

**Bellevue Acres Homeowners Association
Board Meeting Minutes
February 7, 2017**

Attendance

Board members in attendance were Michelle Winn, Eldon Sullivan, Jo Mayers, Bert Milano, Scott Szymanski, Roger Wertz, and Tim Shangraw. In addition, several community and former Board members attended, consisting of Chris Purcell, Mark Albers, Nadine Dame, Diane Kristie, John Benton, and Calvin Sawkins. Meeting was at the Sullivan residence.

Call to Order

Roger called the meeting to order at 7:00 pm.

Meeting Agenda (attached)

General Business

- **Meeting Minutes:** Minutes from the January 9, 2017 Board Meeting were reviewed and approved as written. Tim will have Calvin post them on the HOA website.
- **Financials:** Account balance as of 2/13/17 is projected to be \$17,515.85. This includes \$3,961 that are “under-budget fence funds” from the fence replacement. These funds are to be allocated as follows, as voted on at the 2016 Annual Meeting:

Have all under-budget fence funds returned to the General Operating Fund. Half of these shall be dedicated to planting new trees in the common property along Alkire St., subject to JeffCo approval. The other half shall remain in the General Operating Fund for use as determined necessary by the HOA Board. If JeffCo disapproves of the tree planting, allocation of all under-budget fence funds (\$3,961) will be revisited at the next Annual Meeting. In the meantime, all under-budget fence funds would remain in the General Operating Fund.

All agreed that until JeffCo approves the tree planting, or until the HOA membership revisits the disposition of the under-budget fence funds at the next Annual Meeting, the \$3,961 is not available for use by the Board.

Motion made, seconded, and approved to accept Treasurer’s report.

New Business and Updates

- **Howell Shed:** Last year, the Howells submitted a Project Application for ACC Review to re-landscape their yard and install a shed. The Application was

completed in accordance with the BAHOA Guidelines, Rules, and Regulations and was accepted and reviewed by the ACC. The ACC approved the Application. The Howells began implementing proposed improvements by first installing a shed. That occurred in the fall of 2016. They intend to implement the rest of the landscaping work in 2017.

Since the shed was installed, the Board has received numerous complaints from adjacent and neighboring property owners regarding the placement and aesthetics of the shed. Tim and Jo met with the Howells to discuss the possibility of relocating the shed at the HOA's expense. The Howells were amenable to such a request and offered to procure and manage contractors to relocate it.

In approving the Howells Application, the ACC evaluated all pertinent criteria documented in the Guidelines, Rules, and Regulations. However, the ACC did not consider the "outlook" of the proposed improvements from adjacent or neighboring properties. As stated in Section 4.01 of our Declaration of Covenants and Restrictions, dated June 16, 1976, the ACC "*shall have the right (emphasis added) to take into consideration the suitability of the proposed building or other improvements and of the materials of which it is to be built, the harmony thereof with the surroundings, the topography of the land and the effect of the improvements as planned on the outlook from the adjacent or neighboring property, and with the general residence plan of the properties.*" Accordingly, the ACC has the "right to consider", but is not "obligated to consider" the outlook from adjacent or neighboring properties. While prior ACCs have considered "outlook" when evaluating Applications, this criterion is not a component of our current Guidelines, Rules, and Regulations. With that background, much discussion ensued about the aesthetic appeal of shed from the street view, from adjacent and neighboring properties, and the potential impact the shed has on property values. Several community and Board members argued that the shed should be relocated further back on the Howell's property at the expense of the HOA. Others argued that the Howells and ACC followed the established guidelines, rules and regulations, and therefore, the HOA should not be responsible for shed relocation. An additional argument against shed relocation was that such action would establish precedence for others in the community to revisit/challenge past ACC decisions, opening the HOA to potential future financial obligations. At the end of the discussions, the Board agreed to table a decision on the shed and pursue the following:

- 1) Discuss the situation with the Howells.
- 2) Request a hard-dollar quote from the Howells to relocate the shed.
- 3) Reach out to the community for their preference on this issue.

To prevent this from happening in the future, changes have been made to the ACC Application form requiring more information about aerial views (ex., Google Earth) of the property in question plus contiguous neighbors, street views, building profiles, setback distances, and the like. Edits to the form are being

reviewed by the Board. As well, guidelines for ACC evaluation of Project Applications need to be formalized. Draft guidelines were distributed to Board members for review and discussion at next month's Board meeting. In the meantime, edits are to be sent to Jo.

- **ACC Issues:** The one neighbor not responding to an ACC request to remove construction and trash from view of street has not responded to a formal request to do so. Consequently, the Board unanimously agreed to send a fine letter under Article III.B of our Guidelines, Rules and Regulations. Bert will draft the letter for Board member review.

Several other violations have been identified, consisting of a boat stored behind a fence being partially visible from the street, and a split-rail fence needing repair. The ACC will send Courtesy notices to the responsible homeowners requesting they be corrected.

- **Reschedule April Board Meeting.** The April 11th meeting at Mayers has been rescheduled to April 18th.

Meeting Adjourned at 10:02 pm

Respectfully submitted,

Tim Shangraw