

The Keystone Design Review Board  
Special Review Meeting

September 17, 2009

I. Call the Meeting to Order

The Keystone Design Review Board meeting was called to order at 1:05 pm in the Neighbourhood Company conference room on Thursday, September 17, 2009.

Board Members Present Were:

Tim Baker, President  
Tom Connolly, Member  
Jeff Zimmerman, Member

Other Attendees:

Mindy Bothel, Administrator  
Peter Hannishin, Applicant

Attendees for the Neighboring Homeowners portion of the meeting:

Mick & Kim Manning  
Brian Smith  
Bob Turner  
Ken & Gloria Wiggins  
Ken Starr  
Ann Livedalen

II. Approve Previous Meeting Minutes

The previous meeting minutes dated August 3, 2009 approval was tabled until Sept. 28, 2009 meeting.

The Board nominated and passed unanimously the appointment of Jeff Zimmerman to the Keystone Design Review Board.

III. Lot 12, 0061 Saw Whiskers Circle – Orientation & Schematic Review – (Peter Hannishin, Owner / Applicant)

The Keystone Design Review Board reviewed and will keep the project at Lot 12 Saw Whiskers at the schematic review stage until the following comments / conditions are addressed:

- Massing on the north end of the east elevation needs to be addressed thru additional study of the roof design to consider sight lines from adjacent properties where ever possible by reducing the height of the structure without compromising the proposed exterior design. The Board would like to see the alternatives develop by the architect at the next meeting.
- Per the PUD, flexibility from the County may allow for a reduction in the Side yard setback location to 10'0" upon review with the Applicant. Per the County, the Front yard setback is to be 25'0".

- Consider widening the entry feature as proposed seemed narrow.
- Consider landscaping features along the drive way adjacent to the east property line, but not to impede existing drainage flows.
- Put stone bases on exterior door posts leading from dining room to exterior similar to those propose elsewhere in the design.
- Need materials board, construction site plan, construction managements plan, construction schedule and 3D model (identify the actual location of the neighboring homes on the model).
- Provide view study from a fixed point 6' above the elevation of the Manning's patio towards Buffalo Mountain. Have a photo taken by someone standing at the mid-point of the Manning's patio with the camera at 6' above the patio elevation. Super impose the actual massing of the proposed structure on the photo to provide illustration of the view impacts.
- Plans must be stamped by a license architect prior to the Board giving a final approval for construction. The Board requests the registered & accredited architect be identified at the next meeting. Also, identification of a registered GC must be identified to the Board along with GC's registration number.
- Board suggested applicant review the vertical siding and use it as an accent element not a primary element.
- Landscaping will be more closely addressed once the siting and massing issues are resolved.

### **Neighboring Homeowners Comments**

Lynn Mueller and Phil Dolamore could not attend but support the homeowners present per Mrs. Kim Manning.

Mr. Baker outlined how the meeting will proceed. He explained that the meeting must maintain a collaborative and cooperative approach through productive comments by all meeting participants. He reserved the right to clear the room if any unproductive statements are made.

Mr. Mick Manning: Mr. Manning began with the proposed impact on the neighborhood. He stated Mr. Hannishin has the right to build on his property, but wants to make sure the covenants are enforced. He noted he has been looking forward to the meet for two years knowing that the property would be developed at some point. Mr. Manning purchased his home from John Sts. John. When he contemplated purchasing the home the original purchase contract was delayed to investigate neighborhood guidelines and covenants. It was important that the design standards and convents were enforceable. He stated he had to go through a legal process to ensure this meeting takes place and paid \$14K through the process thus far. He stated he was within 12 hours of filing an injunction to stop construction from beginning. He noted that it is mentioned 45 times in the guideline that the applicant must adhere to specifics in the guidelines.

Mr. Bob Turner: Mr. Manning asked him to review plan. He has experience with DRB's and building residential projects. After his review of plans and covenants he found information on restriction on height, size, site orientation of home and garages. Position

of home on lot is mentioned extensively throughout the documents he reviewed. He also noted that he believes unreasonably impacting views of other homes is not allowed.

Mr. Ken Starr: Mr. Starr's property is located to the west of the lot in question. Mr. Starr stated that their home site is pretty far back on the lot and they use a lot of open space in the front of the lot. The current proposed placement of the Hannishin house blocks the deck of the Mannings and also his view to the East. Also the garage is located by their master bedroom. Mr. Starr would like to see the Hannishin home moved forward on the lot and face Saw Whiskers Circle. He does not feel Mr. Hannishin has complied with the neighborhoods guidelines. He noted the guidelines state an architect needs to visit the project site. Also, a model is required and would be helpful to envision how the Hannishin home would impact the area. Mr. Starr feels the covenants state that the General Contractor (GC) needs to be licensed. Mr. Starr stated that another property owner in the Saw Whiskers II neighborhood, Gordon Silianoff, did not build his home in accordance with the covenants. Mr. Silianoff is also running a business from his home which is not allowed. He is questioning the GC the Hannishin's want to use because their GC has a history of non-compliance with the covenants. He also feels the colors noted on the plans may not be natural colors and thus not per the guidelines. Mr. Starr noted that the plans show a compost pile. Mr. Hannishin stated the Sts. Johns put the compost pile on his property. Mr. Starr agrees that if someone purchases a piece of property they should be able to build on it, but they need to comply with the guidelines. Mr. Starr said that he asked to meet with Mr. Hannishin and he declined. He also noted that Mr. Hannishin did not want to comply with the DRB process.

Mr. Bryan Smith: Mr. Smith came to the Keystone area in 1991. His home was the second home constructed on the street. He was an Executive Vice-President for Vail Resorts. Due to the length of time Mr. Smith has lived in the Saw Whiskers II neighborhood he has seen homes which were very poorly constructed. One home he mentioned was built by Tim Burke and was illegally built and totally blocked his view. He believes the lack of use of qualified General Contractors has created a poor quality of homes in the neighborhood. He stated he feels people come in and build whatever they want. If there is going to be covenants there needs to be a mechanism in place to follow them as well as the guidelines. He stated he does not feel this type of construction would happen at The Ranch because they have a tight set of covenants.

Mr. Mick Manning: Mr. Manning was unable to get the projector to work so he used his lap top to show pictures of his front entry going upstairs, the cathedral ceilings as well as his view of Buffalo Mountain. He believes the project in question is an unreasonable assertion on some one else's view. If the proposed home is pulled toward the front of the lot they could have a Gore Range view which he feels is better than a Buffalo Mountain view. Some of the pictures he showed noted what he believes are the site line and maximum roof height proposed by the current plan. When he originally purchased his home the site line was appraised at \$180K. He feels with proper orientation of the new home all views can be preserved. He asked the Board to reject the current plan and help everyone protect the views and assets. He also believes the current site plan is unreasonable because there are better ways to construct the Lot 12 home.

Mr. Bryan Smith: Mr. Smith would like to have a model of the proposed home so everyone can see the potential impact on the area.

Mr. Baker explained that this is a preliminary meeting and a model will be required later in the process. Mr. Baker believes Mr. Hannishin is in compliance with the DRB process and believes he intends to continue to comply. There will not be any final rulings at this meeting. After the neighbors comments the Board will convey Board comments to Mr. Hannishin on how to move forward.

Mrs. Kim Manning: Mrs. Manning began by holding up a copy of the Saw Whiskers II Design Guidelines and Covenants. She said everyone who purchases a home or property in the neighborhood received these documents. There was a petition circulated and she stated that 100% of the neighbors she spoke with said that they do not feel this project is orientated on the site per the guidelines. She noted that the neighboring homes must be taken into considered during the design process. Mrs. Manning read several sentences from the neighborhood guidelines. She believes there are fifteen homes in the Saw Whiskers neighborhood that are facing toward the street. She also believes that it is critical the new project be compatible with the existing homes. Mrs. Manning stated she believes that the applicant's architect's relationship with a board member was kept confidential and that the board member had to be removed due to the conflict. Mr. Connolly corrected Mrs. Manning noting that the board member did not have knowledge of his employee working on this project and as soon as he discovered it he removed himself from the project.

Mrs. Manning began reading from the guidelines again mentioning gross square footage, building heights and view corridor preservation. She said she found 54 items which state in her opinion that the current plans are not in compliance with the guidelines. Mr. Connelly asked Mrs. Manning at what point is the site line impacted? What is a reasonable height in your opinion? Mr. Manning said they had not made that determination.

Mr. Starr interjected that it is not so much the height of the home as the orientation on the lot.

Mr. Baker told the homeowners he and the Board understand the concerns and we are working toward an opportunity to revise the design.

Mr. Ken Wiggins: When Mr. Wiggins built his home he went through the DRB process and there were no substantial issues. He noted that he spent a lot on models for the review process. Mr. Wiggins is appealing to the Board to make sure the home fits into the neighborhood. He stated he did not mind going through the DRB process on his home and wants the same review process to apply to current project.

Mr. Baker told the homeowners he understands all of their comments and noted that the Board is not here to design this project. We will try and keep the process moving forward. He also believes this meeting is a great step in the right direction. Mr. Hannishin is taking steps to come within compliances with the process and has been working with Mr. Baker.

Mr. Manning summarized by saying that each owner has the right to build on their property and with the completion of the home on lot 12 the neighborhood will be

completely built out. He feels the Saw Whiskers II neighborhood is a unique area. Certain site line view corridors need to be preserved and with correct design all home sites can work well together. He looks forward to participating in this process. He has found that this is an emotional and expensive road to go down. He appreciates the time given to him and the other neighbors and inquired as to the next step in the process. Mr. Baker replied the Board will give Mr. Hannishin the information he needs to move forward in the process.

### **Review with Owner and Board**

Mr. Peter Hannishin asked to respond to a couple of the neighbors comments. He said he had only met Mr. John Sts. John once in which they discussed Mr. Sts. John purchasing the property. Mr. Hannishin was willing to sell his property to Mr. Sts. John if another property equal to his could be located. Mr. Hannishin stated that a suitable property was never identified so the sale was not completed..

Mr. Hannishin's view of the existing homes in the neighborhood is that they all are different in regards to their orientation to the road. He believes he is not doing anything that unreasonably contrary to what has been done in past. His current architect, Ryan Novak, has engaged a licensed architect to assist on the project. Mr. Hannishin mentioned the DRB that reviewed Mr. Starr's home required the home to be built on the back of the lot due to an existing grove of trees. He believes that decision adversely impacted his building site. Mr. Hannishin has owned his property for 24 years and has never received notification of a DRB meeting. He also noted that the proposed size of his home is smaller than seven others in the neighborhood. In his experience with the county they are being very restrictive on the height of buildings now. He indicates his proposed home is less than the allowable height in the neighborhood.

In regard to the comments about Mr. Gordon Silianoff's project he was told he did go through the DRB process. Mr. Silianoff is a licensed contractor and they do have a contract in place. Mr. Hannishin has been a professional engineer for 30 years and has ability to become a licensed contractor if necessary. He also believes that the site line issues are unavoidable. Mr. Hannishin noted that he originally wanted to build a 2,500 sq. ft. home but due to the size of the other homes in the neighborhood he believes it is necessary to build the proposed project size to remain competitive in the market for resale down the road.

Mr. Hannishin stated that his design was developed with the intention to take advantage of the northern view towards Buffalo Mountain from his kitchen and dining room. He noted that it is important that his kitchen maintain a quality view as that is a key location in the home for his family. He is not interested in the view towards the Gore Range.

Mr. Baker explained that there needs to be further discussion with the County on their willingness to be flexible on the setbacks since this is a critical issue in designing this project. Mr. Baker noted that the Starr home is within 10' of their adjacent property boundary as are many other properties in the neighborhood. If the side setbacks can be moved the 10', Mr. Hannishin states he would be willing to rotate his home towards the street and move the overall structure to the 25' setback from the street.

IX. Adjournment

The meeting was adjourned at 3:55 pm.