

Dear Palisair HOA Board Members,

This letter is in response to the email received from Kim Bantle on April 29<sup>th</sup> 2015. All identified concerns in Kim's email (attached) have been addressed by Oonagh Ryan Architects in the current re-submission. We have also supplied diagrams of vehicle paths of exit.

We are excited to start our project and hope that our home adds value to all surrounding residences by renovating an eye-sore into an attractive mid-century modern home that reflects the rich architectural history of the Palisades. We understand that the HOA is responding to a neighbor's concern that the proposed carport (and resulting exit path) may cause an encroachment on their property. The encroachment (shown in diagram) is equal to the amount of one car tire on a shared driveway. Property rights are of upmost concern to us all, however the splitting of lots 17 & 17a more than 60 years ago created a situation that requires some reasonable cooperation.

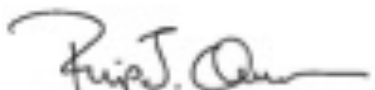
As seen in the diagram, lots 17 & 17a are both "flag lots" that share a common "flagpole" driveway. The lots were legally subdivided with the approval of Palisair HOA many years ago. The resulting lot configuration makes it physically impossible for either homeowner to exit in a vehicle without encroaching on the other's property. In other words, the concern cannot be "if" we encroach on each other's property, but rather "where" we each cross the property line.

Our home was re-envisioned by a highly professional architecture firm that made sure we adhered to every rule provided by the HOA documents. The proposed carport creates the exact same vehicular cross-point as the existing condition and actually lessens the encroachment by a few inches. We appreciate the concerns of neighbors, however over the last 60 years the HOA has never noticed this property of a violation relating to the existing cross-point. By moving the carport forward we are merely changing where the car rests but not changing the actual path of car travel. **On the grounds that our proposal improves the existing historical condition with no viable alternative, we respectfully request that the HOA approve the proposed plans.**

In the event that the HOA does not approve with the existing condition and proposed plan, we would like the HOA to determine what cross-point would be viewed as acceptable since it is not physically possible to avoid this situation entirely. In addition, we have included an alternate plan that shows our cars backing-out of the carport and down the shared driveway, which is legally permissible and would technically avoid a tire crossing the property line.

We appreciate your time and hope that you are pleased with our vision for the property. We understand that you have a tough job – it is hard to keep everyone happy. We hope that the Board uses its discretion to affirm the existing condition as the sufficient and historically accepted cross-point for vehicular travel on lots 17 & 17a.

Sincerely,

A handwritten signature in dark ink, appearing to read "Philip J. Orosco". The signature is fluid and cursive, with a long horizontal stroke at the end.

Philip J. Orosco on behalf of the Orosco Family

**From:** Kim Bantle <[ksbantle@gmail.com](mailto:ksbantle@gmail.com)>

**Date:** April 29, 2015 at 4:09:21 PM PDT

**To:** Philip Orosco <[porosco@pacshorepartners.com](mailto:porosco@pacshorepartners.com)>, Oonagh Ryan <[oryan@oonaghryan.com](mailto:oryan@oonaghryan.com)>, Francine Kirkpatrick <[drfkirk@verizon.net](mailto:drfkirk@verizon.net)>

**Subject:** 1085 Palisair Place

Hi Philip,

The Board of the Palisair HOA met Monday night and reviewed your revised plans. There apparently were some discussions and an email back in 2014 referring to the things in the front of the property that were to be changed. The implementation of these ideas in the revised plans recently submitted do not satisfy the concerns and objections originally raised. Please revise your plans to show the following:

- the setback on the South side of the property (determined to be the front) should be 10 ft. That was what was approved on the plans that received preliminary approval from PHOA. (It has been changed to 6'6" and marked 'side setback').
- the front pathway out of the house to the property line was to turn prior to the property line and continue inside the property line to the carport.
- show the location and dimensions of the turnaround area on the property for cars backing out of and into the carport.
- Establishing use of the neighbor's property for walking, landscaping, cars, turning or any other purposes is not allowed.

Thank you for your attention to these items. The next Board meeting is Monday, May 18.

Please feel free to contact me if you have any questions or concerns.

Best,

Kim Bantle  
Administrator