

To the Palisair HOA:

I received the letter from Simon Simonian and Jean de Vellis concerning roof-top decks and have a few observations. Thanks to both of them for taking the time to notify us. I'm a real estate broker and have observed many similar situations.

I agree that each project must be considered individually insofar as impact on neighboring properties – no strict rule for every scenario. As a result, it would seem that a limitation of just 100 sq. ft. is too small; however, allowing a deck of any size is also problematic. I would suggest a maximum in the range of 200 - 250 sq. ft., or 10% percent of the home's square footage, whichever is smaller. This should accommodate the needs of any of our HOA's homes.

Also, how the deck is to be structured should be strongly considered. If it is truly a "roof-top" deck placed on top of and extending horizontally from the peak of a roof, that would have much more impact on the surrounding area than a deck that were to be built with the floor level at the bottom edge of a roof – at the level approximately where the wall meets the eave; or a deck covering a rear patio, again at the level where the eave meets the exterior wall. Such decks would not be visible from the street and might cover a portion of the homeowner's yard. It could also be a distance from the property line to be away from a neighbor's yard. Perhaps a "set-back" of at least 10 feet from a neighboring property line would lessen a deck's ability to look down on a neighboring yard. However, there are many properties in our neighborhood on separate levels or on curves in streets so that a deck would not look onto or bother any other property, so a "set-back" might not always need to be required.

Of course you may have as many opinions as there are homeowners! That is why I would avoid firm, rigid rules to apply to all possible "roof-top" decks or the lower "eave-level" decks and their configurations (other than overall size and perhaps property line set-back provisions where appropriate). I'm sorry I cannot attend the two meetings as I also teach. Good luck with your deliberations; I'll be happy to discuss this further. Thanks to everyone for taking the time to bring this to our attention and helping investigate these issues.

Sincerely,

Patrick McGuire  
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