



FW: Getting Phase 2 of 16163 Anoka Approved

1 message

Di Saia, Steven <Steven.DiSaia@sedgwicklaw.com>
To: Diana Ungerleider <dianaunger3@gmail.com>

Sun, Jun 8, 2014 at 9:16 PM

For the file.

From: Di Saia, Steven
Sent: Sunday, June 08, 2014 9:15 PM
To: 'Bobby Rees'
Cc: 'Jerry Del Colliano'; 'Patti Gallagher'; Hal Erdley
Subject: RE: Getting Phase 2 of 16163 Anoka Approved

Hello Bobby:

I was just writing to you, when your note arrived. I believe that your proposal would work, but let me be clear so there is no debate later in time.

As you may gather from my inquiries below, we need two pieces of information about the proposal for Phase II of the project, which are not readily determined from the sheets that have been provided to present. First, we need the relative position of the two-story aspect of the project, as compared to the residence directly adjacent to it. It would appear best accomplished by depicting the neighboring structure on your Sheet A1-1.2.

Secondly, we need a depiction of the height of the proposed two-story structure, as compared to that neighboring structure, at the grade at which construction is to commence for Phase II. To my eye, this may be accomplished by placing an outline of that existing structure adjacent to the depiction of the South Elevation on your Sheet A3-1. For both of these requests, however, I will take any guidance from you as to a better or more efficient means to demonstrate the information we have requested.

And for further clarity, no objection has been raised by the Board to present as to the plans currently under submission for consideration. We have been informed of concerns on the part of the affected neighbors and the information which we possess is not sufficient for us to respond to those concerns properly. We have thus asked for this information in order to move forward with our evaluation of Phase II of this proposed project.

Please let me know if you need any further information from me in this regard.

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From: rees.studio@gmail.com [<mailto:rees.studio@gmail.com>] **On Behalf Of** Bobby Rees

Sent: Sunday, June 08, 2014 9:03 PM

To: Jerry Del Colliano

Cc: Di Saia, Steven; Terrance Huber; Patti Gallagher; Hal Erdley

Subject: Re: Getting Phase 2 of 16163 Anoka Approved

Steve,

If it would be acceptable to the board in lieu of story poles, we could take some additional site measurements and place an overlay of the Messey house onto the exterior elevations of the Phase 2 (2-story) design. I think this would clearly show the height of the proposed addition relative to an existing landmark.

Let me know if this would suffice.

Thanks,

Bobby

Bobby Rees

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On Sun, Jun 8, 2014 at 11:16 AM, Jerry Del Colliano <jerry@hometheaterreview.com> wrote:

Bobby,

Can you reach out to the board to see if you can overcome their objections regarding the proposed design that the board asked us to design? I don't understand what the problem is but they are suggesting we put more story poles up which is a cost I don't want to invest in as Larry himself said we'd be "likely approved" if we designed our house his way. After 5-figures and months more of delay - we've done just that yet there are still somehow objections.

I have been at the property the last two weekends and I just don't understand the concerns. If you stand 20 to 30 paces in front of the current garage and imagine the garage moved up and a second story added (like you drew) there should be no problem. It has zero effect on anyone on Los Lomas. It blocks Mr. Mendell's view of Essey's house above which he's complained about quite a bit. Most importantly, Essey's house next to ours has no windows where our addition would go thus it wouldn't block their views.

I simply don't understand the HOA's objection and why this isn't already approved. We did everything they asked at solidly 5-figure additional cost and to the detriment of the design of my home as the flow of our home and our views would be better with the addition positioned as originally proposed.

With all of that said, Bobby can you reach out to Steve and see if you can illustrate for the HOA again how their idea of our addition is exactly what they asked for? Perhaps there are drawings that can do this without me spending \$1,500 more on story poles.

Thank you!!!

Jerry

--

Jerry Del Colliano
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Hello Jerry:

I guess it depends on what the drawing show. If the drawings show the position and height of the newly proposed structure relative to the Essie house next door, that may satisfy the need for story poles – we would

have to see what Bobby has. On the rendering, it again depends on the detail provided of the new structure.

Steve Di Saia

Chairman, Plans Committee

Palisair Home Owners Association

Jerry:

I have been travelling some the last couple of days and am back in the office today. It is good to hear that matters are resolved, at least for now, with your neighbors as to the tree trimming issue.

On the story poles, there simply has been no demand made, and certainly no demand made by Larry at all, in this matter. I have informed you of the concerns raised by the affected neighbors and addressed the request that we use story poles to demonstrate whether there exist any grounds for those concerns. I have even addressed the possibility of sharing the cost of the poles, without a demand or some effort at compromise on your part.

I do understand the position of the Del Colliano Family in this regard and have thus also asked if there is any other means by which we can properly demonstrate, likely with the assistance of your architect, the position and height of the proposed second story addition relative to the residence to which it will be adjacent. I have not heard the means by which that may be accomplished without the use of story poles, but remain open to any proposal in this regard. As to the rendering of the residence, which has been requested, I am unclear on your response in this regard.

I will provide you correspondence as to Phase One of the project within the week.

Steve Di Saia

Chairman, Plans Committee

Palisair Home Owners Association

From: Jerry Del Colliano [<mailto:jerry@hometheaterreview.com>]
Sent: Tuesday, June 03, 2014 4:54 PM
To: Di Saia, Steven
Cc: Bobby Rees; Patti Gallagher; Hal Erdley; Terrance Huber
Subject: Re: CC&Rs Question

Steve,

Thanks for getting back to me...

I went up to the Ohara's and the tree on my property doesn't block their view at all nor will it for years to come. I have spoken with my landscape architect and my tree service. BOTH have said absolutely do NOT trim the tree at this time as there is risk of infection thus the entire tree could die. I have spoken with Sherry and let her know. We will address trimming only the top of the tree in the future. It doesn't seem to be an urgent issue at this point as far as I can see.

Story poles are very expensive and an expense that I have already paid for. I guess we can deal with the issue either through Bobby or through the judge. I have given into Larry's demands at over a million dollar cost to my family. The idea that I have to spend more money to try to compromise with the HOA is the raw essence of why I had to file our law suit. Its unreasonable beyond belief as this is Larry Friedman's brain-child. Its a total compromise and it costs nobody any money other than the Del Colliano family and that has to end. I am sure you understand. Perhaps there is a way to have Bobby explain the design, look and so on but THAT TOO costs money to the Del Colliano Family and I am tired of paying.

When will the formal letter be sent for stage one of our project? It looks like Stage Two is going to require more spending and more arguing. I have your email but I would like a formal letter as I am sure you can understand.

Please advise.

Sincerely,

Jerry

Jerry:

On your tree issue, I communicated with the Tree Committee before responding again to your inquiry to insure that my understanding is correct. My representation previously was accurate. Any member of the Association can reach an individual agreement with a neighbor to cut or prune trees on his property and to share or otherwise assign the cost between them, and that in fact occurs quite a bit.

In the absence of a separate agreement of this sort, whether or not a tree on a property is deemed to pose a violation of the CC&Rs, the cost for its cutting or pruning falls on the owner of that property. If a member is required to cut a tree on his own property, because its height poses a view obstruction to another member which is deemed to pose a violation of a protected right under the CC&Rs, that cost still falls on the owner of the property on which the tree is located.

On the request for the erection of story poles, the fact remains that your proposed structure for Phase II is over 26 feet in height and that elevated portion of the house is adjacent to the residence of another member. Based on a review of the plans, it is not easily determined whether or not that new proposed structure is at a position and height which would obstruct a view or pose some other violation of the CC&Rs. The best means to make that determination is thru the use of story poles.

However, if you or Bobby have some other means of presentation which imparts the same information and allows for the Board's full evaluation, I am open to that concept. We have no desire for anyone to incur extra costs in the review process which are unnecessary. If poles remain the only viable option, it is also possible to seek some contribution toward the cost of the poles from the affected homeowners to defray the cost presented to you.

As to my request for a rendering of the structure, you are correct in that there is no separately designated "design board" or "design committee." In fact, the entire Board is involved in this process, often with the assistance of consultants, in order to provide a full breadth of perspectives and experience and thereby meet the requirements of the CC&Rs in insuring that we do not have a circumstance where the proposed structure presents an "exterior appearance and design that lacks conformity to widely or commonly accepted appearances and designs" and meets all other design requirements under the CC&Rs.

It is often the case that a color rendering of the structure is requested for this review, which can be provided in several different formats (computer generated images and actual physical models are the most common form that I have seen). You will see that the requirement for submission of such a rendering, on request by the PHOA, is in fact listed in the Application Form which you prepared and submitted.

I have no doubt that the proposed structure will have a look as you have explained, at least as based on the information provided in the plans and elevations submitted, but at least one of the affected neighbors raised a concern which led to the Board's request for more specific information on the structure's appearance. A rendering, as described, is the best means to accomplish that review. Please let me know if one can and will be submitted and, if so, the date you expect it to be provided.

Steve

Steve Di Saia

Chairman, Plans Committee

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