



# Ridge South

## Homeowners Association

www.ridgesouth.com

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**SPECIAL MEETING – LEUPOLD HOUSE – 6800 RIDGE ROAD**  
**November 7, 2005 – 7:00 p.m.**  
**Bess Dodson Walt Branch Library**

**Board Members Present:** Brent Tripp, Alycia Dieckman, Warren Woita, Brad Rushton, Julie Pell, Jeff Lapin and Brad Stedman.

**Others Present:** Darrell Leupold, Mike May, Tom Stine, Don Daringer, Larry Wakefield and Gary Christensen.

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The meeting was called to order at 7:03 p.m. by President Brent Tripp. The sole purpose of the meeting was set forth, that being to discuss the proposed home on the southeast corner of Ridge Road and Rock Cliff (hereinafter referred to as the "Leupold home").

Tripp distributed the applicable covenant section. He also presented an options list to those in attendance. He stated at the previous meeting there were several concerned homeowners in attendance. Their main concern was that the other homes on Ridge Road all faced Ridge Road, whereas the Leupold home as proposed would not. Tripp stated the challenge for Leupold/May, that being they want to build a 2500 s.f. ranch-style house, but it will not fit on the lot facing Ridge Road and meet the setbacks.

Tripp discussed the options list. He discussed either a win-win situation or a no-deal situation. The first option was that the house could be approved as submitted. He stated there are several neighbors that have concerns with the layout. Tripp stated he felt that in talking to legal counsel, the decision was in the ARC's power to be able to approve or not. He also stated that there could be possible legal filings by existing neighbors/members.

Tripp stated the second option would be not to approve the house as submitted. He again reiterated there were several RSHA members that were very vocal at a previous meeting about wanting to maintain the character of the homes on Ridge Road and having them all face Ridge Road. This option leads to a potential for Mr. May and/or Mr. Leupold to pursue possible legal action.

Tripp outlined the third option as being rotating the house to face Ridge Road. He stated the square footage may have to be reduced under this option to meet the setbacks and Mr. Leupold may not be willing to face the home in that direction or to reduce the square footage. He explained the only way

to exceed the setbacks would be to have a 2/3 membership vote to change covenants because the board does not have the power to waive the covenants.

The fourth option was to modify the house plan layout. Tripp stated there is one existing house on Ridge Road that's turned 45 degrees, angled on the lot.

Tripp identified a fifth option of working with Hampton to find a better lot for Leupold to position the house on. He stated this would avoid any legal consequences.

Woita stated that this was a big enough issue that a special meeting was called so that the entire board could be on the same page as far as a decision.

Tom Stine stated that this issue was brought to his attention by homeowners that were concerned about the legalities of the issues. He stated he appreciated seeing the options list. He said that one of the concerns the homeowners that had contacted him had was that an e-mail was sent out saying that the board did not want the rest of the neighborhood involved or in attendance at the meeting. Several board members explained to Mr. Stine that at the previous meeting when several homeowners were in attendance, the meeting was out of control and there was nothing constructive that came out of the meeting. Mr. Stine stated he was not aware that it had been previously discussed at a monthly meeting with homeowners.

Tripp explained the board felt it would be more constructive and more professional to meet with the lot owner and the builder and try to come to a consensus with all parties. Mr. Stine stated that the issue surrounding the Leupold home was similar to a matter that arose with a previous board. He stated the issue then was did they meet the minimum requirements of the covenants. He referenced the character and style language in the covenants. Rushton asked if the previous house was already approved before it was brought to the board's attention. Stine stated that the house was approved and it was actually in violation of the setbacks. Stine stated if the Leupold home met all of the covenants other than the character language, then he felt that was a stickier issue.

Tripp asked Stine who had disseminated his e-mail. Daringer stated he forwarded a copy of the e-mail to Tom Stine and Gary Christensen. Tripp stated that betrayed his trust and that his reasoning was that he wanted to have a constructive meeting. He stated in the future he would appreciate if he was called before e-mails were forwarded to other people. Tripp turned the floor over to Woita.

Woita stated he had been speaking to the neighbors, who had been asking if there had been a resolution. He informed them that there hadn't been a decision made yet. He asked for Mr. May's input.

Mr. May stated that they designed the home to fit the lot. The lot drops off three feet towards Ridge Road. He referenced the driveway of the neighbor to the south and stated that if the lot was cut down, there would be eight to nine steps to get into the front of the home off of Ridge Road with the door facing that way because the lot drops off. The daylight windows of the home are designed to fit the lot and face Ridge Road. He said that for a home to face Ridge Road it would almost have to be a split-foyer home. He also said that would eliminate any daylight in the basement. He explained it is a traditional one-story ranch that exceeds all of the covenants. Tripp stated he didn't think anyone disagreed with him on that point. May also stated that if you turned on Winding Ridge Road there were many homes that did not face the main roads. He stated when a developer develops ground, they assign two addresses to corner lots for this very reason.

Tripp stated the board understands and appreciates the existing homeowners' concerns and he didn't think the board could discredit that. He also stated on the flip side, the board appreciates Mr. Leupold's concern regarding the home that he wants to build on the lot that he owns. The board also

takes into consideration Mr. May's experience in the industry and appreciates that. Tripp asked Mr. Leupold if he was willing to look at any alternative plan or rotation. Leupold stated not on that lot. He does not want a two-story and he cannot build a ranch on the lot facing Ridge Road. He stated he designed the plan around the lot. Pell inquired as to Leupold's feelings regarding looking for another lot. Leupold stated he didn't know why he should have to because he meets all the covenants and he has spent a year on this project.

Tripp stated that he felt the board had been very courteous and very professional toward Mr. Leupold and he also recognizes that there is a lot of emotion involved in this. Tripp stated that the board is trying to work with Leupold, but the board needs to understand what he is willing or not willing to do and the board also needs to understand some of the facts regarding the topography, as that is information that the board did not have until this evening. Leupold stated there was no other lots around that he liked without spending more money and this is the one he picked and designed the house to fit the lot.

Stedman inquired of the ARC members as to the sole issue being a placement issue, which was confirmed by Woita. Woita explained that the covenants state that the material or plot plan must conform with the general standard. He stated if the plot plan language wasn't in the covenants, there would be no issue. He stated it was an interpretation issue. He again reiterated that he wanted the entire board involved in this decision, as this issue had never been brought before the ARC. Pell stated she felt it was a good decision to call a board meeting.

Stedman asked what the concern of the existing homeowners is, aside from the fact that it's not going to have a front door facing Ridge Road. There was a discussion of what Mr. Sorensen's and Mr. Jeffery's concerns were that had been stated previously. Woita stated Sorensen's concern initially was that placement was too close to his house. He stated Jeffery's concern was that the home wasn't facing Ridge Road.

May stated that he had never run into this issue before and he's been in business since 1968. He again reiterated the lot has two addresses. Pell stated she had a corner lot and she was allowed to choose her address and the way her home faced and no one ever made any issue about it. Further discussion was had regarding developing the ground. Landscaping was touched on briefly at the proposed home.

Stedman asked what the ARC's opinion was before all of the issues arose. Woita stated the house met the setbacks and exceeded the brick and exceeded the square footage. He said as far as the ARC was concerned, it was an okayed deal until the homeowners raised the issue. Tripp stated historically plot placement had not been considered because it hadn't been an issue. Woita stated if there had been no concerns expressed and no homeowners present at the previous meeting, it would have been a moot point. Stedman inquired into what possible legal action the neighbors had against the board. Leupold stated he had spoken to an attorney regarding the plot plan language. Pell stated that she felt the decision was totally in the ARC's discretion.

May stated he had spoken to Brager regarding the matter and Brager stated he did not know why there was a question regarding it. May also stated that he felt the house to the south had their driveway a foot too low.

Tripp stated he would like to discuss the matter as a board and excused the rest of the participants in the meeting. May stated he appreciated the board and the committee's time and consideration and he understood the difficulty. Pell inquired as to when the lot was purchased by Leupold. Leupold stated it was purchased in February of 2004. Daringer stated one of the neighbors was concerned about driving down Ridge Road and what the exterior of the house would be on the street side. Brick coverage was discussed. Leupold inquired as to how long it would be before a decision was made. Tripp stated the

board would discuss it and make a decision soon. He stated that there was a lot of good information presented at the meeting.

Discussion was had amongst the board members. The character of the house on the corner of Ridge Road and South Ridge Drive was discussed. Landscaping of the Leupold lot was also discussed. Tripp asked if anyone had a reason that the board should not approve the home. The board discussed all other corner lots within the neighborhood and the fact that this issue had never been raised before or discussed. Tripp asked how the three members of the ARC would vote at this time.

Pell stated that she felt the future implications should be thought about if the board were to force Leupold to face his house toward Ridge Road. She said she felt it set a bad precedence. Pell also inquired as to the possibility of adding language to the proposed covenants requiring the entire board to vote on the ARC's recommendation for each house. Woita stated that would take a lot of pressure off of the ARC. Stine stated he thought that was the way it had to be done. Pell stated it only made sense to do it that way if the board was going to require fences to be approved in that manner. There was some discussion of this delaying the approval process for a home.

Woita stated that Leupold has a lot of money invested in the project already. Pell again reiterated the fact that no issue of orientation had ever been raised on a home before. Preliminary vote from the ARC was as follows: Woita, approve; Wakefield, approve; Lapin, abstain. Lapin stated there were still unanswered questions and concerns in his mind. Lapin stated he would give a decision by Wednesday. Tripp asked how the rest of the board felt. Stedman said he felt it should be approved. Pell approved. Rushton approved. Tripp approved. Rushton commended the ARC members for their time and efforts. Tripp stated he felt this was a unique situation and that the action of having a board meeting was appropriate. Tripp stated he would contact Bowman to get an opinion. Mann, although not present, stated he would vote yes to approve the home as proposed. Adding extra brick to the back side of the house that would be facing south was discussed amongst the board. Woita stated he would speak to Leupold regarding this.

Lapin made a motion to adjourn. Rushton seconded the motion. Motion carried by voice vote. The meeting was adjourned at approximately 8:15 p.m.

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Respectfully submitted,

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Julie A. Pell, Secretary  
Board of Directors