

ARCHITECTURAL REVIEW COMMITTEE
BellaVita at Green Tee

Meeting Notes
February 20, 2010

Attendees: Jim Moore, Chairman
Anita Barner
Tony Nicolas
Tom Rohwer
Don Talley

Guest: Ruth Southard

Jim distributed a draft announcement to be placed in the BellaVita weekly newsletter regarding the placement of awnings. The announcement was approved for distribution as revised.

Jim and Ruth went to AMI to review the modification application review and appeal process. A misunderstanding had existed as to the final ARC authority. It was clarified that the BellaVita Board of Directors and the BellaVita ARC now have authority over all but new construction. A draft document outlining the procedure to be used by AMI in the application review process was reviewed. Revisions were suggested and incorporated. Once reviewed and approved a finalized procedure will be forwarded to AMI for implementation. It was emphasized that it must be made clear to homeowners that any denial by the ARC can be appealed to the Board of Directors. A copy of the AMI tracking sheet was distributed. A section for the ARC will be added.

Don suggested it would be helpful to have an orientation meeting with the Village Building sales staff on architectural guidelines for the community. He also suggested that prospective owners be given the Guidelines and Covenants during the sales process and before closing. Ruth suggested followup on this.

Jim distributed a sample of a monthly report created by AMI that lists all applications and service requests (SR) and their status. A copy of

this will be forwarded to the secretary for inclusion in the electronic file. Ruth inquired if this report shows the number of applications. During recent contract negotiations AMI proposed charging the homeowner \$50 for each application. This proposed individual charge was removed from this current contract as the AMI fee was increased. Ruth would like to track the number of applications to determine cost effectiveness prior to the next contract negotiation.

Ruth related to the committee the events that have occurred in the first appeal of an application to the Board of Directors. There was a misunderstanding due to wording of communication with the homeowner. The homeowner believed the appeal had already gone to the Board of Directors. Ruth explained to the homeowner that this is the first appeal and this is a test case of the procedure. The homeowner was understanding after this explanation. All Board members will receive a copy of the total file for this appeal. A private meeting with the Board and the homeowners will be held on March 17. The homeowner will be able to present the case and the Board can ask questions. The Board will deliberate privately and communicate their decision to the homeowner.

Jim stated that he had e-mailed Alex Taylor on February 19 that AMI should deny approval on a gazebo application. An appeal on this application to the BVARC is expected.

There was discussion on AMI issuing blanket letters to all homeowners with awnings. Approval will be given to all who meet guidelines. This was approved by the ARC.

Each ARC member was asked to draft a revision to the Guidelines Section 23 (e), pg. 17, relating to window protection. Each member agreed to e-mail their suggested revision to all committee members prior to the next meeting.

NEXT MEETING: Saturday, February 27, 2010 9 a.m.

Attachments:

"Did You Know" announcement

AMI procedure for appeal of denied ARC application

AMI appeal submission tracking sheet

DID YOU KNOW?

A RETRACTABLE AWNING IS ALLOWED OVER YOUR PATIO AS LONG AS THE COLOR IS COMPLEMENTARY TO YOUR HOUSE AND IS WELL MAINTAINED. **HOWEVER, YOU MUST HAVE PRIOR APPROVAL OF THE BELLAVITA ARCHITECTURAL REVIEW COMMITTEE.**

Reference: Architectural Guidelines for BellaVita at Green Tee Homeowners Association, Section C, 19, c.p 15

BELLA VITA AT GREEN TEE APPEAL PROCESS

Every homeowner has the right to appeal. In the event of a denial of an application by AMI acting on behalf of the Association, the owner may appeal to the BellaVita Architectural Review Committee. In the event the Committee upholds the denial, the owner has the further right of appeal to the board of Directors whose decision will be final. The following is the procedure which should be followed:

- If an application is denied send Chair/ARC a copy of the denial (no need to send approval letters).
- All appeals must be in writing, either faxed, emailed or U.S. Mail.
- Upon receipt of the appeal update the SR “appeal received”.
- Advise the Chair/ARC of it being received. He will be expecting it since they’ve already received a copy of the denial
- Pull the original application and along with the written appeal and a cover memo & scan it to Chair BVARC@comcast.net. If it involves color, a sample large enough for review must be submitted with the application..
- The original always stays with AMI and the copies are mailed. At no time is an application returned to the homeowner. A copy can be mailed to them, the original remains with AMI.
- Note in the SR that the application and appeal have been mailed to Chair/ARC
- Create a reminder for approximately 7-10 days to follow up. If you have not received a reply, email Chair/ARC a friendly reminder.
- The ARC has the authority to overturn or uphold the denial.
- Should the ARC overturn the denial send an appeal approval letter along with any conditions noted; should they uphold the denial send an appeal denial letter with the complete reason for the denial as determined by the ARC, any potential remediation, and the homeowner's right to appeal to the Board of Directors. Appeals to the board of Directors may take the form of a private hearing which will be mutually scheduled between the Board and the owner.
- If the ARC upholds the denial and the homeowner appeals to the Board the same process is completed. The board president receives a copy of the entire application package along with a memo requesting they consider and advise direction.
- Once the Board of Directors denies an appeal, it is final – it cannot be appealed again. Be certain the Board’s denial letter excludes the sentence stating “you have the right to appeal”. If the Board overturns the denial, an appeal approval letter is sent with any conditions noted.
- It is our responsibility to process, forward and follow-up on all appeals.
- These are official documents and are time sensitive.
- Once the decision is received send the appeal approval or denial letter.
- All replies must be noted in MaxTrac. If the reply is an email copy the email into MaxTrac and print a copy to attach the application package.