

**Excerpt from Rosewood Condominium Council's  
Summary of Inaccurate and Omitted data on HRG's Revised 7/21/14 Site Plan**

**Private Yard Area**

The site plan should provide precise measurements for all claimed PYA in order to verify if HRG actually meets the claimed 3,696 sq ft. The identified areas claimed as private yard cannot possibly add up to this value.

I have included an excerpt of the Association's zoning proposal, which provides an in-depth analysis as to why this attempt to claim the accessory use/service/loading area involves numerous Code violations and entails a direct violation of the owners' property rights.

In addition to those identified violations, the expansion of the claimed PYA further violates Code:

- a. It appears that HRG is including the 560 sqft. "Rooftop Garden" in the total PYA of 3,696. Based upon our February meeting with the directors of C&R and PDS, the roof deck was explicitly disallowed. Have the directors revised their position? Either way, HRG must exclude the roof deck from the PYA or apply for a waiver.
- b. Does the area marked TBR mean "to be reviewed"? If so, please note that Section 5.4.1.E.2. requires a minimum rear setback of 5 feet "that *cannot* be counted toward the private yard requirement." [see attached photo of site plan. Approximate 5 ft. line depicted by dotted red line]. HRG must exclude the 5 ft. rear set back or apply for a waiver. Also note that the site plan does not identify the utility pole/transformer located on the left side of the service area [see below photo].

Also note that this is a storage area for the units' trash and recycling. There is no indication of how these 10 garbage cans will fit if this area is confiscated by HRG. Lastly, the dimensions of the proposed walkway are not provided to determine if it meets handicap accessible requirements.

- c. Section 5.1.7 states that "every part of the required yard shall be *open to the sky*." There are two areas claimed as PYA that are completely covered by the floor area of an enclosed rear sun room on the second floor [see attached photo of site plan. Areas outlined in red are covered by the sun room as depicted in below photos. Utility area is also outlined in red]



- d. Section 5.4.1.D.2 states that the "private yard shall be composed of *contiguous open area*." The claimed PYA is not contiguous because it stops at the covered areas. So the area marked by the black boundary lines cannot count towards the PYA either. HRG must exclude the areas marked in red and black or apply for a waiver.

Very specific PYA measurements would be extremely helpful. The site plan does not indicate how HRG can meet the minimum PYA requirement of 3,592 sqft. Based upon measurements from previous site plans, the disallowed areas in red and black are over 700 sqft. If the roof deck is also rightly excluded, that's another 560 square feet. HRG is short **at the very least by 1,260.**

I stress that these are only rough estimates. Even if you do not exclude a single area now claimed as PYA, **including the roof deck**, it still falls short of 3,696. Considering that HRG already obtained a PYA reduction of 2,835 sqft., the development project must be restricted to a value of 3,592 sqft. The entire project hinges on meeting that PYA value. Accurate and precise measurements should be provided for every single subsection that HRG now claims as PYA. That is the only way for HRG to sufficiently prove that they've met the PYA requirement.