

9th NOVEMBER . 2021

Dear Telluride lodge homeowner

As you may or may not be aware in recent months there has been some interest in upper unit balcony /decks from one or two homeowners .

In particular we as a board had an application for a remodel of the lower and upper units consisting of 539 and 540 both owned by mid scooter llc . We turned down the initial application based on the inclusion of the balcony / deck and the taking of the limited common areas in the courtyard/ alcoves 3x7 bump out which has never been done in the past .

In the declaration documents revised in 2007 by our attorney Tom Kennedy it very clearly states against the case for upper balcony's in section ;

PAGE 10 ; 6.2.5. 18.7. 18.9. 22. 23.

ADDITIONALLY RESERVED RIGHTS ;SEC 19 SS

That we cannot approve upper balcony as a board and we want to make it clear as the current board almost all of us are not in favor of upper balcony's that sit over lower decks for the following reasons;

The renovation guidelines also clearly state no new decks - section :

The biggest problem with the issue of allowing upper unit balconies is that it sets a modern precedent and a mechanism to allow more in the future and while this may seem like a good idea please carefully consider the following .....

1. The current declarations clearly state that site lines from lower units cannot be impacted by upper units and vice versus. Posts or stem walls supporting upper balcony's would clearly break this rule not only for lower units but surrounding units .
2. Noise values and issues with two sets of people competing for space in a 6ft upper and lower deck . Please if you will imagine someone sitting on the phone talking on a balcony eight feet off a lower deck with people having a quiet moment enjoying the view or other . Clearly this is impactful both ways for the mutual enjoyment of both parties . Light into a lower unit will be very impactful with a considerable darkening of the lower unit living room .
3. Structural integrity issues; It has been suggested that to build these balcony's and to avoid posts down , that they are cantilevered with no visual support. The way to avoid this would be to cantilever into the Ceiling joists of the separating floor of the upper and lower unit . This means not only impacting and opening up of the ceiling of the lower unit but also the moving and rearrangement of electrical lines to lower unit . I think you can see the potential for not only damage but potential lawsuits .
4. Liability and Maintenance: The balcony's are on the exterior of the building and therefore fall under the maintenance of the Telluride lodge . Including repair , painting and most importantly liability to injury of others .

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5. Snow removal: Where does the snow removal go from the upper balcony? - straight onto the lower balcony . Where does the melt go from upper balcony? down on to the lower deck and door potentially creating damage to the lower unit .
6. Light values: an upper balcony will decrease the amount of light into the lower unit sliding door making it darker in the living room .
7. It has been suggested that an upper balcony would give egress in a fire . This is of course only partially true . As anyone knows who live in a high rise there are obvious egress issues in a fire . Sprinkler systems in place usually take care of the business of fire allowing egress from high rise building fitted specifically . Telluride is no different . But having bought an upper unit the obvious egress risk is evaluated and looked at during the purchase of such a unit .
8. It has also been suggested that there is an equity difference between upper units and lower units that have been dugout to basement level and that a upper balcony helps level the playing field . This again is not true ...with the ability of the attic build outs allowed in upper units the obvious difference between equity levels is negated by the allowable space of the build out in the upper unit and the lower level basement regardless of available sq footage approved by the HOA .
9. Would upper balcony increase the value of the upper unit? . Or would the lower unit values decrease in values because of the potential of 1 through 8 . Obviously this works both ways.
10. If left for the upper and lower unit owners to decide if these projects would be ok with one another it would undoubtedly create animosity with your neighbor if one wanted a balcony and the other (lower owner) was put in the position of saying no or protesting the project.
11. Conformity to the overall visual structure of the complex is important also. We may have a bit of a mishmash of some bump outs and bump ups and balconies pushed out in the past ,however how far do you keep going with this ?.
12. There are a couple such balconies at the lodge that are currently classed as illegal but have been there for a very long time ( over 20 years ). We cannot look at these as examples of the way things could be as there are definite issues 1-13 that were never discussed in the past .

If you have questions or would like further information or discussion on balconies I would be happy to extend this invitation for constructive debate and answer further questions .

Thank you

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PROS AND CONS LIST FOR UPPER BALCONIES

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PROS:

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1. ADDS VALUE TO UPPER UNITS
  2. ALLOWS POTENTIAL EGRESS
  3. ALLOWS BETTER VIEWS FOR UPPER UNIT OWNER

CONS

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1. BLOCKS SITE LINES FOR LOWER AND OTHER SURROUNDING UNITS ( AGAINST CURRENT DECS DOCUMENT ).
  2. STRUCTURAL ISSUES RELATED TO ACTUAL RETROFITTING OF BALCONIES .
  3. MAINTENANCE OF SNOW AND GENERAL REQUIREMENTS OF LIABILITY FOR HOA BECAUSE THE BALCONY IS ON THE EXTERIOR COMMON SPACE OF THE BUILDING .
  4. NOISE AND LIGHT VALUES WITH REGARD TO PROXIMITY OF UPPER AND LOWER UNITS AND POSITIONING OF BALCONY OVER THE SLIDING DOOR OF LOWER UNIT.
  5. ANIMOSITY BETWEEN UPPER AND LOWER UNITS WITH DUAL USE . ESPECIALLY WITH REGARD TO SHORT TERM RENTAL S AND LONG TERM RENTALS
  6. POTENTIAL FOR FUTURE LAWSUITS BETWEEN UPPER AND LOWER UNIT OWNERS DUE TO ALL OF THE ABOVE .
  7. DEVALUES LOWER UNITS