

IRISH BEACH ARCHITECTURAL DESIGN COMMITTEE

PO Box 245 Manchester, CA 95459

(707) 882-3183 [ibadc@ibiclub.com](mailto:ibadc@ibiclub.com) ibiclub.com

MINUTES for March 17<sup>th</sup>, 2007

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

**CALL TO ORDER**

The meeting was called to order at 10:05AM.

**IBADC members present:** Chairperson Leon Drolet, Nik Epanchin, John McGehee and Walt Rush. Gordon Moores arrived after the approval of the minutes and treasurer's report.

**Others in attendance:** Nancy Epanchin, Annette Fromwiller, David Paoli Jr., Rod Schaeffer, Al Thompson, Loretta A. Thompson, Lu Vickery, Bettye Winters and Bob Winters.

**APPROVE MINUTES/TREASURER'S REPORT:**

**Approve minutes of 1/20/07:** Nik Epanchin moved to approve the minutes as written. Walt Rush seconded and the motion passed 4-0.

**Treasurer's Report: 1/1/07 to date.** The IBADC currently has \$1293.02 in net assets. Walt moved to approve the report as submitted. Nik seconded and the motion passed 4-0.

**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.*

**APPOINTMENT OF NEW COMMITTEE MEMBER:** John McGehee (15600 Forest View Rd.) submitted an application to the Committee on 1/21/07. On the Committee's recommendation, the Irish Beach Improvement Club Board of Directors, at its 1/27/07 public meeting, appointed Mr. McGehee to the ADC for the current term, which expires in July of this year. Leon Drolet welcomed Mr. McGehee to the Committee.

**SCHAEFFER 2/21 (44641 Pomo Lake Dr.): Phase II New Home Construction permit application.** One comment was received from Robards (2/22) regarding the location of propane and garbage enclosures and the distance of the deck to the riparian zone. Dave Paoli Jr. presented the application. He stated that the owner would like to change the exterior siding from light brown Hardi plank to either light gray Hardi plank or a combination of light gray (Sherwin Williams Woodsmoke Gray) cedar shingles on the upper portion and tan (Sherwin Williams Belvedere Tan) board and batt on the bottom portion. The trim and gutters will also be tan and the roof will be 50-year Malarkey shingles in Siena Blend color. After discussion of several options to address the Robards' concerns, Mr. Schaeffer agreed to bury the propane tank and move the garbage enclosure up against the east side of the garage area. Mr. Paoli explained that the owner would like to put eaves on the house if the proposed change to building separation policy is adopted (see below). They would be approximately 18 inches and the Committee believes the impact is minimal. Water collected from downspouts will drain onto splash blocks. Walt moved to approve the Phase II application conditioned on moving the garbage enclosure to the east side of the garage area and burying the propane tank. John McGehee seconded the motion which passed 5-0. Walt explained that this approval is for a provisional permit and that a final construction permit will be issued when the final construction drawings are received relating to the location, height and exterior appearance. The Committee will also require that the permit be signed by the contractor indicating that he/she has read and understands the conditions and will abide by the approved color, materials, exterior lighting, location and height verification etc. As to whether the deck encroaches into the riparian area, Leon explained that the County is the authority that makes that determination and suggested that the Schaeffers check with them. The Schaeffers and Mr. Paoli stated that they believe the deck is in compliance but will re-check.

IRISH BEACH ARCHITECTURAL DESIGN COMMITTEE

PO Box 245 Manchester, CA 95459

(707) 882-3183 [ibadc@ibiclub.com](mailto:ibadc@ibiclub.com) ibiclub.com

MINUTES for March 17<sup>th</sup>, 2007

**PROPOSED CHANGES:**

**For approval:**

**EAVE TO EAVE BUILDING SEPARATION POLICY:** The Committee proposes amending the building separation policy to state that the separation will be measured from foundation to foundation instead of eave to eave provided that eaves on the new structure do not exceed 3 feet. When considering decks whose surface is 3 feet higher than the finished grade at the edge of the deck, the measurement will be calculated from the deck fascia board or equal.

This proposal was first presented at the IBADC meeting of 1/20/07 and as a result of that discussion, the second sentence was added addressing decks. There were no comments. Leon moved to approve the policy as stated. Nik seconded and the motion passed 5-0.

**CHANGE TO ALL BUILDING PROCEDURES** The ADC shall deny issuing any permit if current violations to the CC&Rs' Sections 5.6 (fences), 5.8 (exterior paints and stains), 5.9 (window and door frames) and 5.13 (exterior lights) exist on the property in question and correction of such violations are not addressed in the permit request.

The first draft of the proposal was mailed to property owners in December of 2006 and discussed at the 1/20/07 IBADC meeting. Subsequently, the Committee proposes amending it to strike CC&Rs Sections 5.6 (fences), 5.8 (exterior paints and stains), 5.9 (window and doorframes) and retain only CC&R Section 5.13 (exterior lights). Exterior lighting must be shielded and downcast and currently only six Irish Beach homes are in compliance. The Committee will seek to correct the problem by providing general information through a mailing and posting on the web site and by asking that lighting be corrected at the time a minor or major exterior permit is sought. Because of the cost, a homeowner will only be required to correct window frame, siding and trim color violations at the time they are replacing all windows or painting the house. Leon stated that the Committee wants to add language to address the correction of any non-permitted improvements. He gave an example of someone who constructs an enclosed deck without a permit and some time later applies for a permit for other improvements. The deck must be brought into compliance with the CC&Rs and the appropriate fee paid before any new permit is issued. Construction that was permitted under previous CC&Rs does not have to be brought into compliance with the current CC&Rs until and unless the homeowner seeks to improve or modify the non-conforming work. The Committee cannot require a property owner to change existing construction that was permitted in the past nor can it judge the properness of construction, only whether or not it was permitted. The Committee does not intend to seek out CC&R violations and may only become aware of them when the Committee members make a site visit as part of a new permit application. Lu Vickery stated that the proposal was changed significantly since the last meeting and, before approval, should be posted on the web site. Walt Rush moved to strike the listing of CC&R Sections 5.6 (fences), 5.8 (exterior paints and stains), 5.9 (window and doorframes) from the proposal and to leave Section 5.13 (exterior lights) and to address the issue of non-permitted after it has been posted on the web site. Nik moved to amend the motion to state that the new policy will take effect 30 days after posting on the web site. John seconded the amendment which passed 5-0. John then seconded the amended motion which passed 5-0.

**For discussion:**

**PROPERTIES FOR SALE:** 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.

# IRISH BEACH ARCHITECTURAL DESIGN COMMITTEE

PO Box 245 Manchester, CA 95459

(707) 882-3183 [ibadc@ibiclub.com](mailto:ibadc@ibiclub.com) [ibiclub.com](http://ibiclub.com)

MINUTES for March 17<sup>th</sup>, 2007

The Committee members explained that the intention is to encourage disclosure and inform real estate agents and brokers that the IBADC files may contain agreements between property owners or document CC&R violations of which the buyer should be made aware. Al Thompson pointed out that they cannot contact all real estate agents and suggested that it is not the IBADC's responsibility to inform them. Gordon stated that under California law the realtor must disclose all known information and as a realtor himself, he feels it is in his best interest to know of any agreements or CC&R violations in order to avoid problems later. Several set back agreements between property owners have been made in the last several years that are not recorded with the County. Nik stated that a future Committee may have difficulty defending its position if a seller did not disclose a set back agreement that restricts the building envelope and the Committee did not attempt to inform real estate agents of the existence of the IBADC files. Leon stated that a draft letter would be formulated and presented for discussion at the next meeting.

## **EXPIRED PERMITS**

Leon stated that the Committee is working on formulating a policy to make them more diligent in monitoring the completion of permits and their expiration dates. The Committee will first try to work with the party if they have not completed construction in time and will notify them by registered mail of the non-compliance to the permit. If necessary, the Committee will pursue the matter in small claims court to collect the appropriate fee(s) in order to bring the permit into compliance. A decision to go to small claims court would be made at a public meeting after other attempts to resolve the problem fail. The policy would go into effect on a specified date and apply to permits that go into non-compliance after that date. The Committee is currently working with several holders of expired permits to bring them into compliance. Community input is encouraged.

**NEW PERMITS: The IBADC proposes to offer two additional permits: categories strictly for the use of an Owner construction by him/herself. All other aspects of New Home Construction and Major Exterior Improvements are unchanged.**

- **New Home Construction 36 Month Permit- Cost \$5000 with a performance deposit of \$750.** The exterior construction must be completed within 36 months from start of construction. Permit is not renewable.
- **Major Exterior Improvements 36 Month Permit- Cost \$3000 with a performance deposit of \$375.** The exterior construction must be completed within 36 months from start of construction. Permit is not renewable.

Leon explained that the Committee is attempting to address the issue of longer building times for new home construction and major modifications when the work is done by the owner instead of a contractor. The current new home construction permit costs \$1500 and allows for a twelve-month building period with two possible three-month extensions for an additional cost of \$1500. In other words, the builder must pay fees of \$3000 for an 18-month construction window. The proposed permit for owner/builders increases both the time allowed and the cost. One aspect of the discussion is the cost of the permit and whether or not the proposed fees are reasonable. Another aspect is the possible creation of a second Performance Deposit (PD) that is tied to the timely completion of the exterior construction. Currently the IBADC requires a PD to help ensure the proper verification of the foundation location and building heights. When the verifications are completed, the PD is refunded. The idea is to motivate builders to complete the project within the permitted time, perhaps with a sliding scale, schedule related performance bond. The Committee will continue to accept reasonable third parties delays that are outside of the control of the builder. At this point, the IBADC has no means by which to penalize a non-compliant builder and no funds for a serious legal action. The idea is that the loss of the PD may be a motivation to complete the project within the permitted time and, if necessary, a means by which to pay for legal action. Community input is encouraged.

IRISH BEACH ARCHITECTURAL DESIGN COMMITTEE

PO Box 245 Manchester, CA 95459

(707) 882-3183 [ibadc@ibiclub.com](mailto:ibadc@ibiclub.com) ibiclub.com

MINUTES for March 17<sup>th</sup>, 2007

**ARE POLITICAL CAMPAIGN SIGNS PROHIBITED BY THE CC&Rs?:** Leon explained that a community member approached him who would like to put out a political sign. A discussion of the subject included the issues of freedom of speech, the potential divisiveness of political signs, political versus other types of signs such as decorative flags and banners and window signs versus yard signs. The CC&Rs only allow real estate signs and any legally required signs and specifies the allowed size. There was general agreement that if political signs are allowed, they must be within the CC&R defined size of four square feet. It was suggested that political signs be allowed in windows but not in yards and that, they must be removed on Election Day. The item will be posted on the web site for more comments.

**MEDIATION COMMITTEE:** John McGehee reported that the Committee lost one member due to personal reasons. The Mediation Committee has met and started the process of formulating a procedure.

**COMMUNICATIONS:**

**SEGHESSIO 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.** Ms. Seghesio is in the process of getting bids or staining the exterior.

**MCCONNELL 1/034 (14820 Navarro Way): 2/26/07 Notice of the variances approved at the 1/20/07 ADC meeting sent to neighbors within 300ft. of the project. The 30 day public comment period ends on March 28<sup>th</sup>.**

**KELADA 1/035 (14800 Navarro Way): 2/14/07 ADC letter regarding the need to repair the garbage enclosure.** No response has been received to date.

**ALLRED 1/050 (14720 S. Hwy 1) 2/17/07 Notification of intention to repaint the house with color changes. Color samples were submitted.**

**CONNER 1/063 (44000 Noyo Way): 1/22/07 Receipt of one year pre-construction permit renewal fee for Major Exterior Modification permit 1005-1063. The permit now expires on 10/9/07.**

**GORDON MOORES 1/095 (44001 Noyo Way): 2/5/07 Letter to the Committee regarding the status of Minor Exterior Improvement permit 1004-1095 for the placement of an office sign.** A letter of response was received from William Moores on 3/14/07. The Committee contacted William Moores at his office and he joined the meeting. This issue involves a Superior Court Judgment dated 3/22/04 regarding the office stairs and sign, an "Order Confirming and Clarifying Terms of Judgment" dated 6/10/04, as well as IBADC Minor Exterior Improvement permits for an office sign and stairs, issued on 10/16/04 and 11/20/04 respectively. In accordance with the judgments and by agreement of both parties, the IBADC acted as arbitrator for the projects in addition to its usual role of hearing and issuing construction permits. Gordon Moores argued that the current location of the shared office sign, as placed by William Moores, is not in the approved location and physically intrudes into the space occupied by the lower east staircase rail. As a result, William Moores has removed the rail to install the sign and Gordon Moores subsequently removed the sign. To resolve the ongoing dispute, Gordon Moores requests that the Committee determine if the sign is in the proper location as approved in October of 2004. He also argued that the wording of the shared sign was not agreed to by both parties, as stipulated in the permit. He also questioned whether the permit is still valid because of the amount of time that has lapsed. William Moores argued that the placement of the sign was delayed by court proceedings and therefore the permit is still valid. He argued that as the arbitrator, the ADC couldn't go back and change what was agreed to in arbitration. He stated that in May of 2005, Gordon Moores amended the permit for the deck and stairs, which led to the current conflict between the location of the stairway rail and the sign. A site visit was made. William argued that the existing stone pillar and connecting rail (removed) are modifications to the approved plans that were not properly noticed and heard according to Committee procedures. The application and modification was reviewed and Nik noted that the location of the posts is not indicated on the drawings.

IRISH BEACH ARCHITECTURAL DESIGN COMMITTEE

PO Box 245 Manchester, CA 95459

(707) 882-3183 [ibadc@ibiclub.com](mailto:ibadc@ibiclub.com) ibiclub.com

MINUTES for March 17<sup>th</sup>, 2007

Committee members measured and determined that the location of the easterly post at the foot of the stairs appears to comply with the Superior Court Judgment of 3/22/04. The Committee referenced a letter to William Moores dated 7/17/05 in response to his protest of the modified plans in which the Committee states its authority to approve minor modifications of approved plans without an additional hearing. After review of the current location of the sign in relation to the removed rail and stone post and the ability to see the sign from the westerly end of the parking lot, both parties, William and Gordon Moores, agreed that the sign will be moved slightly so that the western most edge of the sign is no less than two inches east of the easterly edge of the existing stone pillar/post and the sign is located parallel to the existing sidewalk. The existing staircase and posts appear to comply with the approved permit.

**CARTER 3/26: 2/2/07 Receipt of notification of completion of Major Exterior Modification permit 0306-0326 on 11/13/06.**

**MOORES 5/05 (43551 Sea Cypress Drive): 3/10/07 Receipt of fee for pre-construction permit extension. NHC permit 0205-0505 now expires on 2/18/08.**

**UNFINISHED BUSINESS**

**MCP: ADC letter to MCP requesting the name of the corporate spokesperson.** Gordon Moores stated that the request would be fulfilled in April.

**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.** No response has been received to date. Leon will contact Mr. Murray in writing to resolve the issue.

**TRATHEN 7/26 (44400 O'Rorey's Roost): 12/23/06 Letter from William Moores requesting an explanation of the ADC's letter of agreement with the Trathens regarding their Major Exterior Modification permit 0705-0726.** Leon explained that much of the issues with the project were due to miscommunication and the Trathens have complied with the Committee's requests for information which has resolved the questions.

**ADJOURNMENT/NEXT MEETING**

**The next meeting is scheduled for May 19th, 2007.**

Minutes submitted by Jean Selk