

Gmail - Fwd: Fence <https://mail.google.com/mail/u/0/?ui=2&ik=6d622d7150&view=pt...>



**Diana Ungerleider** <dianaunger3@gmail.com>

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## **Fwd: Fence**

15 messages

**Miriam Schulman** <miriamschulman@hotmail.com> Tue, Jun 28, 2016 at 9:05 AM To: Francine Kirkpatrick <DrFKirk@verizon.net>, David Schultz <dschultz@polsinelli.com>, Diana Ungerleider <dianaunger3@gmail.com>, Roger Broderick - PHOA <chaselaw@me.com>, bwbradford@aol.com Cc: Miriam Schulman <miriamschulman@hotmail.com>

Dear Board Members,

Unhappily, I have recently become involved in a dispute with my neighbor, Miran Kojian, over a fence between our two properties.

The prior owner of my house, Syd Vinnedge, allowed Miran to install a wooden fence along the top of the retaining wall that separates our lots. A couple of months ago, I had a survey done by Justin Coons, which showed that the entire wall, and fence, is inside the boundary lines of my lot.

Recently I had a small section of the fence removed, because it blocks a direct view of the ocean from my patio and dining room. I intend to replace that section with glass. The rest of the fence will remain, and will be reinforced, double sided, and stained, to make it more attractive. I have offered to pay to have Miran's side of the fence stained as well.

The dispute is over the section of fence that I have removed. Miran contends that the installation of the glass partition violates his right to privacy. As far as I can tell, the only part of his property that I can see now, that I couldn't see before, is a small part of his patio.

However, he is apoplectic about it, and I have been fielding angry visits and phone calls for several days. I have encouraged him to bring the issue before the

board at the next meeting on July 18.

I hate to be the cause of yet another dispute involving the board, but I seem unable to reason with Miran, and I thought I should alert you to the possibility that this will come up at the next meeting. I would appreciate any advice that any of you might have, as I would prefer to settle things with Miran amicably.

Below is the last letter in my correspondence with him about the issue, just FYI.

Thanks, Miriam \_\_\_\_\_

Begin forwarded message:

**From:** Miriam Schulman <[miriamschulman@hotmail.com](mailto:miriamschulman@hotmail.com)> **Date:** June 27, 2016 at 11:19:55 PM PDT **To:** [mkojian@yahoo.com](mailto:mkojian@yahoo.com) **Subject:** Fence

Dear Miran, I am sorry for hanging up on you today while you were so upset, but I do not take well to being bullied, insulted,

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and yelled at, not even on the phone; and I had quite enough of that in person when you were in my home last week.

I understand that you are upset, but I think that you will find that my actions regarding the fence and the glass partition, both of which are on my property, are within the law and are consistent with what is allowed by the Palisair CC&Rs.

I have stopped the work in my yard at your request (actually your insistence) and I have agreed to come to your home next week to view the situation from your perspective. I am trying to be cooperative and sensitive to your concerns.

For your part, I encourage you to bring your grievance to the PHOA, and get their opinion. As I tried to explain on the phone today, in the CC&Rs which govern our neighborhood, there are clear regulations regarding view rights and fences between neighbors, etc. A discussion with the members of the board, or a consultation with the PHOA's consulting architect or lawyer, may help to clarify the situation.

Miriam