

WOODEN CANOE AT WATERDANCE
DESIGN REVIEW COMMITTEE

February 22, 2012

Mr. and Mrs. Edward Nekritz
124 Jersey Street
Denver, CO 80220

Re: Wooden Canoe, Lot 54 – 549 Water Dance Drive

Dear Mr. and Mrs. Nekritz

The DRC has reviewed the installation of the hot tub at 549 Water Dance Drive. As currently installed, the hot tub sits +/- 12' outside of the building envelope. Section 6 of the Design Review Guidelines – Other Landscape Features specifically prohibits the installation of hot tubs outside of the building envelope. Therefore, the hot tub, as installed, is out of compliance and is not approved.

You do have the option of submitting a proposal detailing an alternate location for your hot tub. Should you choose to pursue that avenue, we would suggest that you consult with a design professional to review the guidelines, establish an alternate plan and prepare the following documents for submittal.

1. Site plan (to scale) detailing proposed installation location.
2. Elevation drawing (to scale) of proposed installation.
3. Landscape plan (to scale) detailing planting materials, size, and location.

Please advise the DRC in writing by February 28, 2012 regarding your intention to submit a proposal for review.

Thank you for your cooperation.

TO: HOA Board Members/ Wooden Canoe @ Water Dance

FROM: Wooden Canoe @ Water Dance DRC

**RE: 549 Water Dance Drive, Lot 55
Hot Tub Installation**

This letter is intended to address the DRC's position regarding the installation of a hot tub at the above property. The DRC was not contacted prior to the above referenced installation and has specifically denied approval of the installation based on the DRC Guidelines Section 6-Other Landscape Features that specifically requires hot tubs to be installed within the building envelope. The hot tub on Lot 55, as installed, is approx 12' outside of the building envelope.

We have attached a copy of the denial letter provided to the homeowner. Please note we have invited the owner to show good faith, hire a design professional and propose a less intrusive option. We have been informed that the owner has chosen to instead pursue a variance with the HOA Board

The DRC would like to make the board aware of the process behind our decision as you consider the owner's request for a variance.

1. There are a number of situations in which the DRC Guidelines, as written, are open to interpretation. The DRC believes the language as it addresses this particular situation is very clear. The DRC does have the authority to allow minor encroachments beyond the envelope. The definition of "minor" has been a maximum of several feet. Protection of the envelope has been consistently carried out in the name of respecting the privacy of adjacent property owners.
2. We are attaching documentation detailing two instances that are similar to the one we are currently addressing. These provide a clear outline of the formal process used to handle this type of situation.

The owner of Lot 14 requested installation of a hot tub 10' outside of the building envelope (Attachment I). The DRC did not approve the request but did give the owner the option of securing permission from nine adjacent homeowners for the variance. Permission was required to be unanimous. Attached is a map indicating the impacted lots whose permission was requested. Copies of the request letter are attached along with several

response letters. The request was ultimately denied, as the homeowner could not secure unanimous consent.

The original owner of Lot 26 installed a hot tub outside the building envelope with no prior approval (Attachment II). The hot tub was 2.7' beyond the building envelope. The DRC was unwilling to set a precedent and approve the encroachment. The property owner was required to secure unanimous approval from ten (10) adjacent property owners. The owner received approval from all adjacent property owners for the 2.7' encroachment. The 2.7' encroachment was allowed.

These two illustrations closely mirror the historical interpretation of the DRC Guidelines. Minor encroachments have been approved while major encroachments have not been approved. Additionally, both situations provide a historical guideline to the appeal/approval procedure that followed a request denied by the DRC.

Attached you will also find a Wooden Canoe lot map and a smaller map indicating the lots that would historically be required to provide unanimous consent for an encroachment such as the one being requested by the owner of Lot 55 (Attachment III).

It is the committee's view that the charge of the DRC is to protect all of the homeowners in Wooden Canoe and, to the best of our ability, interpret the guidelines as set forth. It has been our experience that there are a number of homeowners who have purchased in this community specifically based on a premise that there were protections in place in the form of the rules and regulations put in place by the developer and the approved PUD. Those owners were expressly interested in having the protections those guidelines provide, were willing to abide by them and rely on the DRC and the HOA to insure their compliance. In short, the DRC believes it is unwise to set any precedent that would impede future enforcement of the guidelines and therefore render those guidelines ineffective and unenforceable.

EXHIBIT I

david a. beal
ASSOCIATES

20 March 2001

Robert Dickson
Water Dance Design Review Board
C/o Baker, Hogan, Houx
160 East Adams
Breckenridge, Colorado 80424

Dear Robert:

Subject: Response to Sketch Plan Review - Lot 14

1. The back deck and the hot tub shall be redesigned with the site plan such that no new construction encroaches more than 2 ft. beyond the building envelope. As a reminder, on-grade patios shall be 30" or less above grade. As discussed at the Design Review Board meeting, you may wish to pursue a building envelope modification concurrent with your Sketch Plan and Final Plan Review. Please review the appendix of the design guidelines for building envelope modification procedures.

Response: George and Mary Sissel have sent letters to all contiguous lot owners requesting an extension to the rear portion of the building envelope. We intend to present those issues at the meeting. The majority of the lot owners have indicated that there were no problems with their request. However, the request is not unanimous. Some of the lot owners intend to be present at the meeting to comment on the request.

2. The driveway has been accepted, even though it is beyond the platted driveway restriction zones of the Water Dance Subdivision. The DRB believes your design offers improved site lines and safer cul-de-sac access. However, the guest parking should be reduced to no more than 20' in depth in order to increase its distance to the property line, as well as increase snow storage areas.

Response: The depth has been reduced to 20 feet--see drawing A1.

3. Clearly identify and label all snow storage areas. As a reminder, 25% of paved area is an adequate snow storage amount. Also consider the snow plowing method in your site design.

Response: The snow storage areas have been relabeled along with the square footages—see drawing A1.

ARCHITECTS AND PLANNERS
1526 SPRUCE ST., SUITE 201
BOULDER, CO 80302
303/443-9613

david a. beal
 ASSOCIATES

17 April 2001

RE: Lot 14

Robbie Dickson
Water Dance Design Review Board
C/o Baker, Hogan, Houx
160 East Adams
Breckenridge, Colorado 80424

Dear Robbie:

We are writing this letter in response to your letter dated 2 April 2001 outlining the items that must be addressed in order to obtain Final Plan Review approval for the above lot and that we discussed in our telephone conversation on 3 April 2001. We are addressing each item as follows:

1. The hot tub shall be relocated and/or redesigned to sit completely within your building envelope. The raised back patio shall also be redesigned to encroach no further than 2' beyond your building envelope. It may be acceptable to redesign the raised patio to be less than 30" above grade. As a reminder, on grade patios may encroach further than 2' beyond the building envelope.

✓ Response: Per our telephone conference, the spa has been relocated to the east side of the building envelope and near the existing 15" tree. In addition, the spa has been redesigned to not go outside of the east and south building envelopes more than two feet (2'). Also, the raised patio has been reduced in size and the house shifted and rotated to facilitate the patio not extending beyond the building envelope on the south side more than two feet.

Drawings: See sheet A1

2. Your proposed building envelope modification cannot be approved at this time. However, if an agreement can be reached between yourselves and your neighbor of Lot 15 (the Abbel family), then the Design Review Board will consider approving your building envelope modification, which would allow you to keep your current deck design.

Response: The proposed adjustments to the building envelope for the spa and the raised patio have been discussed further with the neighbor on lot 15. No adjustments are acceptable to him. We have therefore scaled back our submittal considerably to only go beyond the building envelope no more than two feet for the spa on the east and south sides and two feet for the raised patio on the south side. According to the Water Dance Design Guidelines and per our telephone conference,

ARCHITECTS AND PLANNERS
1526 SPRUCE ST., SUITE 201
BOULDER, CO 80302
303/443-9613

LOT 14

• MR. ABLES

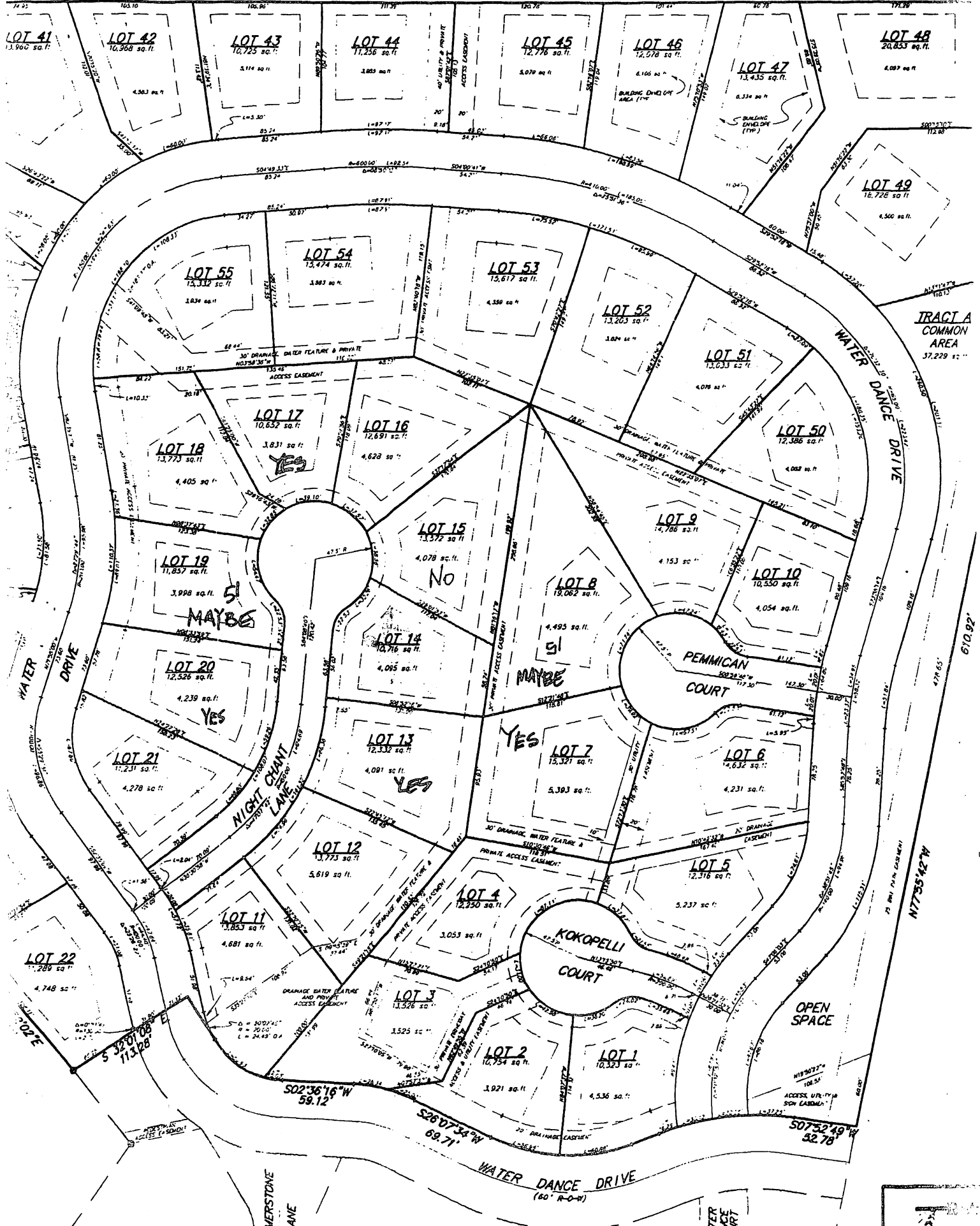
VIEW TO PEAK ROYAL

DOES NOT AGREE

COMPROMISE

IMPEDING ON VIEW

UNANIMOUS AGREEMENT



WATER DANCE PARCEL B
WATER DANCE TOWNHOMES FILING No. 1

George A. & Mary R. Sissel
3545 West 110th Place
Westminster, Colorado 80031
Tel: (303) 464-1346; Fax: (303) 464-1846
E-Mail: MarySissel@aol.com; GeorgeSissel@aol.com

March 1, 2001

Mr. and Mrs. Jim Cancelosi
P.O. Box 1464
Frisco, CO 80443

Dear Mr. and Mrs. Cancelosi:

In designing the house we plan to build on Lot #14 in Water Dance, we have decided to request from the Water Dance Design Review Committee a modification to the shape of the building envelope, to extend the south line of the envelope to the south by 10 feet.

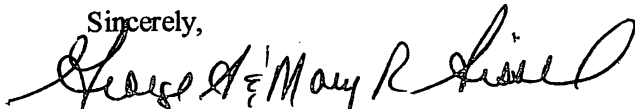
The purpose of this modification is to allow construction of an appropriately sized and landscaped patio deck on the rear of the house. It would also allow us to position the planned exterior spa in a more sheltered area behind the house and adjacent to the patio deck, rather than between our house and the eventual house on lot #15. As shown on the attached site plan, the south line is currently 40 feet from the property line. We wish to relocate it to 30 feet from the property line, which would be the same as for Lot #15 next door. (The City of Frisco requires a rear setback of only 10 feet.) We believe the proposal will benefit or at least not adversely affect our neighboring property owners.

We are notifying you, as owners of Lot #20, to allow you to voice any concerns or make any comments you may wish. We would very much appreciate your indicating your acknowledgment and approval of the proposed modification on the enclosed copy of this letter and mailing it, as soon as you can, to the Design Review Committee in the enclosed envelope. Our next meeting with the Committee is scheduled for Monday, March 26, 2001. If possible, please mail the copy of this letter signed by you to reach the Committee by no later than Friday, March 23.

If you do have any questions or concerns, we hope you will agree to meet with us so we could personally explain the reasons for and benefits of our request. You may contact us at the above telephone number.

Thank you in advance for your attention to our request. We look forward to becoming your neighbors in Water Dance.

Sincerely,


George and Mary Sissel



We acknowledge and approve the proposed modification to the building envelope of Lot #14, Water Dance.

Name

JAMES & KIM CANCELOSI LOT #20

George A. & Mary R. Sissel

3545 West 110th Place

Westminster, Colorado 80031

Tel: (303) 464-1346; Fax: (303) 464-1846

E-Mail: MarySissel@aol.com; GeorgeSissel@aol.com

MAR 07 2001

BAKER + HOGAN + HOUX

March 1, 2001

New Horizon Associates, L.P.
2326 Tahoe Drive
Vail, Colorado 81657

Lot 7

Dear Owners:

In designing the house we plan to build on Lot #14 in Water Dance, we have decided to request from the Water Dance Design Review Committee a modification to the shape of the building envelope, to extend the south line of the envelope to the south by 10 feet.


The purpose of this modification is to allow construction of an appropriately sized and landscaped patio deck on the rear of the house. It would also allow us to position the planned exterior spa in a more sheltered area behind the house and adjacent to the patio deck, rather than between our house and the eventual house on lot #15. As shown on the attached site plan, the south line is currently 40 feet from the property line. We wish to relocate it to 30 feet from the property line, which would be the same as for Lot #15 next door. (The City of Frisco requires a rear setback of only 10 feet.) We believe the proposal will benefit or at least not adversely affect our neighboring property owners.

We are notifying you, as owners of Lot #7, to allow you to voice any concerns or make any comments you may wish. We would very much appreciate your indicating your acknowledgment and approval of the proposed modification on the enclosed copy of this letter and mailing it, as soon as you can, to the Design Review Committee in the enclosed envelope. Our next meeting with the Committee is scheduled for Monday, March 26, 2001. If possible, please mail the copy of this letter signed by you to reach the Committee by no later than Friday, March 23.

If you do have any questions or concerns, we hope you will agree to meet with us so we could personally explain the reasons for and benefits of our request. You may contact us at the above telephone number.

Thank you in advance for your attention to our request. We look forward to becoming your neighbors in Water Dance.

Sincerely,

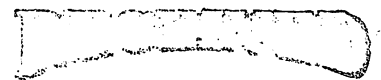

George and Mary Sissel

We acknowledge and approve the proposed modification to the building envelope of Lot #14, Water Dance.

Name Elie Ouaknine General Partner
of New Horizon Associate LP.

Good luck -

George A. & Mary R. Sissel
3545 West 110th Place
Westminster, Colorado 80031
Tel: (303) 464-1346; Fax: (303) 464-1846
E-Mail: MarySissel@aol.com; GeorgeSissel@aol.com



MAR 08 2001

...ER + HOGAN + HOUX

March 1, 2001

Mr. and Mrs. Joel Godfrey
P.O. Box 1851
Frisco, CO 80443

LOT 13

Dear Mr. and Mrs. Godfrey:

In designing the house we plan to build on Lot #14 in Water Dance, we have decided to request from the Water Dance Design Review Committee a modification to the shape of the building envelope, to extend the south line of the envelope to the south by 10 feet.

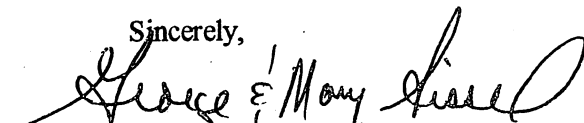
The purpose of this modification is to allow construction of an appropriately sized and landscaped patio deck on the rear of the house. It would also allow us to position the planned exterior spa in a more sheltered area behind the house and adjacent to the patio deck, rather than between our house and the eventual house on lot #15. As shown on the attached site plan, the south line is currently 40 feet from the property line. We wish to relocate it to 30 feet from the property line, which would be the same as for Lot #15 next door. (The City of Frisco requires a rear setback of only 10 feet.) We believe the proposal will benefit or at least not adversely affect our neighboring property owners.

We are notifying you, as owners of Lot #13, to allow you to voice any concerns or make any comments you may wish. We would very much appreciate your indicating your acknowledgment and approval of the proposed modification on the enclosed copy of this letter and mailing it, as soon as you can, to the Design Review Committee in the enclosed envelope. Our next meeting with the Committee is scheduled for Monday, March 26, 2001. If possible, please mail the copy of this letter signed by you to reach the Committee by no later than Friday, March 23.

If you do have any questions or concerns, we hope you will agree to meet with us so we could personally explain the reasons for and benefits of our request. You may contact us at the above telephone number.

Thank you in advance for your attention to our request. We look forward to becoming your neighbors in Water Dance.

Sincerely,


George and Mary Sissel

We acknowledge and approve the proposed modification to the building envelope of Lot #14, Water Dance.

Name Joel And Linda Godfrey

George A. & Mary R. Sissel
3545 West 110th Place
Westminster, Colorado 80031
Tel: (303) 464-1346; Fax: (303) 464-1846
E-Mail: MarySissel@aol.com; GeorgeSissel@aol.com

March 1, 2001

Matthew and Vickie McWane
27781 Lake Street
Hemet, CA 92544

Lot 17

Dear Mr. and Mrs. McWane:

In designing the house we plan to build on Lot #14 in Water Dance, we have decided to request from the Water Dance Design Review Committee a modification to the shape of the building envelope, to extend the south line of the envelope to the south by 10 feet.

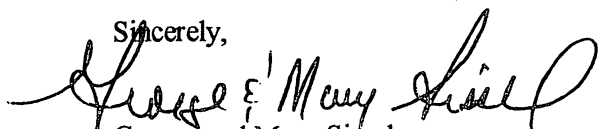
The purpose of this modification is to allow construction of an appropriately sized and landscaped patio deck on the rear of the house. It would also allow us to position the planned exterior spa in a more sheltered area behind the house and adjacent to the patio deck, rather than between our house and the eventual house on lot #15. As shown on the attached site plan, the south line is currently 40 feet from the property line. We wish to relocate it to 30 feet from the property line, which would be the same as for Lot #15 next door. (The City of Frisco requires a rear setback of only 10 feet.) We believe the proposal will benefit or at least not adversely affect our neighboring property owners.

We are notifying you, as owners of Lot #17, to allow you to voice any concerns or make any comments you may wish. We would very much appreciate your indicating your acknowledgment and approval of the proposed modification on the enclosed copy of this letter and mailing it, as soon as you can, to the Design Review Committee in the enclosed envelope. Our next meeting with the Committee is scheduled for Monday, March 26, 2001. If possible, please mail the copy of this letter signed by you to reach the Committee by no later than Friday, March 23.

If you do have any questions or concerns, we hope you will agree to meet with us so we could personally explain the reasons for and benefits of our request. You may contact us at the above telephone number.

Thank you in advance for your attention to our request. We look forward to becoming your neighbors in Water Dance.

Sincerely,


George and Mary Sissel

yes We acknowledge and approve the proposed modification to the building envelope of Lot #14, Water Dance.

Name Vicki McWane, with the provision that the adjoining lots
owners have no objections.

George A. & Mary R. Sissel
3545 West 110th Place
Westminster, Colorado 80031
Tel: (303) 464-1346; Fax: (303) 464-1846
E-Mail: MarySissel@aol.com; GeorgeSissel@aol.com

March 1, 2001

Steve J. Matushak & Carol F. Amon *Lot 8*
P.O. Box 5448
Frisco, CO 80443

Dear Owners:

In designing the house we plan to build on Lot #14 in Water Dance, we have decided to request from the Water Dance Design Review Committee a modification to the shape of the building envelope, to extend the south line of the envelope to the south by 10 feet.

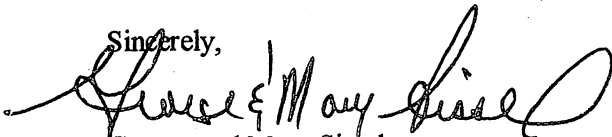
The purpose of this modification is to allow construction of an appropriately sized and landscaped patio deck on the rear of the house. It would also allow us to position the planned exterior spa in a more sheltered area behind the house and adjacent to the patio deck, rather than between our house and the eventual house on lot #15. As shown on the attached site plan, the south line is currently 40 feet from the property line. We wish to relocate it to 30 feet from the property line, which would be the same as for Lot #15 next door. (The City of Frisco requires a rear setback of only 10 feet.) We believe the proposal will benefit or at least not adversely affect our neighboring property owners.

We are notifying you, as owners of Lot #8, to allow you to voice any concerns or make any comments you may wish. We would very much appreciate your indicating your acknowledgment and approval of the proposed modification on the enclosed copy of this letter and mailing it, as soon as you can, to the Design Review Committee in the enclosed envelope. Our next meeting with the Committee is scheduled for Monday, March 26, 2001. If possible, please mail the copy of this letter signed by you to reach the Committee by no later than Friday, March 23.

If you do have any questions or concerns, we hope you will agree to meet with us so we could personally explain the reasons for and benefits of our request. You may contact us at the above telephone number.

Thank you in advance for your attention to our request. We look forward to becoming your neighbors in Water Dance.

Sincerely,


George and Mary Sissel

_____ We acknowledge and approve the proposed modification to the building envelope of Lot #14, Water Dance.

Name _____

see attached letter

Carol and Steve Matushak
PO Box 5448
(525 Pemman Court)
Frisco, CO 80443
(970) 668-8344

March 11, 2001

George and Mary Sissel
3545 West 110th Place
Westminster, CO 80031

LOT 8

Robbie Dickson
Water Dance Design Review Committee
C/O Baker, Hogan, Houx
PO Box 931
Breckenridge, CO 80424

Dear George and Mary and Water Dance Design Review Committee,

This is in response to your requesting from the Water Dance Design Review Committee, a modification to the shape of the building envelope of Lot #14.

The proposed 10-foot extension of the south line of the envelope appears to affect us most directly, as that extension goes directly toward our land. We have, therefore, studied that request quite thoroughly. This has included talking with your architect, visiting the site and contemplating the views of such from our deck and home. The following are our concerns.

Your lot (#14) sits substantially higher than ours. A patio, which would be an extension of the main house level, would, therefore, sit high off the ground. Your architect estimates it would be approximately 5 feet above ground level.

For clarification, it should be noted that, although you have indicated that such an extension would be equal to your neighboring lot (#15 to the east), it would not be equal to your other neighboring lot (# 13 to the west) which has a 40 foot set back from the property line.

Having reviewed your plans with your architect, we consider the following to be mitigating factors.

Your proposed spa sits in an area that is somewhat protected from our view by existing trees. The fact that you are willing to border the spa with additional high shrubs is helpful.

Your proposed spa sits at ground level and will be encased in a wooden structure.

CC: DICK MASICA (668-0860)
BRIAN KLATTE (668-0244)

Your proposed patio is to be encased in natural rock rather than a high deck which we would have to look under.

Based on these items, our response to your request is as follows:

We approve the proposed 10 foot extension of your building envelope for the location of your spa only, upon the condition that it is surrounded (to the south) with shrubs at least two (2) feet higher than the top of the spa as per your landscape plan.

We do not approve of a 10 foot extension of your building envelope to accommodate your patio, but would approve a 5 foot extension upon the condition that several shrubs and one large pine tree be placed in front of the stone wall to soften our view.

We believe our split approval of the extension of your building envelope from a 40 foot to a 35 foot/ 30 foot set back from the property line would be in keeping with the lots on both sides of you. Should our split approval not be able to be considered, we would simply approve a 5 foot extension of your building envelope upon the landscaping conditions set forth above.

We hope you consider this partial approval of your request to be reasonable and an attempt on our part to be supportive of your wishes. It would be important that the committee not view the granting of such a request as a matter of precedent in the future.

Sincerely,

Carol (Amon) Matushak

Steve Matushak

3/13/01

Dear Mr. Sissol,

I give you my *CONDITIONAL* support, subject to the conditions outlined in Mr. Matushak's letter of March 11, 2001. If you meet all of the named changes you have my support.

Sincerely,
Richard Orustein
525 Neguchowd Lane

Lot 8

**Carol and Steve Matushak
PO Box 5448
(525 Pemmican Court)
Frisco, CO 80443
(970) 668-8344**

March 11, 2001

George and Mary Sissel
3545 West 110th Place
Westminster, CO 80031

Robbie Dickson
Water Dance Design Review Committee
C/O Baker, Hogan, Houx
PO Box 931
Breckenridge, CO 80424

Dear George and Mary and Water Dance Design Review Committee,

This is in response to your requesting from the Water Dance Design Review Committee, a modification to the shape of the building envelope of Lot #14.

The proposed 10-foot extension of the south line of the envelope appears to affect us most directly, as that extension goes directly toward our land. We have, therefore, studied that request quite thoroughly. This has included talking with your architect, visiting the site and contemplating the views of such from our deck and home. The following are our concerns.

Your lot (#14) sits substantially higher than ours. A patio, which would be an extension of the main house level, would, therefore, sit high off the ground. Your architect estimates it would be approximately 5 feet above ground level.

For clarification, it should be noted that, although you have indicated that such an extension would be equal to your neighboring lot (#15 to the east), it would not be equal to your other neighboring lot (# 13 to the west) which has a 40 foot set back from the property line.

Having reviewed your plans with your architect, we consider the following to be mitigating factors.

Your proposed spa sits in an area that is somewhat protected from our view by existing trees. The fact that you are willing to border the spa with additional high shrubs is helpful.

Your proposed spa sits at ground level and will be encased in a wooden structure.

Your proposed patio is to be encased in natural rock rather than a high deck which we would have to look under.

Based on these items, our response to your request is as follows:

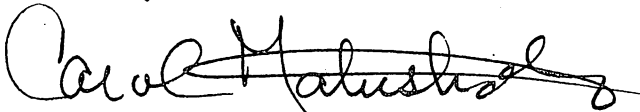
We approve the proposed 10 foot extension of your building envelope for the location of your spa only, upon the condition that it is surrounded (to the south) with shrubs at least two (2) feet higher than the top of the spa as per your landscape plan.

We do not approve of a 10 foot extension of your building envelope to accommodate your patio, but would approve a 5 foot extension upon the condition that several shrubs and one large pine tree be placed in front of the stone wall to soften our view.

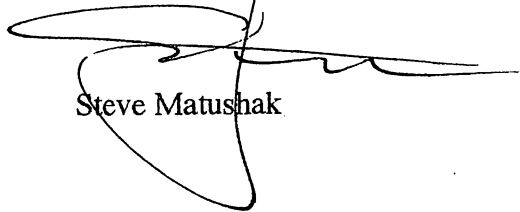
We believe our split approval of the extension of your building envelope from a 40 foot to a 35 foot/ 30 foot set back from the property line would be in keeping with the lots on both sides of you. Should our split approval not be able to be considered, we would simply approve a 5 foot extension of your building envelope upon the landscaping conditions set forth above.

We hope you consider this partial approval of your request to be reasonable and an attempt on our part to be supportive of your wishes. It would be important that the committee not view the granting of such a request as a matter of precedent in the future.

Sincerely,



Carol (Amon) Matushak



Steve Matushak

Lot 15

March 16, 2001

Mr. Robbie Dickson
Water Dance Design Review Committee
c/o Baker, Hogan, Houx
P.O. Box 931
Breckenridge, Colorado 80424

Dear Mr. Dickson,

Enclosed please find a copy of a letter we received the first week of March from George and Mary Sissel, owners of Lot #14 in Waterdance. My wife Cheryl, our sons and I are owners of the adjacent lot, #15. This letter is written to show that we are very concerned and hope that you will support our family's position on the upcoming request by the Sissel's to extend their building envelope 10' to the South.

I have been visiting Frisco since I was a young man living in Denver. From early on I had hopes and dreams of someday living in this beautiful place, providing for my family, and raising my children. As a family we set goals, saved our money, and when the project was initiated, were one of the very first families to buy in Waterdance. We decided on lot #15 for numerous reasons, and have since been steadily positioning ourselves for the relocation. Our family has been excitingly anticipating the point in time, God willing, that our dream will become a reality. We have sacrificed much over the past few years to make this come true, and this is a big part of why I'm writing this letter.

The reason we decided to purchase a building lot in Waterdance is because we observed the pain-staking effort that went into the planning and development of the project. Jeff Temple along with land planners Peter Jamar Associates and architect Ned Gwathmey went to great lengths in laying out the lots, roadways, and improvements to create the character and high level of quality that makes Waterdance so special. The building envelopes were precisely designed to ensure that each owners site will have max benefit of views and characteristics specific to that site. The building envelopes were also strictly positioned as to make minimum impact on neighboring properties and the existing trees and vegetation. We were assured from the developer that these building envelopes and design guidelines established for the community would be strictly enforced to protect each individual owners investment and enjoyment. I realize that within the Design Guidelines are allowances to accomodate, through approval, small variances outside the building envelope. One or two feet in inconspicuous areas are understandable, but 10' is absolutely ridiculous. This request shows no consideration for neighbors or the developmental concept of Waterdance.

The grade of Lot #14 is approximately 4' higher than our property. Extending their envelope an additional 10' would directly impede upon our views of Chief Mountain, Royal Mountain, Peak One, and the sky above. It would also extend right into the sight line of the open space that we have our glass wall in the great room oriented toward. With the Sissel's request our main view from the most liveable part of our home will be looking at a covered patio, spa, and additional landscaping rather than the serenity of the trees and the beautiful open space.

We have spent much money and time on architectural fees, etc. to design our floorplan to lie within the building envelope and look to open areas. This was quite an architectural challenge due to the position of the house on lot #8 directly behind us. For obvious reasons we do not wish to lose the thousands of dollars and the time we've spent on this project. Even more importantly we don't want to tarnish a dream that our whole family has been working toward and looking forward to for several years. As neighboring property owners and future residents of Waterdance, we, in the most strongest of positons, ask you to please disapprove their request to extend their building envelope into our sight lines. We feel very strongly about this as any modification in their envelope to the North or South will directly impact our views, and we just cannot allow this to happen. We truly believe the negative impact to our property and future enjoyment far outweigh any benefits they may receive. They should be held to the same building restrictions as all other owners in Waterdance and revise their house plans accordingly.

Thank you very much for your time and energy in addressing this situation. If there is anything more we can do to assure this extension is not granted, please let us know.

Sincerely,



The Ables Family
Dan, Cheryl, William, Curtis, Noah, and Cody
4922 E. Roy Rogers Road
Cave Creek, Arizona 85331
Home: (480) 342-9080

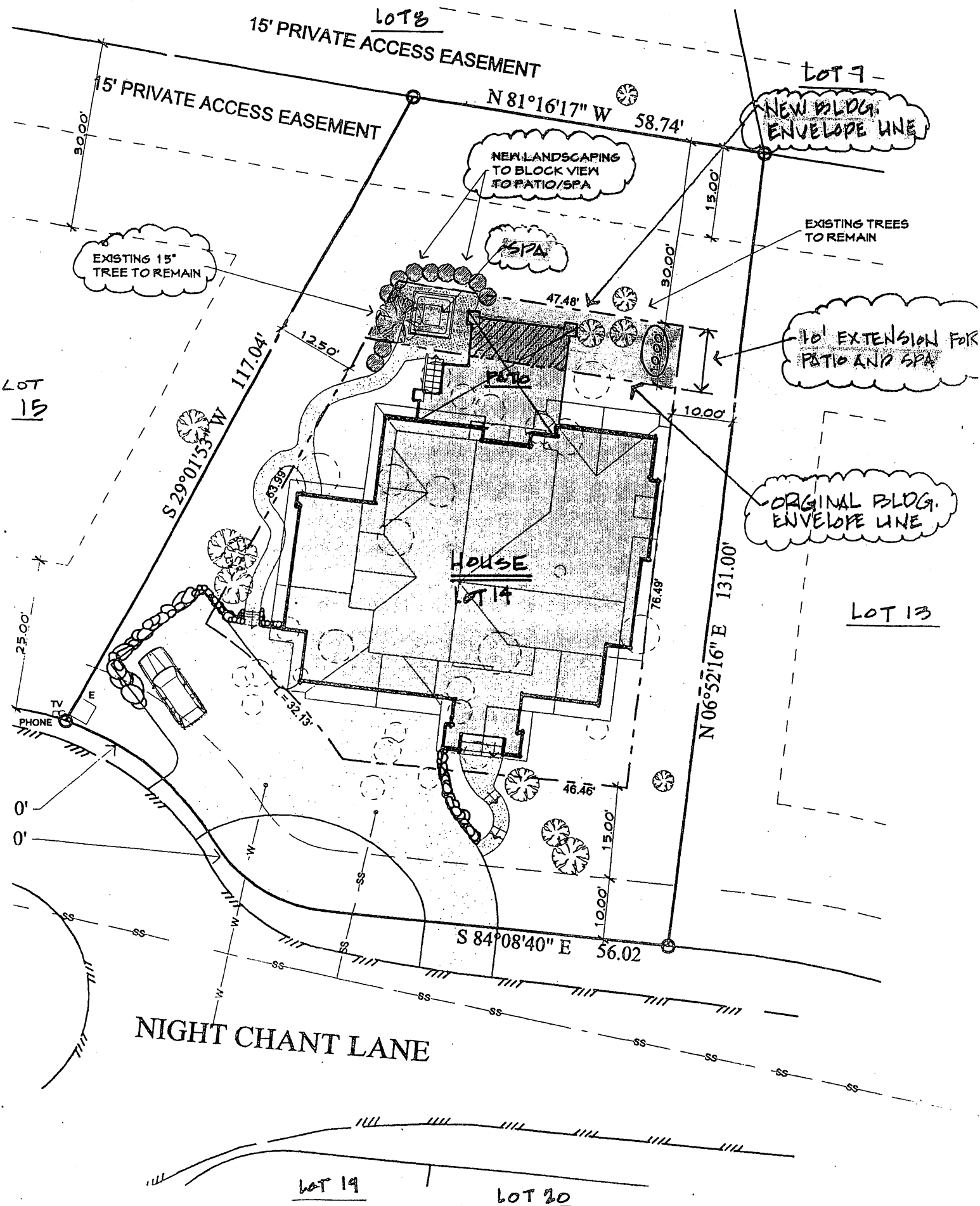


EXHIBIT II

WATER DANCE
ON LAKE DILLON

October 4, 2000

John Tusso
P.O. Box 35
Frisco, CO 80443

RE: Hot Tub Location, Lot 26

Dear John:

Thank you for coming to the Design Review Board meeting on October 2, 2000.

Concern has been raised amongst the homeowners of Water Dance as well as the Design Review Board that the hot tub location as constructed on Lot 26 is encroaching beyond the building envelope. As was mentioned in the meeting, if this encroachment is less than 2 feet we ask you to submit plans to screen the hot tub for our review at our next Design Review Board meeting. If the hot tub location is determined to be beyond 2 feet, as is shown on a licensed surveyor's drawing, then the Design Review Board will require that the hot tub be relocated within the building envelope.

Upon review of our records of the design review process for Lot 26, there is no record or mention of plans for a hot tub location. I have included letters of sketch plan review and construction plan review as a reminder to you, of what has been approved by the Design Review Board in the past.

We will review this issue further once we have seen the survey of the current hot tub's locations

If you have any questions please give me a call at (970) 453-6880.

Regards,
Water Dance Design Review Board



Robert Dickson

Lot 26-LT1.doc

Cc: Dan Hunter, Hunter Group
Dick Masica, Water Dance D.R.B.
Brian Platte, Water Dance D.R.B.
File (2)

IMPROVEMENT LOCATION CERTIFICATE

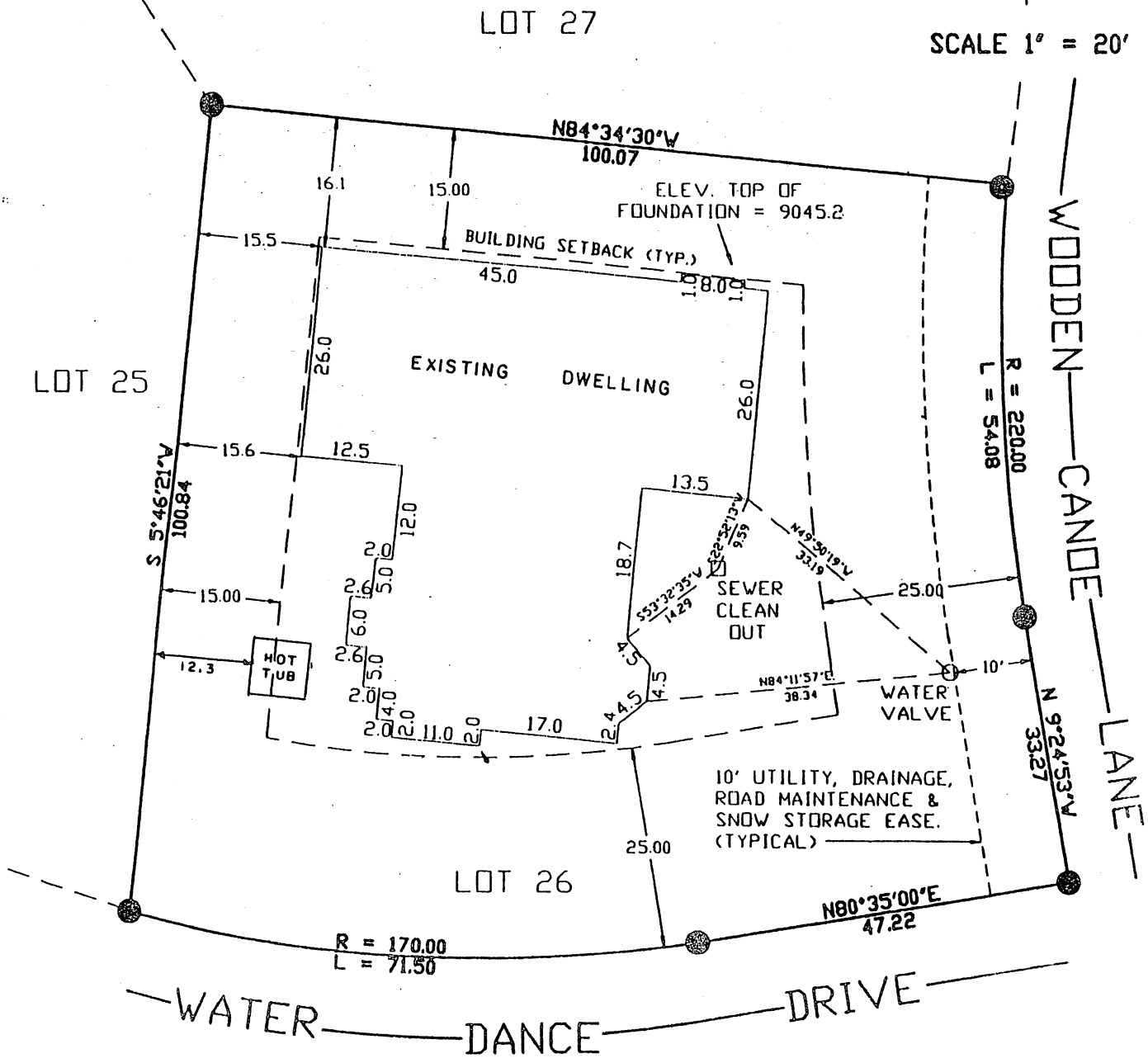
LOT 26, WOODEN CANOE AT WATER DANCE ON LAKE DILLON
TOWN OF FRISCO
SUMMIT COUNTY, COLORADO

510 WOODEN CANOE LANE

PIN & CAP LS #15242



SCALE 1" = 20'



I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR TOWN OF FRISCO THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER FUTURE BUILDING OR OTHER FUTURE IMPROVEMENT LINES.

I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, OCTOBER 12, 2000 EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS INDICATED, THAT THERE ARE NO ENCRUACHMENTS ON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS SHOWN AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL EXCEPT AS

BAKER ♦ HOGAN ♦ HOUX

ARCHITECTURE & PLANNING / A.I.A. / P.C.

PROJECT: WATER DANCE DRB

JOB NUMBER: 50008

DATE: 11/27/00

TIME: 1:00

PARTY & REMARKS: LOT 25

Lot 26

- a) • PAINT ROOF PENETRATIONS (CURRENTLY G.I.)
- b) • ALL HOT TUB WORK & AGREEMENT MUST BE COMPLETE BEFORE DEPOSIT RETURNED
- c) • DRIVEWAY CUT MUST BE DONE

- WE WAIVED SNOW STACK REQUIREMENT DO TO SNOW MELT SYSTEM

- WE WANT VERIFICATION THAT SNOW MELT SYSTEM WORKS

- FISCO CAN ENFORCE SIDE YARD SETBACKS
(DO THEY CARE?)
(HOW DO THEY DEFINE HOT TUB?)

- LOTS 55, 18, 19, 20, 21 } NEED ADDRESSES
29, 27, 25, 24 } (CALL MIKE

- COPY APPENDIX —

- CANT GET PRECEDENCE

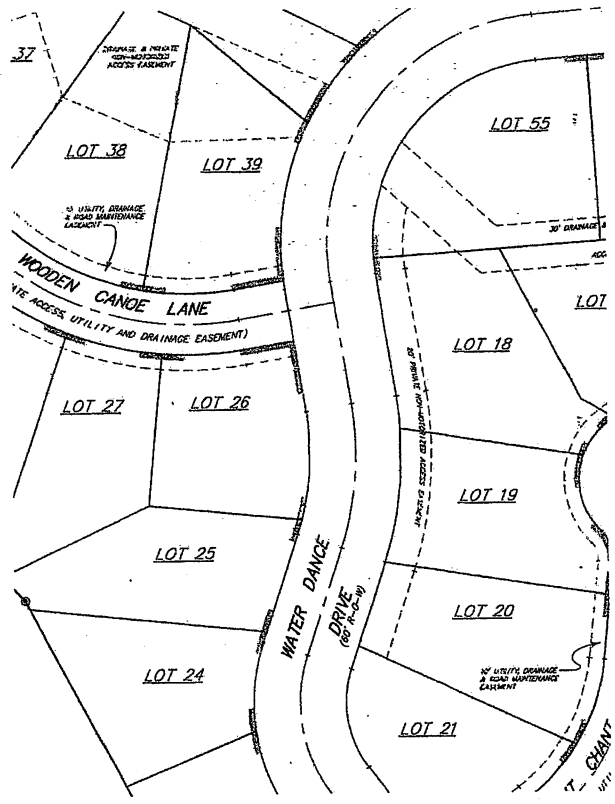
PRINCIPALS:
MARC P. HOGAN, A.I.A. ♦
MICHAEL R. HOUX, A.I.A. ♦
EUGENE L. BAKER, A.I.A.

BOX 931 160 EAST ADAMS
BRECKENRIDGE, CO 80424 ♦
PHONE: (970) 453-6880
FAX: (970) 453-6888

250 N. WESTLAKE BLVD., STE. 230
WESTLAKE VILLAGE, CA 91362 ♦
PHONE: (805) 379-2404
FAX: (805) 379-1852

BOX 185 330 W. MAIN
PERHAM, MN 56573 ♦
PHONE: (218) 346-4505
FAX: (218) 346-2998

ASSOCIATES:
RUSSELL K. PALMER
ANTHONY J. STOLL, A.I.A.



To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 14th day of December, 2000, by adjoining homeowner.

Signature: Joe K. Ozaki

Printed Name: Joe K. Ozaki

Address: 133 S. Indiana Way
Golden, CO 80401

Phone: 303 277 1543

Lot 55

TO: Joe & Jill Ozaki

FROM: John Tuso

RE: Water Dance Home at 510 Wooden Canoe
Hot Tub Issue

Mr. & Mrs. Ozaki,

This is the letter that we discussed on December 13. Would you please be so kind to sign on the appropriate line and fax it back to me at (970) 668-4547.

Thank you for your time in this matter.

John Tuso

Water Dance Review Committee
P.O. Box 4880
Frisco, Colorado 80443

Re: Lot 26, Wooden Canoe
Frisco, Colorado

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 15th day of DECEMBER, 2000, by adjoining homeowner.

Signature: Hugh M. Eaton Jr

Printed Name: HUGH M. EATON, JR.

Address: 535 NIGHT CHANT LANE
FRISCO, CO 80443

Phone: (719) 481-0102 (IN PALMER LAKE)

Lot 18

TO: Hugh & Diana Eaton
FROM: John Tuso

RE: Water Dance Home at 510 Wooden Canoe
Hot Tub Issue

Mr & Mrs. Eaton,

This is the letter that we discussed on December 13. Would you please be so kind to sign on the appropriate line and fax it back to me at (970) 668-4547.

Thank you for your time in this matter.

John Tuso

Water Dance Review Committee
P.O. Box 4880
Frisco, Colorado 80443

Re: Lot 26, Wooden Canoe
Frisco, Colorado

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 11 day of November, 2000, by adjoining homeowner.

Signature: Mr. & Mrs. James Canoe Kin Canoe

Printed Name: MR & MRS JAMES CANOE

Address: 515 NIGEL COURT

Phone: 668-5993

Lot # 26

Water Dance Review Committee
P.O. Box 4880
Frisco, Colorado 80443

Re: Lot 26, Wooden Canoe
Frisco, Colorado

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 15 day of DECEMBER, 2000, by adjoining homeowner.

Signature: Richard Ornstein

Printed Name: RICHARD ORNSTEIN

Address: 525 NIGHTCHANT LANE
FRISCO, CO. 80443

Phone: 970 668 0937 (VA. # 757 491-8333)

TO: MR. & MRS. RICHARD ORNSTEIN
FROM: JOHN TUSO

RE: Waterdance Subdivision

Mr. & Mrs. Ornstein,

Attached is the form I spoke to you about yesterday concerning the hot tub at 510 Wooden Canoe. If you would be so kind as to sign it and fax it back to me at (970) 668-4547 it would be appreciated.

Thank you very much for your time in this matter.

John Tusso

LOT 26

Water Dance Review Committee
P.O. Box 4880
Frisco, Colorado 80443

Re: Lot 26, Wooden Canoe
Frisco, Colorado

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 12 day of December, 2000, by adjoining homeowner.

Signature: Richard S. Bilisoly

Printed Name: RICHARD S. Bilisoly

Address: 505 NIGHTCHANT

Phone: 668-3750 / 623-546-7313

Lot #
21

Water Dance Review Committee
P.O. Box 4880
Frisco, Colorado 80443

Re: Lot 26, Wooden Canoe
Frisco, Colorado

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 28 day of Nov, 2000, by adjoining homeowner.

Signature: Larry Warren

Printed Name: Larry Warren

Address: 512 WD. Drive

Phone: 668-3482

Lot # 24

Water Dance Review Committee
P.O. Box 4880
Frisco, Colorado 80443

Re: Lot 26, Wooden Canoe
Frisco, Colorado

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 26th day of November, 2000, by adjoining homeowner.

Signature: Kathryn Emmett

Printed Name: KATHRYN EMMETT

Address: 47 OLD LONG RIDGE RD
STAMFORD, CT 06903

Phone: 203-329-0522

~~Lot #~~
~~25~~

John Tuso
PO Box 35
FRISCO 80445
Fax (970)
668 4547

Canoe

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 30th day of Nov., 2000, by adjoining homeowner.

Signature: Mara M. Meyers

Printed Name: Mara Meyers

Address: #520 Wooden Canoe
Frisco

Phone: 668-4888

Lot # 27

Water Dance Review Committee
P.O. Box 4880
Frisco, Colorado 80443

Re: Lot 26, Wooden Canoe
Frisco, Colorado

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 8 day of NOVEMBER, 2000, by adjoining homeowner.

Signature: Patrick B. Wallace

Printed Name: PATRICK B. WALLACE

Address: SIS WOODEN CANOE LN.

FRISCO, CO. 80443

Phone: (970) 389-2338

Lot # 38

Water Dance Review Committee
P.O. Box 4880
Frisco, Colorado 80443

Re: Lot 26, Wooden Canoe
Frisco, Colorado

To Whom It May Concern:

I, the undersigned, am an adjoining property owner to Wooden Canoe, Lot 26.

I have been informed that the hot tub on Lot 26 encroaches beyond the building envelope. However, I have no objection to the placement of the hot tub. It does not affect my views, nor does the hot tub, as situated, substantially reduce the distance between the home on Lot 26 and my home.

Signed this 15 day of December, 2000, by adjoining homeowner.

Signature: Robert F. Scott, Jr.

Printed Name: Robert F. Scott, Jr.

Address: 8420 Vance Court

Colorado Springs, CO 80919

Phone: 719-867-9280

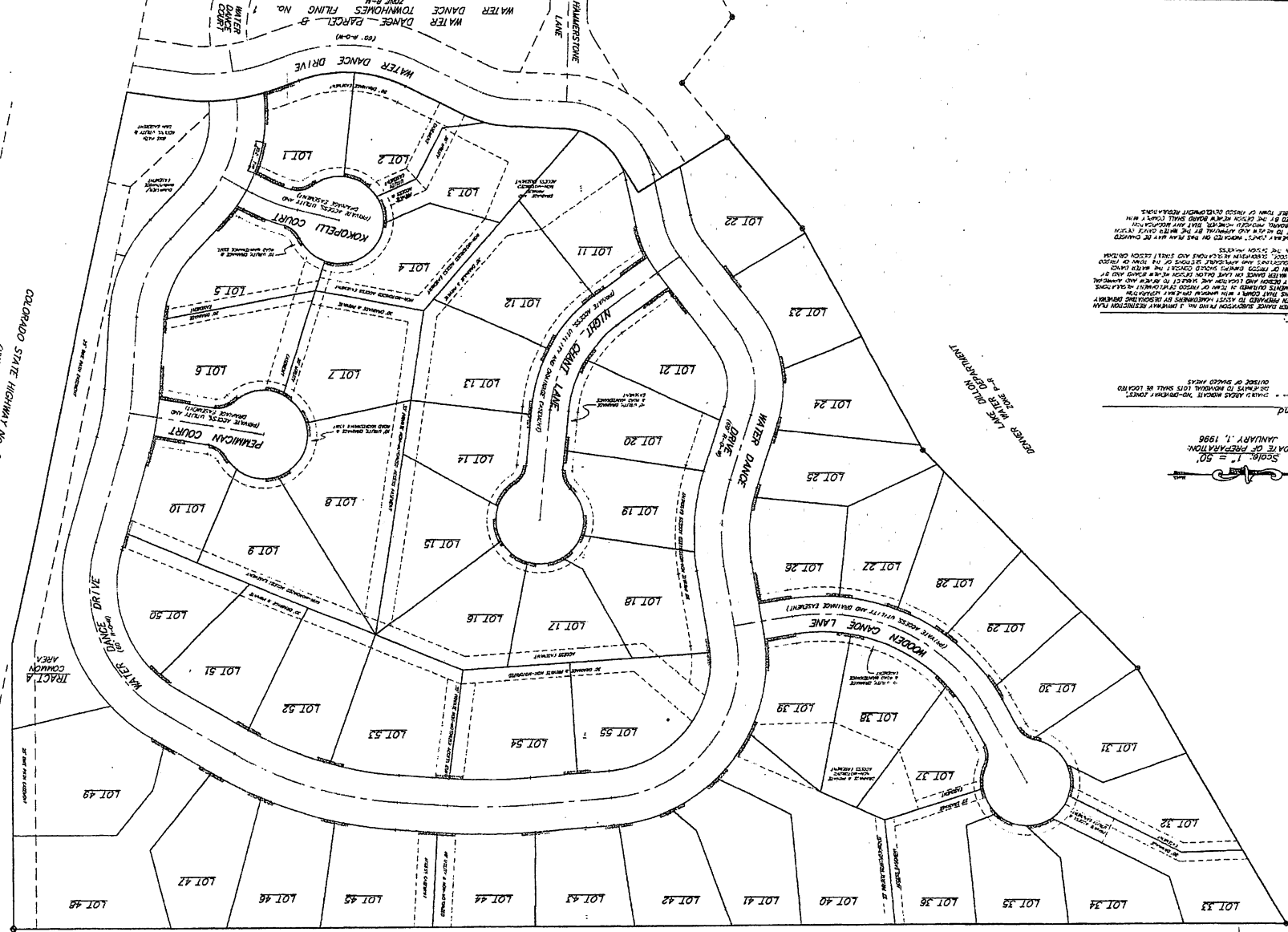
Lot 26

UNPLATTED
S1/2 S1/2
N1/4 N1/4
(TOWN OF FRISCO)

UNPLATTED
S1/2 NW1/4 SEC. 36
(TOWN OF FRISCO)
ZONE P-8

DRIVEWAY RESTRICTION PLAN
WATER DANCE SUBDIVISION - FILING NO. 3
A RESUBDIVISION OF PARCEL C, WATER DANCE
TOWN OF FRISCO,
SUMMIT COUNTY, COLORADO

UNPLATTED
CON. LOT 112
(TOWN OF FRISCO)



NOTE:
THE WATER DANCE SUBDIVISION FROM THE 1 UNITARY RESTRICTION PLAN HAS BEEN REOPENED TO ACCEPT APPLICATIONS BY SEPARATE INSTRUMENTS FOR THE REOPENING OF LOTS 1 THROUGH 49. THE REOPENING OF LOTS 1 THROUGH 49 SHALL BE SUBJECT TO THE APPROVAL OF THE WATER DANCE SUBDIVISION BOARD. THE REOPENING OF LOTS 1 THROUGH 49 SHALL BE SUBJECT TO THE APPROVAL OF THE WATER DANCE SUBDIVISION BOARD. THE REOPENING OF LOTS 1 THROUGH 49 SHALL BE SUBJECT TO THE APPROVAL OF THE WATER DANCE SUBDIVISION BOARD.

Legend
DATE OF PREPARATION: JANUARY 1, 1998
SCALE: 1" = 50'
UNPLATTED

Prepared	Checked	Reviewed	Approved
DATE	DATE	DATE	DATE
UNPLATTED	UNPLATTED	UNPLATTED	UNPLATTED

RANGE WEST, Inc.
Consulting Engineers - Land Surveyors - Construction Managers
P.O. Box 589
Shepherd, CO 80488
Phone 970 488-6281
Danner Blvd 623-0428

WATER DANCE LTD.
P.O. Box 4899
FRISCO, COLORADO 80441

WATER DANCE PHASE 2
TRACT A
TOWN OF FRISCO, SUMMIT COUNTY, COLORADO

DRIVEWAY RESTRICTION PLAN

Sheet: C11 OF 11

C11