially, to lie to and to defraud Mendocino County?

What is the precedent for granting the change of setback?

Why would you do so when there are serious questions about the safety of occupying these structures in their current location?

Again, those of us who are the Defays neighbors are outraged that the county would allow such a farce be made of the work you do. We, who have always paid our taxes and our share, are appalled that leniency and facilitation is the response by Mendocino County to Defay’s ongoing attempts to exploit the system.

Sincerely,

Katherine White

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