

IRISH BEACH ARCHITECTURAL DESIGN COMMITTEE  
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JANUARY 19, 2013

DRAFT MINUTES

**Open meeting beginning at 10AM at the Garcia Grange, 43970 Crispin Road**

**CALL TO ORDER:** The meeting was called to order by Leon Drolet. Directors present:

**APPROVE MINUTES OF 05/19/2012:** Leon made a motion that the minutes for the 05/19/2012 be approved. There was a question in regards as to what transpired at a meeting of property owners immediately after the meeting. Since it was not part of the ADC meeting, what was discussed is not included in the minutes. The motion was seconded by **John** and the minutes were approved with the clarification. A motion was made by RJ to approve the minutes from the 07/21/2012, seconded by **Jerry(?)** and approved.

**NEW BUSINESS:** None

**COMMUNICATIONS:**

**McPhee 1/5 (15270 Irish Beach Drive): Notification of new window installation, installation of fence, color change due to contractor's mistake, and intent to get after the fact MEI permit.** Mr. McPhee is working on a packet expected to be presented to the board at the March meeting.

**Gary Klien 1/21 (14970 Navarro Way): Interior remodel and window change.** Mr. Klien is increasing the size of a window by 7" to facilitate a better view of the ocean. A letter was presented to the board and discussion followed as to whether or not a permit is required. The matter was tabled for the next meeting.

**William Moores 7/35: McClellan 7/34 (4430 O'Rorey's Roost): Addition a deck and back patio.** Mr. Moores has an issue with the back deck, a satellite dish on the roof and work in the backyard. Mr. Moores has requested access to ADC records for the construction of the house be turned over to him. It has not been done as there is a policy in place that the chairperson can decide whether or not a folder can be distributed. Mr. Moores has indicated he plans to sue the owner. RJ advised that the work was done without an ADC permit. Mr. Moores is requesting that he be allowed to make copies of the folder. Mr. Moores expressed concerns that Mr. McClellan did not comply with the permit requirements and questioned the confidentiality of the records. Mr. Moores questioned the concept that the committee's records are confidential and this is an issue that the committee should consider and it be voted on. Mr. Moores cited the opinion of Mr. McGlynn, Attorney, that ADC is a subcommittee of IBIC and members of IBIC are entitled to access committee documents and that the CC&R's allow individuals to enforce the CC&R's. Not allowing members to access records is contrary to the By Laws. The question is whether or not the committee can deny property owners access to the documents. Mr. McClellan's original application was negotiated, Mr. Moores does not have a copy of the permit or the plans or the meeting proceedings and requesting they be provided to him. Mr. Moores is asking for enforcement of the plans as originally presented. The committee did not recognize Mr. Moores as a qualified property owner of 7/35 at the time since his property was in escrow. There is nothing in the by laws to support Mr. Moores point from Section 3.1. The current policy as to distribution of documents is in the minutes from the November 17, 2007, meeting and they read: "All photocopy requests must be addressed to the committee, not to the committee secretary or individual ADC members. All requests for material such as a normal project mailing out or any parts thereof be mailed to property owners within 300 feet as well as other classifications being provided on time and material basis. Much of this data can be downloaded free of charge from the IBIC/ADC website." This was approved by a vote of 4-0. The only authority ADC has is to provide what was mailed out. IBIC is looking at the authority of ADC and there are differing legal opinions. There is no support or financial structure for enforcement. Mr. Moores requested that the

files be made available to him and any other interested party, claiming that it is relevant as to what was approved and the permit is essential. It was pointed out that the committee is not set up to handle legal fees for court proceedings; the general membership will be asked if they will support a fund for such action. Can IBIC support ADC? Membership fees are for maintenance of common areas, can they be used for legal issues? The question will be presented at the next IBIC meeting. There was discussion about how to keep the files and how to make documents available to everyone, however, the resources and the manpower is not currently available. Mr. Moore would like the committee to let him know where the file is and he will take what he wants to copy, supervised or not supervised; the permit is central to his issues. Leon has asked for legal opinion. Is everything public information and who owns the documents? Discussion followed on how to archive all documents. RJ made a motion that the final approval, the permit and the signature box and redline be made available as part of the package for this particular lot, subject to approval from the attorney. The motion was seconded by Gordon and approved. A motion was made by Gordon to amend the motion to include a copy of the sign off letter, seconded by .....and approved.

**Rathbun 1/106: Rain gutter replacement.**

**Comments on Datwyler Project: Garross, Dube, Dutras, Grund, Tozier**

**UNFINISHED BUSINESS:**

**Datwyler 1/71 (14801 Navarro Way): New Home Construction Phase II application.** .....architect from Fort Bragg: changes were made to the building envelop making it 84', reduced from 87'; eliminated the driveway; part of the bedroom is now a porch, the access to the garage was redefined so as to not impacted the view. There were concerns about the shop; the door is made smaller to 10' wide and 8' high. The woodworking equipment is large so a large door is necessary. Concerns were expressed about noise from the equipment, an unknown at this time. Also, there are concerns in regards to dust from the work. The noise may be in violation of the CC&Rs. It appears that the objections from

the last meeting have been addressed and remedied. The work is done inside the structure but in close proximity to other homes. The question was raised as to whether or not this is a business and if it violates the CC&Rs. CC&R's restrict the use of the lots to "single family dwellings" and limits the amount of noise that is acceptable, an unknown at this time on this property. RJ made a motion that the Phase II application be approved as amended with the requirement that the property owner observe the restrictions in the CC&Rs, Section 7.7. It was seconded by ..... and passed.

**Rush 3/51 (43751 Cypress Pkwy): Minor Exterior Improvement-Sunroom on South Deck.** A year ago, Mr. Rush was advised that his garage door is not an approved color; Mr. Rush stated to the committee that he would paint the door; however, he produced a statement saying the manufacturer's warranty will not be honored if the door is painted. RJ proposed that the conditions were satisfied. Jerry made a motion that the door be accepted as is, that if it is ever replaced it will be in an approved color and that the MEI application be approved. It was seconded by.....and passed.

**ADJOURNMENT/NEXT MEETING:** The meeting was adjourned at .....

**The Next meeting is scheduled for March 16, 2013. Meetings are usually scheduled for the third Saturday of every odd month and are subject to cancellation due to lack of New Business.**