

## COMMENTS RECEIVED ON DEED RESTRICTIONS UPDATE

As of May 7, 2009

A draft of the proposed deed restrictions was circulated to all homes in March, and a number of comments were received during the weeks prior to our April General Meeting. Since then we have received a small number of additional comments, and all are noted below. A few of the comments were very general in nature such as “thank you for all of your work” or “you should start over” are not included in the summary, but all of the comments from the time of distribution of the proposal where specific points could be identified are included at the bottom of this update.

Especially interesting were the comments received at the April 8<sup>th</sup> general meeting. Two very different viewpoints were presented by homeowners: on the one side, several commented on the new tendency to build larger homes to the extent allowed by the deed restrictions we have had in place for more than fifty years. The concern voiced was that the smaller and older homes might lose value by their neighbors building higher than was heretofore the usual; daylight encroachment and privacy were issues that were raised. These homeowners felt that as increasingly more larger homes were built in Woodside, the older existing homes would become teardowns that would likely be sold for property value. The other viewpoint expressed was that allowing the building of larger homes would be more likely to maximize property values and allow present or new owners to have more living space than what would be allowed should the new amendment pass and become part of the Woodside Deed Restrictions. The additional setback for second story construction was felt by some to represent what was called “an experiment,” and that there might be some added expense with regard to maximizing home construction under the proposed change.

Interestingly, at the end of the meeting, just to see how those present felt about this one aspect of the proposed change, a poll was taken: only one vote per household; the vote was 15 in favor of the change, and 15 opposed. The message seemed clear that the community, at least as reflected by those present at the meeting, was neither highly in favor nor highly against this change. Those of us who have worked on this project, of course, want to do what the homeowners of Woodside want, and it is time to look at this proposal once more, taking into account what we have learned about the preferences of those who have taken the time to express their views, confidence, concerns, and, even irritation that the process has moved ahead as far as it has. I as your elected president want to thank each and every one of you that has contacted us to express your opinions.

### SUMMARY OF COMMENTS REGARDING DEED RESTRICTION RECEIVED

(As of April 8, 2009, 10:00 AM)

(These are listed in order of receipt; they are excerpted and edited so as to convey the gist of the comment in a way to protect the privacy of the writer)

#### **Comment 1**

Homeowner expressed concern about the second floor setback. The provision reads, in part, as follows: *no occupiable portion of the second story of a two story*

*house may lie within ten feet of an Interior Lot Line.* The concern received notes that there could be added expense in altering the architectural plans for a new home built to the specifications of the amended deed restrictions. Additionally, the square footage of living space would be reduced by this provision of the amendment. The writer also expresses concern about lowering the marketability of the property and raises the issue that such a provision may be an “experiment with our property values by inserting unusual and untested provisions into our deed restrictions.” The writer asks us to reconsider this provision.

### **Comment 2**

This homeowner also expresses concern about the second floor setback of article 5.3.2, noting that:

- A. If a house is built so that the first floor is located five feet from the property line, then the second floor support beams will be five feet from those of the first floor, creating potential structural concerns.
- B. If the second floor displacement is adopted, and new houses are built to this specification, “the beauty of this neighborhood would be lost.”
- C. In view of several new constructions in Woodside, the provisions of 5.3.2, should they be adopted, would require new owners or builders to be fully informed prior to sale. The writer also implies that this restriction limits the free use of the property as planned by the original construction more than 50 years ago.
- D. Regarding drainage, the homeowner notes that in Article 5.5 *Drainage must be from the rear of the property to the front of the property* and suggests that for some properties alternate drainage from the rear of the property “is better to go the shortest distance toward the rear to reduce storm water going to the street in the front.”
- E. Regarding attorneys’ fees, the comment is made that provision 7.1 might create an incentive for inappropriate litigation and should be reconsidered
- F. Homeowner notes that Article 8.2 might encourage conflict between homeowners. It is suggested that the City of Houston be the enforcer of these deed restrictions, and that “anyone can approach the city and ask that potential violations be investigated and enforced.”

### **Comment 3**

Paragraph 3.7 Vehicle Storage. "Recreational vehicles and boats may not be kept parked on a street or maintained on a property for more than 7 consecutive days, unless located out of sight of a Street or within a fence or enclosed garage."

1. Please define "located out of sight of a Street". How far from the Street could a RV be?
2. Is parked in a driveway considered out of sight?
3. Define "maintained on a property"
4. Define what is a "within a fence". What is considered a fence...height, type of material, etc

#### **Comment 4**

Regarding Section 3.1: suggest adding the words, "...excepting wildlife that are temporarily held in the care of licensed wildlife rehabilitators for the purpose of rehabilitative care."

#### **Comment 5**

- A. Nothing in the restrictions should act as a deterrent to the resale value of our homes.
- B. What about liability issues if homeowners are made responsible for keeping the street, sewers, and storm drains adjacent to their homes free of leaves, trash debris, and litter?
- C. The enforcement paragraph should be reworded to enhance neighborly cooperation. Legal action ought to be a last resort, even though it is a viable option, and anonymous complaints to the police should be discouraged.

#### **Comment 6**

- A. What is the need for the proposed side or rear property set-backs for the second floor garage apartments? If the wall is set at 5 feet, the new restriction requires that the windows on the side and rear must be opaque....the builders can simply set the wall 5 feet, 1 inch from the property line. (Writer also noted that the second story windows on the house itself need not be opaque; this comment relates to Paragraph 5.9 of the new restrictions).
- B. (Referring to Paragraph 5.3.1) If third stories are permitted, this restriction should specify that the roof be a hip or gabled roof. If not, the use of a flat or skillion roofs will permit cliff-like walls that are 36 feet tall.
- C. The proposed interior lot line set-back restrictions call for a 5-foot set-back for the first story and a 10 foot set-back for the second story. This could result, especially on our smaller lots, in the loss of several hundred square feet of living space on the second floor and rather strange looking "wedding cake" homes....Why should we impose this extreme restriction that results in the loss of so much living space? Furthermore, if there is a need for a 10 foot set-back on the second story of the house, why does the second story of a garage apartment have only a 5 foot set-back?

#### **And three positive comments:**

1. A big thank you to all of the Civic Club Board members for all of the work that you do. You are an awesome group and are appreciated.
2. The home-owners in Woodside owe a debt of gratitude and a word of appreciation ....
3. The home-owners in Woodside owe a debt of gratitude and a word of appreciation to ... for their perseverance over the past few years in the preparations of new deed restrictions, which should receive the approval of all 3 sections of Woodside....