

**ROUND HILL ESTATES NORTH PROPERTY OWNERS' ASSOCIATION
ALAMO, CALIFORNIA**

SPECIAL MEETING OF THE BOARD OF DIRECTORS

November 8, 2000

MINUTES

A special meeting of the Board of Directors (BOD) of the Round Hill Estates North Property Owners' Association was held on November 8, 2000, at the Round Hill Country Club Pavilion at 3183 Round Hill Road in Alamo, California.

ITEM I. - CALL TO ORDER

The meeting was called to order at 7:06 p.m.

ITEM II. - ROLL CALL

Barry Crawford	President	October 2001
Dale Welch	Secretary	October 2002
Ron Lodder	Director	October 2002
Catherine Dimino	Director	October 2002
Steve Lange	Director	October 2001
Jake Bercu	Director	October 2002
George Yaron	Director	October 2002

Donna Minkema of Community Care Property Management was also present.

ITEM III. - ARCHITECTURAL/LANDSCAPE MATTERS

Acting as the Architectural Review Committee, the Board considered a request by Mr. and Mrs. Michael Goldstein to install a concrete and brick driveway on Lot 107. Because of problems between the former owner and the contractor, the original driveway was torn up. Today, it is a gravel driveway. Furthermore, the landscaping plan was never implemented.

Mr. Goldstein reviewed a schematic of the proposed driveway and provided color and brick samples. They plan to model the design concept along the lines of the driveway next door that belongs to Mr. Deghanfard.

The Architectural Review Committee approved the proposed driveway unanimously (7 to 0). Mr. Goldstein understands that he will need to soon submit a proposed landscaping plan to the Architectural Review Committee.

ITEM IV. - APPEAL ON LOT 75 (120 SUGAR CREEK LANE)

An October 17 letter from Ralph and Allyson Fattore (121 Sugar Creek Lane) requested an appeal on the Architectural Review Committee's approval of the house plans for Lot 75. The following objections were enumerated and were accompanied by pictures of the roofs of neighboring houses:

- **Out of compliance with architectural design and community character.** The proposed structure does not conform to the harmony of external design with neighboring structures. Please see attached pictures.
- **No adequacy of site dimensions with respect to Sugar Creek Lane.** Sugar Creek Lane is a very narrow street only twenty (20) foot wide and strict adherence to height guidelines must be imposed.

The Board had also received letters protesting the plans from the following neighbors:

Barbara and Charles McLaughlin
Peter and Maureen Sansevero
Joseph and Barbara Bonn
Dan and Lucille Payne

For the benefit of the three new Board members, Mr. Crawford summarized the evolution of the house plans for Lot 75 leading to eventual approval of the latest version that is the basis for the appeal. This version was distributed to neighbors about two weeks before the Appeal hearing.

Mr. Fattore made a brief presentation which elaborated on the reasons enumerated in his appeal. He first summarized his understanding of the legal issues for granting variances from the Association's Architectural Guidelines. His arguments revolved around two main issues: (1) the proposed turrets on the roof are unattractive and not in conformity with the design of roofs in the community and (2) the height limitation of 35 feet is exceeded by two feet. After his presentation, several neighbors in attendance supported these issues with particular reference to the roof design. Lucille and Dan Payne pointed out that they and other neighbors had not received earlier versions of the house plans before they had been approved.

The owner of Lot 75, Mr. Rasooly, pointed out that over several months he had worked closely with the Association's consulting architect, Tom Kimbrell. As a result, he had made a number of modifications to his initial plans which, except for exceeding the two-foot height limitation, now complies to the Architectural Guidelines. While his roof design is different from other roofs in the area, Rasooly believed he should express his own architectural preferences and not conform to the same design of neighboring roofs. Nevertheless, he was willing to replace the small turret skylight structure over the kitchen with an obelisk-. It would be all glass and hardly noticeable. The skylight structure would be approximately three feet shorter than the original design. A portion of the house will be situated below the street, with the top of the house reaching less than fifteen feet above street level.

The Paynes objected to the design of the proposed revision of the skylight over the kitchen.

At this point, each Board member was invited to comment and ask questions. A consensus of the Board felt that the reasons for approving the original plans with a two-foot variance on the height limitation were justified because the excess height was on the bottom of the slope and therefore inconsequential. When installed, future landscaping could easily mitigate a perceived problem, if any.

Finally, the Board felt that substantial conformity of design is not an architectural objective. The real issue is at what point does the Review Committee attempt to impose its own or the neighbors' design preferences over those of the lot owner. It was noted that the Architectural guidelines do not set forth a clear test or standard, though it was generally accepted that substantial deviation from the general character of the community, such that values of neighboring houses, or the community at large, would likely be adversely affected, would give cause for concern and, perhaps, rejection of a plan. One test mentioned was whether the design causes so much attention to itself that it becomes an eyesore. By definition, such an evaluation is highly subjective. A consensus of the Board felt that the roof design of Lot 75 was perhaps different, but it was not an eyesore.

By a vote of 6 to 1, the Board denied the appeal, thereby re-approving the final version of the plans distributed prior to this meeting. Mrs. Dimino voted to support the appeal.

SUBSEQUENT EVENT –FRONT YARD SETBACK ISSUE

It was subsequently determined that the plans for Lot 75 may not have met County requirements for the front yard setback.

Mr. Rasooly was notified on November 15 to check his plans with the County to determine if they comply with County setback requirements. If not, he is to submit revised plans to the Architectural Review Committee.

Accordingly, final approval of Lot 75 plans have been deferred pending review and possible revision of the plans.

ITEM V. - ADJOURNMENT

The meeting was adjourned at 8:45 p.m.