

April 16, 2021

Heidi and Alan Christiansen:

On March 24, 2021, you delivered final plan drawings to Blake Powell. Although you had previously declined to pursue the process established by the DRB Guidelines, the DRB accepts that these are your final plans. Prior review by the DRB had proceeded through meetings that were called by Parker McQuown, HOA President. Although you claim to have delivered the required \$2,500 deposit to the HOA President, the deposit was never delivered to the HOA Treasurer until March 31, 2021. The DRB has never received any explanation why your check was held by Parker. Upon advice of counsel, it is the date of that deposit that the DRB considers to be the date on which your application for DRB approval was submitted.

The normal DRB process would be that concept plans would be reviewed by the DRB with you and your architect. After any revisions you may choose to make, the plans would progress to preliminary review after deposit of \$2,500 to the HOA. Once the plans had been approved through preliminary review, you would submit final plans for approval. If consistent with the approved concept plans the final plans would be approved. You have declined to participate in that process. Instead, you and Parker created a separate process under which you have sought to pressure and intimidate the DRB into approving plans that are not consistent with the HOA CC&Rs and adopted Design Guidelines.

Prior to the deposit of \$2,500, the DRB engaged in the process that you and Parker had decided to pursue. It is worthwhile to review that process to date.

October 6, 2020 Parker called the DRB to meet with you at his house. You showed the DRB pictures on your iPhone of your ideas for a structure.

November 4, 2020 Parker called the DRB to meet with you at his house. Members Blake Powell and Denise Trella and Board Member Jan Woods were available to attend. The DRB was allowed to look at concept plan drawings, but was not provided with full-size prints to review. Only one 11" x 17" copy of the plan drawings was provided to the DRB. Subsequently, the DRB, at its own expense, had the one 11" x 17" copy of drawings enlarged to scale at a blueprint copy service so that it would be possible to review.

November 18, 2020 DRB provided you with its review of the concept plan drawings with detailed explanation of the deficiencies in those drawings citing to the HOA CC&Rs and adopted Design Guidelines, and the requirement for a \$2,500 deposit.

November 22, 2020 You were again advised that a \$2,500 deposit was required for further review.

December 18, 2020 Parker called Blake and Denise to meet with you at your existing house. Blake and Denise were shown revised plan drawings and asked to approve them. Parker stated to Blake and Denise that if DRB Coordinator Nanci Stacey did not cooperate in approving the plans, Nanci would be removed and replaced with someone else you and Parker had in mind. Blake and Denise would not approve the plan drawings. Blake told you and Parker that if Nanci were removed, he and Denise would resign. The DRB was provided only one 11" x 17" copy of the revised drawings. The DRB, at its expense, had the one 11" x 17" copy of plan drawings enlarged to scale at a blueprint copy service so that it would be possible to review.

January 4, 2021 Parker called HOA Board Member Jan Woods and asked Jan if she would approve your plans without meeting the DRB requirements. Jan declined.

January 5, 2021 Parker called a meeting of the HOA Board at which he recommended that the DRB be dissolved and the Board approve your plans. Jan and Gil Ogle did not agree.

January 7, 2021 DRB provided you with its review of the revised plan drawings.

February 8, 2021 Lincoln Hobbs, an attorney whom you engaged, wrote to the HOA demanding that your plans be approved. The DRB declined to do so as the latest drawings you submitted on December 18, 2020 did not conform to the HOA CC&Rs and adopted Design Guidelines.

February 12, 2021 Parker resigned as President of the HOA.

February 15, 2021 Alan Elliott was elected as a member of the HOA Board to fill Parker's remaining term. Alan was elected as President of the HOA.

March 24, 2021 You submitted to Blake two full size copies and five 11" x 17" copies of what you state are your final plan drawings to Blake.

March 31, 2021 Your payment of the DRB review deposit of \$2,500 was received by the HOA Treasurer.

At this time you have chosen to submit drawings as "final plans". The DRB acknowledges your designation as final plans and accepts that you do not intend to do any further alterations to the final plans. The decision of the DRB is that approval of the final plans is denied. The final plans do not comport with the requirements of the HOA CC&Rs or the adopted Design Guidelines. The reasons for this denial include, but are not limited to, the following:

- 1 You have refused to modify the soil elevation in the "crawl space" to create crawl space, rather than full floor height identical to the bottom of footing. When you submitted your plans on December 18, 2020, you designated an area as "crawl space". The DRB considers crawl space as defined by Merriam-Webster as "a shallow unfinished space beneath the first floor or under the roof of a building especially for access to plumbing or wiring." Your designer recommended that the 3 foot crawl space required by the DRB should be 4-4.5 feet. You chose 10 feet.
- 2 No locations of connections from downspouts to any offsite drainage location has been identified.
- 3 Lower floor light wells extend into the common area.
- 4 Upper floor window of master bedroom extends into common area.
- 5 "Corbels" and decorative roof over garage door extends into common area.
- 6 "Corbels" and decorative roof over south door to garage extends into common area.
- 7 Steps at the front and rear of the house extend into the common area.
- 8 Insufficient detail for the colors, materials, and texture for exterior, stucco, wood, stone and roof shingles.

The DRB will recommend that your \$2,500 deposit be refunded to you. If you wish to resubmit plans and proceed through the normal DRB process, you are free to do so.

In addition, in any resubmittal you shall include a certification by an appropriate engineer based upon the engineer's inspection and own determination of appropriate specifications shall be provided that the construction of any proposed basement will be safe and would not affect common areas, common improvements, other dwellings or any other areas of the project. Although you earlier provided a letter that the basement could be served by a sump pump to evacuate potential spring water, the specifications for the flow and the adequacy of the existing drainage pipe between this property and your existing property were not provided. It is not clear that the existing pipe previously installed is adequate for the additional drainage which could arise from the sump pump and the roof area.

Fairway Oaks Homeowners Association

Board of Directors and Design Review Board