

IRISH BEACH ARCHITECTURAL DESIGN COMMITTEE

PO Box 245 Manchester, CA 95459

(707) 882-3183 ibadc@ibiclub.com ibiclub.com

MINUTES May 19th, 2007

Open meeting beginning at 10:00am at the Irish Beach Firehouse, 15401 Forest View Drive.

CALL TO ORDER

Chairperson Leon Drolet called the meeting to order at approximately 10:00AM. He introduced Committee members Nik Epanchin and John McGehee. Members Gordon Moores and Walt Rush were absent.

Others present: Bob Dutra, Paula Dutra, William Moores, Robert Powell, Shervin Tajbaksh, Steve Whitaker, Su Whitaker and Bettye Winters

APPROVE MINUTES/TREASURER'S REPORT:

Approve minutes of: 3/17/07 A letter was received from William Moores requesting several changes to the draft minutes. Nik Epanchin made several changes to the submitted minutes: inclusion of David Paoli Jr. and Rod and Melissa Schaeffer to the attendance list, under "Change to all Building Procedures", the fifth sentence shall read ". . . at the time they are replacing all windows . . ." and four minor changes to the discussion of the office stairway (Communications: Gordon Moores 1/095) for clarification. Leon Drolet stated that the Committee members have reviewed Mr. William Moores suggested changes and conclude they are not warranted. Leon moved to approve the minutes as submitted and amended by Nik. Nik seconded and the motion passed 3-0.

Treasurer's Report: Fiscal Year 2006-07 Nik moved to approve the report. Leon seconded and the motion passed 3-0.

Minutes on the web site: Leon Drolet announced that minutes posted on the web site will be titled as "draft minutes" until they are approved at a meeting.

NEW BUSINESS:

Hearings for New Home Construction and Major Exterior Modification permits will be limited to 45 minutes; 15 minutes for presentation and Committee questions and 30 minutes for audience input and discussion.

TAJBAKSH/POWELL 3/13 (14600 Cypress Point Rd.): Revised Phase II New Home Construction permit application. No comments were received. Shervin Tajbaksh, architect, presented the revised application. He explained that the house has been rotated a bit and is now over 16ft from the east property line. The carport has been moved closer to the house and a screening fence added. Although it is possible to build a garage under the house, they do not plan to build it at this time. After some discussion, Nik stated that the plans must show the location of a future two car garage, the radius of the property line curve shown on the south side of the house, the source of the topographic data, the approved Phase I building envelope, the location of the mean natural grade along the foundation line, the approximate volumes of cut and fill, the existing and finished grade on the building elevations and materials to be used for the screened parking area. The Committee also suggests a wind screen for the hot tub, located on the north side of the house. These changes can be redlined on the existing drawing. Nik explained that the application includes a variance request to CC&R Section 5.4 regarding stepping the foundation and roof ridge when the contour change is greater than five feet. In this case the affected area is very minor and it is within the Committee's purview to waive the variance requirement and therefore a variance letter of notification to neighbors will not be sent. Nik moved to approve the application as presented with the discussed additions to be redlined and to waive the variance requirement. John McGehee seconded and the motion passed 3-0. The applicants asked if the installation of solar panels on the roof or the installation of a wind turbine requires a permit or Committee approval. Nik Epanchin gave his opinion that solar panels would have to be redlined on the drawings and that approval of a wind turbine would have to consider height, location etc. The applicants now have a provisional permit. A construction permit will be issued only after receipt, review and approval of final construction drawings. The \$750 Performance Deposit will be refunded upon receipt of verifications of foundation location and building heights as approved. The general contractor will also be required to sign a copy of the construction permit, indicating their understanding of the terms and conditions of the permit. Exterior lights must be shielded and downcast.

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MEDIATION COMMITTEE REPORT: John McGehee reported that the Mediation Committee has been reviewing and putting together documents to facilitate mediation and should have them ready for review within the next two weeks. John McGehee has agreed to be the point person if anyone is considering mediation. He explained that the purpose of mediation is to get people talking in order to reach a solution.

THE COMMITTEE PROPOSES THE FOLLOWING ADDITION TO THE EXISTING PUBLISHED PROCEDURES:

As of June 1, 2007, if current violations to the CC&Rs' Section 5.12 (exterior lights) as well as CC&R violations on any work done without the required permit exist on the property in question, the IBADC shall deny issuing any new permit unless correction of such violations is addressed in the permit request. This item was discussed at the January and March ADC meetings and posted on the web site. The words “. . . as well as CC&R violation on any work done without a required permit. . .” were added. No additional written comments have been received.

As of June 1, 2007, the IBADC will inform, in writing, all Mendocino Coast real estate firms that prior to finalizing any Irish Beach real estate transaction, realtors are encouraged to check with the IBADC secretary for any outstanding notarized agreements and CC&R violations related to the property in question. This item was discussed at the March ADC meeting and posted on the web site. No additional written comments have been received.

As of June 1, 2007, for those in violation of their permit requirements or working without a permit, the IBADC will immediately initiate an informal working relationship with the individual(s) to assist them in compliance. If that effort fails, IBADC will formally notify the individual(s) by registered mail of the need to rectify permit violation(s). If necessary, the IBADC will pursue a solution in small claims court. This item was posted on the ADC web site. No written comments were received. After some discussion, it was agreed that the last four words “in small claims court” will be struck and replaced with “by legal means”.

As of June 1, 2007, all contractors will be required to signoff prior to construction that they have read the terms of the permit under which they will be working. This item was posted on the ADC web site. No written comments were received. After discussion it was agreed that the words “all contractors” will be struck and replaced with “the general contractor”.

Nik Epanchin moved to adopt these four procedures as amended. John McGehee seconded and the motion passed 3-0.

COMMUNICATIONS:

VIPPERMAN/COHEN 1/C (14756 Navarro Way): 5/11/07 Receipt of letter stating intent to rebuild the house destroyed by fire in 1996 and request that the IBADC agree in writing that the new two story house will be “grandfathered” under the rules. Leon explained that the original house was built under the 1974 CC&Rs which allowed a two story home on that lot. However, the current CC&R's have a height limit of 16ft above mean natural grade. The request is denied at this time and a new home must be built under the current CC&Rs. The applicants have the option of pursuing a height variance.

MCCONNELL 1/034 (14820 Navarro Way): New Home Construction Provisional Permit 0307-1034 for was issued on 3/28/07 after the completion of the 30 day comment period for variance applications.

HOFFMAN 1/052 (14780 S. Hwy 1): 5/15/07 Receipt of final construction drawings for permit 0107-1052. The drawings are approved and signed by Committee members and a New Home Construction permit has been issued.

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SIEBER TRUST 1/059 (14800 S. Hwy 1) 4/2/07 Receipt of letter from Grund (1/060, 14820 S. Hwy 1) requesting action to clean up or remove the trees on the subject property due to fire hazard and unsightliness. Bob and Paula Dutra, co-owners of lot 60 were present. The owner of the subject property died number of years ago and upkeep has been abandoned by the heirs. The neighbors believe the trees and brush are a fire hazard and the house a home for wild animals and termites. Leon stated that he has started the process of identifying the property owner and address of record and plans to pursue the issue.

OFFICE 1/095 (44001 Noyo Way): 4/17/07 Receipt of letter from Wm. Moores regarding the ADC approval of modified Minor Exterior Improvement plans for the stairway. (see minutes of 3/17/07) Mr. William Moores questions the validity of the permit issued in 2004 and an ADC letter dated 7/17/05 stating the ADC's authority to approve minor modifications to approved plans without an additional hearing. Nik Epanchin explained that a site visit was made at the last meeting on 3/17/07 at which both parties, William and Gordon Moores, agreed on a settlement. The agreement is recorded in the meeting minutes and the matter is closed.

AMERIGIAN 4/45 (15901 Forest View Rd.) 5/8/07 Receipt of letter requesting an extension of 4 months for Major Exterior Modification permit 0706-0445 due to 3rd party delays. The Amerigians state that they were delayed in getting a County permit due to rule changes, personnel changes and erroneous information. The Committee agreed to grant the extension upon receipt of County documentation of approval.

SACKMAN 7/14 (44280 O'Rorey's Roost): 5/12/07 Receipt of contact person and construction start date for New Home Construction Provisional Permit 0706-0714. Final construction drawings were received on 5/16/07. The Committee members reviewed and approved the drawings and New Home Construction permit 0706-0714 was issued.

GMEINER 7/23 (44370 O'Rorey's Roost): 5/7/07 Receipt of letter from Mr. Gmeiner stating exterior construction will be completed in two weeks. Leon Drolet announced that Mr. Gmeiner will probably need an additional two weeks to finish the work.

GMEINER 7/33 (44421 O'Rorey's Roost): 3/15/07 Letter from Gmeiner requesting the ADC provide William Moores with a mediation opportunity to address his concerns about trees and view obstruction from Mr. Moores' lots to the east. A previous mediation request application by William Moores was rejected by the Committee. (see minutes of 9/16/06 'Unfinished Business' and 11/18/06 'Communications')

GMEINER 7/33 (44421 O'Rorey's Roost): 4/14/07 Receipt of letter from Dyson (7/25) regarding mediation between William Moores and Gmeiner over trees. The Committee responded on 4/20/07 explaining that mediation has not been requested to date. Mediation must be initiated by the plaintiff, William Moores. The Dyson's comments will be noted if and when mediation occurs.

GMEINER 7/33 (44421 O'Rorey's Roost): 4/26/07 Receipt of letter from William Moores regarding mediation between Mr. Gmeiner and himself and ADC mediation policy as a whole.

TRATHEN 7/26 (44400 O'Rorey's Roost): 4/18/07 Receipt of letter from William Moores regarding the garage construction and permit. Leon Drolet stated that the Committee is concerned about the expired permit and that some of the construction does not match the approved plans. Specifically, the approved plans for the east wall of the garage showed two small windows but currently there is one small window, one larger window, a door and another framed area, possibly for a large window. In addition, the trellis on the east property line now appears to be a fence. The ADC intends to seek legal counsel as to how to proceed.

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UNIT 9A: 4/21/07 An anonymous letter was received asking if the ADC has approved a subdivision of 2 parcels as applied for by William Moores to Mendocino County Planning Department. Henceforth the Committee will not respond to anonymous letters nor will they be placed on the agenda.

WILLIAM MOORES: Committee Chairperson Drolet received a phone call on 4/20/07 and letter on 4/28/07 requesting the ADC to amend its bank account name for legal reasons. The Committee responded in writing on 4/24/07 stating it does not intend to make a change at this time.

UNFINISHED BUSINESS

OWNER/BUILDERS: (See minutes of 3/17/07) How to handle owner/builders who intend to take much longer to complete exterior construction than presently handled by the CC&Rs and procedures. Should a completion time be stipulated, eg. 2 years instead of the current 12 months? Should there be provisions for further time frame extensions? (Currently two 3 month extensions are allowed.) Should the permit fee be increased? If so to what amount (current new home construction permit fee is \$1,500)? Should time extensions have associated fees? If so of what amount (current extensions cost \$500 and \$1,000)? There was a discussion of several issues including applying the same rules to all home builders versus creating a separate category for owner/builders and the ADC's authority to enforce time limits on construction. Leon Drolet stated that he will seek feedback from the current owner/builders for the purpose of working toward a solution.

ARE POLITICAL CAMPAIGN SIGNS PROHIBITED BY THE CC&Rs?: One comment was received from Kimberlie Fraser (3/12) on 5/1/07. Ms. Fraser stated in her letter that political signs should be allowed but that size and placement restrictions are needed. A lengthy discussion produced a consensus on a size limit of two square feet but no agreement on whether to limit placement to a window only or allow placement in a yard. Leon Drolet stated he will work on a policy based on the discussion. The item is tabled until the next meeting.

MCP: ADC letter dated 10/12/06 requesting the name of the corporate spokesperson. No response has been received to date.

SEGHESIO 1/018 (15020 Navarro Way): 2/14/07 ADC letter regarding the need to complete the exterior staining of the addition in order to close Major Exterior Modification permit 0902-0118. A response was received on 4/23/07 from the new owner, Camille Seghesio, stating her intention to stain the exterior after other maintenance work is complete. This item will be removed from the agenda.

KELADA 1/035 (14800 Navarro Way): 2/14/07 ADC letter regarding the need to repair the garbage enclosure. The garbage enclosure has been removed. The ADC has not received notification as to whether or not a new enclosure will be built. This item will be removed from the agenda.

TIM MURRAY 4/10 (15441 Forest View Rd.): 8/25/06 ADC letter regarding NHC permit 0905-0410. The permit expired on 9/4/06. A written response was received on 3/30/07 stating his willingness to work with the Committee. This item will be removed from the agenda.

ADJOURNMENT/NEXT MEETING

Nik moved to adjourn the meeting at 11:58AM. Leon seconded and the motion passed 3-0.

The next meeting is scheduled for July 21st, 2007.