

the trouble next door

how architects and their clients deal with obstructionist neighbors.

by cheryl weber, leed ap

When Ted Flato, FAIA, purchased a classic old San Antonio house and painted it red, a longtime resident of the neighborhood wasted no time expressing her disapproval. “Aren’t there rules against that?” she sniffed. The house had been a dreadful drab green that blended in with the area’s enormous oak trees. “Unbeknownst to her, it had been screaming for 90 years before we showed up that it wanted to be terra-cotta,” says Flato, co-principal of Lake/Flato Architects of San Antonio.

He chuckles about it now. The confrontation was unpleasant but harmless, and Flato had her pegged simply as someone who resisted change. Luckily, she didn’t start a neighborhood petition demanding a different color. Nor did she put up a sign calling the house an eyesore, assault the painters, or send in the lawyers, as many architects have experienced on behalf of their clients. It seems everyone has a story about the neighbor from hell, suggesting that no one is immune from the person intent on derailing the construction of a house next door.



Edwin Fotheringham

If beauty is in the eye of the beholder, nowhere is that more evident than in a residential community, where folks tend to defend fiercely their perceived rights to space, views, or a certain style of architecture. Clients who purchase an empty lot never quite know what to expect until it’s time to build. Will the neighbors

come bearing a bottle of wine, or a grudge? Density and height are hot-button issues, but so is architectural style. Aesthetic choices, if different than one’s own, can seem like an affront. And as the person adding something new to a neighborhood, it’s the architect who takes the heat.

In this fragile economy,

homeowners are even more on edge, says attorney Randy Koenig, founding partner at Koenig Jacobsen, Irvine, Calif. That’s true particularly in rarefied areas such as coastal California, where lots are dense and expensive, and views directly affect their value. “The inclination of the

continued on page 25

owner and architect is to maximize the size of the building envelope,” he continues. “Therein lies the conflict between the owner and the existing homeowners. When property value is the overarching concern, the decision makers are more likely to side with the neighbor.”

That’s why an “our way or no way” attitude is counterproductive, Koenig believes. It’s incumbent on architects not only to do their homework, but also to keep the clients’ expectations flexible. He’s seen at least one case where a headstrong client sued the architect for damages when some aspect of the design couldn’t be built. It’s an expensive, lose-lose situation—and one that usually can be avoided.

the politics of place

When scuffles do occur, it’s often because neighbors have come to think of the empty lot next door as an extension of their home. It’s up to the architect or review board to set them straight—gently. Offering an early olive branch can help head off an adversarial relationship, says Charles Cunniffe, AIA, Charles Cunniffe Architects, Aspen, Colo. He talks to the neighbors on his clients’ behalf well before a design is proposed (or sends a letter if the neighbor lives elsewhere), offering to create the appropriate screening and to avoid putting lights

or large windows on their side of the house. “When we make that advance approach, the review board can’t say we didn’t try,” he says. “If someone is unreasonable, all you can hope to do is soften them and let them know that you did the best you could with their interests in mind.”

In many areas, good manners are regulated by law. Stuart Cohen, FAIA, works in Chicago’s North Shore suburbs, where bluff

“forgiving landscapes are ones that are well-vegetated. but in the west, where one can see a trailer 30 miles away, those are the landscapes people really have an obligation to think about.”

—ted flato, faia

setbacks on Lake Michigan help to ensure that new buildings don’t block lateral views. “While it’s possible to use fancy engineering to build right to the edge of a ravine, I think the idea of protecting those kinds of natural features is important,” says Cohen, co-principal of Stuart Cohen & Julie Hacker Architects in nearby Evanston, Ill.

Posh enclaves, such as Malibu, Calif., have strict rules to keep peace between “alpha” neighbors. Planning guidelines dictate rules for establish-

ing the view and state that every property owner has a right to one primary view area. In Douglas Teiger’s experience, the system works pretty well. On a recent project in Malibu, Teiger, AIA, a partner at Abramson Teiger Architects, Culver City, Calif., erected story poles depicting a house’s proposed silhouette. At the neighbor’s request, he was able to shift the house’s location and

lower its height without compromising the design. When variances are needed, Teiger shows the neighbors the drawings, explains the reasons for the request, and asks them to sign off. “We try to be diplomatic rather than ramming it down their throats,” he says. “The building department has an easier time granting a request when the neighbors support the project.”

In contentious cases, review boards revert to cold, hard logic. Some jurisdictions use a Solo-

continued on page 26



Enter the
**2010 myMarvin
Architect Challenge.**
Win the chance to
showcase your most
inspired work.

This is your opportunity to inspire and be inspired. And to see how you measure up with your peers in the architectural community. Just submit your best work that includes Marvin Windows and Doors. Our esteemed judging panel will evaluate each submission on a number of attributes. If your entry is singled out for excellence, it will be showcased among the winning entries in this prestigious annual event.

Get details at
www.mvtr.com/inspired



©2009 Marvin Windows and Doors. All rights reserved.
Wholesale distributor of Marvin Windows and Doors.
1-800-256-9990

monesque approach called “view equity” to determine whether a project should be approved. “If the neighbor has part of a view and the new house has part of a view, and the two are roughly equal, then they tend to say equity has been served,” explains Anders Lasater, AIA, of Anders Lasater Architects in Laguna Beach, Calif. “They also look at the lots—are the sizes comparable, and does this lot naturally have a better view than the neighbor’s? The board will often say the architect has done X, Y and Z, and that’s about all we can expect.” Still, Lasater tries to limit his risk by cautioning clients

that there’s no guarantee of approval, and his contract clearly states that review board decisions are beyond his control.

under fire

In a perfect world, appealing to reason would nip a nasty confrontation in the bud. But in real life, there’s no accounting for taste or hostility. Bates Masi + ARCHITECTS found that out when it tried to build a new office on Main Street in Sag Harbor, N.Y. Co-principals Harry Bates and Paul Masi, AIA, took the high road by designing a low-profile, LEED-ready building that met zoning

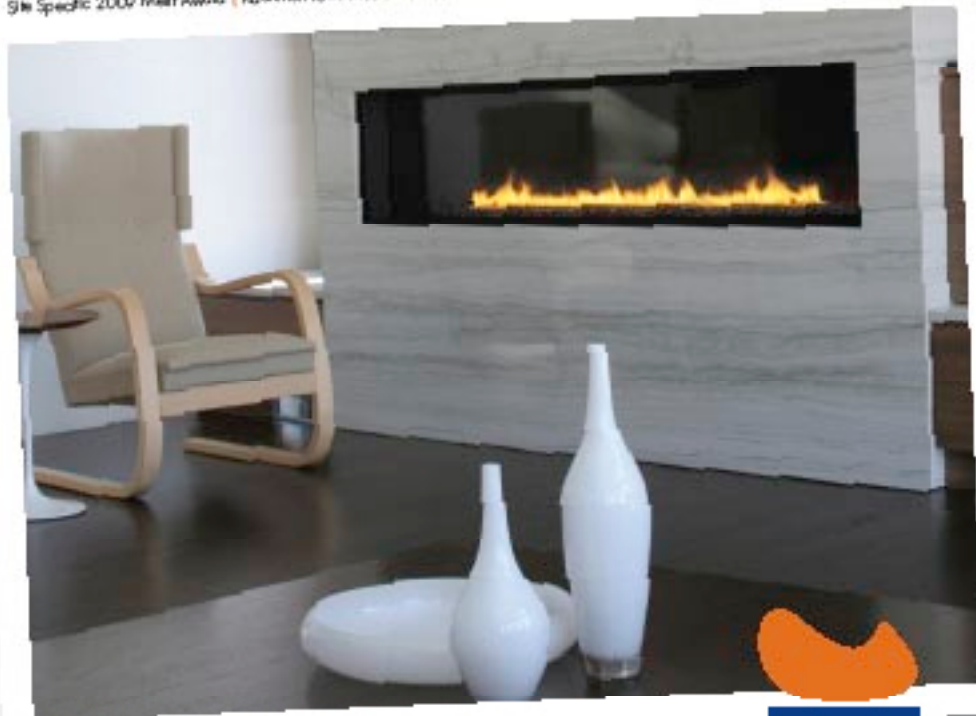
continued on page 28

due diligence

Great architectural minds seldom think alike, and neither do the neighbors. But, says attorney Randy Koenig of Irvine, Calif.–based Koenig Jacobsen, there are ways to resolve differences peaceably, or at least strategically.

- Research what can be built on the site. Follow the letter of the law, looking at existing structures to figure out what has a reasonable chance of getting the green light. Identify the decision makers who will approve the project.
 - If you’re requesting variances or interpretations of gray areas, address those issues before you begin design. Tell the architecture committee, building official, or coastal commission that you’re working in a gray area and want to push the envelope to your client’s benefit.
 - Be receptive, but set boundaries. “I heard a story recently about a homeowner with waterfront property
- continued on page 28*

Site Specific 2009 Meet Award | Kaatrin Residence | Architect: Rolf Kaatrin | Designer & Photo: Christine Kaatrin



Fires That Inspire

As the leader in modern gas fireplaces, our mission is to offer fires that inspire. Whether indoor or outdoor, from 2' to 8', vented or ventfree, our award-winning fireplaces help create relaxed gathering spaces.

See our photo gallery of inspirational installations at www.sparkfires.com or contact us directly at **866.938.3846**

Visit us at ICFE NYC, May 15-18 or AIA Miami, June 10-12



practice

regulations. The architects made some concessions, such as removing the Cor-Ten steel, and the project passed three review board hearings. But the homeowner next door made life difficult during a depressing, two-year skirmish in which she tried every possible legal foothold to stop the project. In addition to suing the town because it granted a building permit, she and others stood outside the local supermarket to rally support and yelled at the firm's employees when they shopped at the store, Masi says. The firm hired its own attorneys to work with the town's attorneys, and in March a

state judge finally ruled in their favor.

At its crux was the long-standing debate between modern and traditional architecture, and Bates Masi had some momentum on its side. The proposed building has won several design awards, and *The New York Times'* former architecture critic Paul Goldberger, who lives nearby, praised it in letters to the local paper and the town council.

"There is recent construction here mimicking the 18th-century saltbox, but it has nothing to do with today's context—this is no longer a fishing village," Masi says, defending *continued on page 30*

who called a town meeting that was attended by 35 adjacent homeowners," Koenig says. "The architect tried so hard to please everyone that when he didn't comply with one request, it became a huge problem."

• Use leverage. Koenig recalls a tragic case in which the owner, capitulating to some angry neighbors, demolished and rebuilt part of the house after it had been framed, at a cost of \$1 million above budget. The owner sued the architect, and Koenig successfully sued the homeowners' association on behalf of the architect. Closer scrutiny revealed that the original design was compliant after all. What's more, the association didn't follow its own rules, which required an architect on staff.

"Timing is critical," Koenig says. "For the homeowners' association to get a writ of junction to stop construction takes serious money. They want to avoid that, so our leverage is to appeal to cooler heads, such as a building official. Show examples of where similar projects were approved. No city or homeowners' association can act arbitrarily; they have to follow their own rules." — C.W.

Embellished Hardwood Mouldings,
Handcarved Woodcarvings, Mantels & More...

Mouldings • Corbels • Mantels • Rangesoods • Capitals • Pediments • Onlays • Cabinet Parts



NEW 2010 VOLUME 4 CATALOG
WITH 2200 IN-STOCK PRODUCTS
ORDER ONLINE TODAY AT WWW.WR.COM
176 pgs | \$16.99 ppd



WhiteRiver.com's website received a total of 6 awards including Best Overall, Best in Class for Best Design, Best Product Information and Best Section for Professionals.

GO FURTHER. START HERE.
Elevating Beauty & Exceptional Value
Unsurpassing Quality
275 NEW Products for 2010
Exactly What You Need - When You Need It

Go to <http://research.hotims.com> for more info

White River
WhiteRiver.com | 800.558.0119

practice

his cube-shaped building that nevertheless nods to local tradition. Research on the area's old houses showed that the weathered shingles were pulled off and flipped over to increase their lifespan. That discovery inspired Masi and Bates to devise a clip system that allows their building's shingles to be used on both sides.

This battle came out of the blue, since Bates has been designing modern homes in the Hamptons since the 1960s. "We wanted to do something good for the community, and spent time looking for property close to the bus and train, and in a place where our

employees could walk to lunch," Masi says. "You don't get rewarded for that, but I'm not discouraged."

If anyone can relate, it's Eric Cobb, AIA, of E. Cobb Architects in Seattle, who is just emerging from his own showdown on a waterfront property. The fracas found its way into the blogosphere when his client's neighbor erected on the nearby dock an inflammatory sign in large print and red type. Worse, however, was the legal and psychological fallout when the neighbor hired a land-use attorney to scrutinize all of the construction documents, looking for small infractions that could indicate permitting

errors. For Cobb, it was a wake-up call.

"We got through this by the skin of our teeth, but the neighbor's attorney couldn't find a flaw," Cobb says. "It's a pretty scary thing to think about—the drawings aren't just for plan reviewers to look at, but you also have motivated citizens going through documents with their attorneys and looking to cause you a pile a trouble. Construction is not very precise—you might be 1/4-inch over the height limitations or a chunk of the house might be too close to the property line. We were so buttoned up on our documents that

continued on page 32

"when property value is the overarching concern, the decision makers are more likely to side with the neighbor."

—randy koenig



CUT IT. DRILL IT. FASTEN IT.
WORK IT.

NO SPECIAL TOOLS REQUIRED.

Work LiteSteel[®] beams on-site with the same tools you already use and get quicker, easier installation, lower installed costs and less headache. The unique LSB[®] design is on average 40% lighter than hot rolled steel, or engineered wood, with equivalent load-carrying capacity. LSB delivers the advanced structural performance and strength you need to span the distance and carry the load.

Visit LiteSteelbeam.com
For more technical information and
to download your FREE LSB Selection
Guidance and FREE LSB Installation Guide

Spec LITE for your site.



LSBG
LiteSteelbeam

LiteSteel Technologies America, LLC is a OneSteel Group Company

©2011 LiteSteel Technologies, LLC. All rights reserved. LSB[®], LiteSteelbeam, and the LSB logo are trademarks of LiteSteel Technologies, LLC. US Patent Numbers 5942225, 597679, 5401852, 10-561185, 11-570427, 11-570428.

Go to <http://research.hotims.com> for more info

practice

we were fine.”

Lesson learned: Follow the rules and your design instincts, Cobb says. “When you’re building something you know will impact the neighbors, make sure you’re doing it in a way you can justify and feel good about, and that it’s not gratuitous.” He lets clients decide whether to involve the neighbors, since he’s had mixed results on that score. Once, when he and his client explained their ideas, the neighbors banded together to hire a lawyer. “The advance warning couldn’t have hurt our client more,” he says. Another client, who had a poor relationship with the owner

“when you’re building something you know will impact the neighbors, make sure you’re doing it in a way you can justify and feel good about, and that it’s not gratuitous.”

—eric cobb, aia

next door, decided to build quickly. There were some minor altercations, Cobb says, but they passed.

the slow sell

Inclusivity is rarely optional on multifamily projects. Architects of single-family homes can sidestep the

educator role, but in high-density areas they report to a community of critics. To complicate things, debates over zoning issues that affect everyone inadvertently give individuals a platform for airing their own self-interests. In one recent example, Bonstra | Haresign

ARCHITECTS applied for zoning relief when it came up three parking spaces short on a 27-unit condominium in downtown Washington, D.C. The open forum attracted the owners of a penthouse to the east, who complained that the building would rise above their windows. In the end, “the advisory commission understood that they didn’t represent the interests of the building occupants,” says managing partner Bill Bonstra, FAIA, LEED AP. “Sometimes that gets blurred.”

The firm won the case by demonstrating that because of the historic building’s

continued on page 34



Just this once, we'd like to make some noise.

Panasonic ventilation fans are among the most powerful, energy-efficient and quiet fans available. While we're well known for our silence, we feel our selection as a 2010 ENERGY STAR® Partner of the Year is an award worth shouting about. As one of the first in the industry to adopt ENERGY STAR guidelines in 2001, we continue our commitment to saving energy and creating a more sustainable future through our products and practices. We're truly honored that our efforts have been recognized.

Learn more at www.panasonic.com/estar2010

Go to <http://research.hotims.com> for more info



Panasonic Ideas for life

small footprint and position, underground parking was impossible. "It's best to develop a strategy for how you'll present your project to the community and encourage involvement rather than trying to circumvent it," Bonstra says. "We make people part of the design process so they understand what we're up against."

Gary L. Brewer, AIA, a partner at Robert A.M. Stern Architects, New York, agrees with that approach. "We joke that form follows parking," he says. "Getting the project built is the most important thing, and it's easier to get people to agree to what you're proposing if you bring them

"if the neighbor has part of a view and the new house has part of a view, and the two are roughly equal, then they tend to say equity has been served."

—anders lasater, aia

along slowly."

When you put up a condo building next to a prized landmark like the Schindler House in West Hollywood, Calif., it can take years for everyone to have their say. Lorcan O'Herlihy Architects (LOHA), Culver City, Calif., spent four years

on Habitat 825, a much-publicized 19-unit condo project, before completing it in 2006. During that time, the architectural community and the MAK Center, which operates the Schindler House, created a hullabaloo that included a design competition and a

book exploring the theoretical question of what should be built next door. Although the trumped-up friction got on their nerves, the architects understood it as a publicity-seeking opportunity for the MAK Center, and the stir "helped us, as well, in marketing exposure," says Donnie Schmidt, senior associate at LOHA. "It was an apples and oranges type of discussion—one going down the path of reality, the others hypothetical. But we embraced that discussion and read the proposals. And as density increases, it's critical that we engage the community on these is-

continued on page 36



The updated standard on residential construction—now also on CD-ROM.

Completely revised and now also available in an interactive CD-ROM format, *Architectural Graphic Standards for Residential Construction, Second Edition* includes all-new material on current technology specific to residential projects for anyone designing, constructing, or modifying a residence.

- Completely reorganized and revised, with new content and thousands of architectural details
- Sustainable design covered in each chapter
- Includes a sample residential project with drawings, specifications, and sample contracts
- Has new, "smarter" details that include International Residential Code (IRC) references, which save professionals time and money

Go to <http://research.hotims.com> for more info

practice

sues.” (For more on Habitat 825, *residential architect*’s 2009 Project of the Year, see pages 22–25 in the March/April 2009 issue.)

While nobody wants the neighbors designing clients’ houses, it’s an argument all architects can embrace on one level or another. Whether it’s a custom home or condo building, “part of the pleasure of living in a house is that you’re respectful of a house next door or around the corner,” Flato says, admitting that harmony is easier achieved in some parts of the country than others. “Forgiving landscapes are ones that are well-vegetated,” he says. “But in the

“getting the project built is the most important thing, and it’s easier to get people to agree to what you’re proposing if you bring them along slowly.”

—gary l. brewer, aia

west, where one can see a trailer 30 miles away, those are the landscapes people really have an obligation to think about.”

To illustrate the point, Flato recalls designing a house for his sister on the Yellowstone River in Montana, which he partially hid

among cottonwoods. Not far down the river, a well-known California architect had designed a large boxy house on the water’s edge. “It looks like the perfect thing for a walkway in Venice, Italy, each house yelling and screaming and having a good time,” he says. “But

placing it right on the river, even when it’s good, is a dangerous thing to have done. At first I thought, ‘Hey, I like that thing.’ But others found it offensive, and they were right.”

In the realm of residential design, though, almost anything goes, and it’s up to the homeowners to hide the offending view. “I remember when we built something for a client and someone else built something horrendous next door,” Flato says. “We went back and added more landscaping to try to fix what we had. Ultimately, it’s the neighbor’s problem. If they don’t like it, they have to figure out a way around it.” **ra**



RECYCLED CEMENT LEED®

Free

Our free catalog is filled with photos and complete details on all of our architectural products: CableRail cable assemblies, DesignRail® railing systems, CableTrellis kits, Bialok® rods, and Lightline® canopies. For a copy call 1-800-888-2418.

feeneyarchitectural
P R O D U C T S
visit www.feeneyarchitectural.com



We've built the perfect partner to your favorite magazine.

■ ■ ■ residentialarchitect.com

architect
big green

architect

Working together to keep you informed.

Go to <http://research.hotims.com> for more info