

**Bellevue Acres Homeowners Association
Board Meeting Minutes
March 8, 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 members attended, consisting of Diane and Jim Kristie, Mike and Bobbie-Sue Howell, Aaron and Mandie Martin, Gary and Nancy Konwinski, and John and Julie McGrath. Meeting was at the Szymanski residence.

Call to Order

Roger called the meeting to order at 7:00 pm. Note: The date of this meeting was changed from the original date of March 14th, to accommodate schedule conflicts with several Board members. The March 14th date, which was posted on the BAHOA website, was not changed to March 8th.

Meeting Agenda (attached)

General Business

- **Meeting Minutes:** Minutes from the February 7, 2017 Board Meeting were reviewed and approved with one minor edit. Tim will correct the typo and have Calvin post the minutes on the HOA website.
- **Financials:** Account balance as of 3/7/17 is \$21,435.81. To date, 24 homeowners have paid their dues and trash service fees. The remaining 36 are anticipated to pay by March 20th, when dues and fees are due. The account balance includes \$3,961 that are “under-budget fence funds” that are not available for use by the Board. Motion made, seconded, and approved to accept Treasurer’s report.

New Business and Updates

- **Public Comment Howell’s Shed:** Members of the community who attended the meeting shared their positions about relocating the Howell’s shed at HOA expense. The following people spoke:
 - Mike Howell: Mike indicated that the landscaping elements of their Landscape Plan have not been started yet. The Plan calls for planting trees in front of (between the street and the shed), and behind the shed. He will begin installation trees and re-landscaping this Spring. Mike also offered to add additional vegetative screening on trellises in front of and around the shed to help hide it from street view. He stressed that he wanted to be a good neighbor and do what was necessary to keep the peace. But

relocating his shed is not something he is willing to pay for, since the current location was approved by the ACC.

- Gary Konwinski: Gary asked if the shed's location was approved by the ACC, and if so, did it comply with our Guidelines, Rules, and Regulations? Tim responded that the shed was approved by the ACC and its location complies with our Guidelines, Rules, and Regulations. He cited the fourth bullet in Amendment 1 to our 1979 Covenants and Restrictions: *No portion of any outbuilding shall be located forward of any dimension of the primary residence, when viewing the primary residence from the street, or in the case of corner lots, from either street.* Tim explained that the ACC considered the back line of the primary residence as the "dimension" behind which the shed should be located. The shed location complied with this interpretation. All other elements of the Landscape Plan also complied with our Guidelines, Rules, and Regulations. Therefore, the ACC approved the Plan.
- Diane Kristie: Diane disagreed with the Tim's (and the ACC's) interpretation that the back line of the primary residence should be the dimension behind which the shed should be located. Her interpretation of the rear dimension was the furthest corner of the residence as viewed from the street. If an arc is drawn between that point and the eastern property line, with the radial center point being the street, the shed lies in front of the arc. Diane presented a marked-up copy of the Plan to illustrate her interpretation. She also stated that the ACC may not have considered the outlook from adjacent or neighboring properties when approving the Plan. Finally, she stated the shed in its current location, is a detriment to her property value, particularly after having spent \$175k on improvements since they purchased the home.
- John and Julie McGrath: Both expressed displeasure with the current position of the shed and requested the Board "do what is right", which meant move the shed further back at HOA expense.
- Aaron Martin: Aaron also expressed displeasure with the current position of the shed and believed that it didn't comply with Amendment 1. Because of that, he requested the Board pay to have it moved further back on the property.
- On balance, opposing comments were presented at the previous Board meeting on February 7, 2017. They included, but are not limited to, 1) does the HOA have the authority and funding to have the shed relocated? 2) What if other sheds in neighborhood were determined to be "eyesores" – would the HOA request and pay for their relocation? , and 3) what if the new location of Howell's shed is unattractive to other neighbors? Would

that HOA move it again? These and other opposing positions were considered by the Board in paragraphs below.

- Public comment was then closed. The Board then considered the comments/issues raised by the group attending the meeting, plus those raised during the February Board meeting. The Board's positions on the various viewpoints are summarized below:
 - Language in the fourth bullet of Amendment 1 to our 1979 Covenants and Restrictions is ambiguous. **Board position:** Agree.
 - The shed in its current position is very visible from the street and may remain that way, even with completed landscaping. This could detract from property values in the cul-de-sac. **Board position:** This is a possible scenario.
 - The ACC did not consider outlook from adjacent or neighboring properties when approving the Plan. While the ACC is not obligated to do so, it would have been a reasonable thing to do. Previous ACCs considered such outlooks when reviewing previous applications. **Board position:** Agree.
 - Concerns expressed by community members during the February 7, 2017:
 - The shed in its current position is “not that bad” (Calvin Sawkins) and will be further shielded by trees and screens when the Landscape Plan is fully implemented. **Board position:** As indicated above, the landscape plan when fully implemented may only partially shield the shed from street view.
 - ACC approval of the shed location conformed with our Guidelines, Rules, and Regulations based on reasonable judgement of the ACC members. **Board position:** Agree, but the “dimension” language in Amendment 1 is ambiguous and there is room for interpretation.
 - Reversal of ACC approval and correction of a perceived error at HOA expense could establish a precedence for others in the community to revisit/challenge past ACC decisions, opening the HOA to potential future financial obligations. **Board position:** Agree, however, this should be manageable on a case-by-case basis.
 - Sufficient funds may not be available. Based on hard-dollar quotes received by the Howells, the cost of relocating the shed is estimated to be approximately \$3,500. **Board position:** Sufficient funds are available.

- **Action taken by the Board:** After weighing the pros and cons of relocating the Howells shed at HOA expense, the following motion was made, seconded, and unanimously approved.

Request that the Howells relocate their shed to a new location as approved by the ACC, paid for by the HOA, at a cost not to exceed \$3,500 based on estimates in hand.

The Board also agreed that the Guidelines, Rules, and Regulations should be updated to clarify the intent of the fourth bullet of Amendment 1 to our 1979 Covenants and Restrictions, to remove ambiguity regarding the “dimension” behind which an outbuilding should be located. The Board also agreed to update the level of detail required on Landscaping Plans applications to require aerial views of the subject and adjacent properties, street views, and building profiles when an external improvement is proposed. The Board also agreed to update ACC review protocol to require assessment of outlooks from adjacent or neighboring properties. Finally, the Board will look into updating the Rules and Regs for consistency with recent changes to Colorado HOA statutes.

- **ACC Issues:** One homeowner has not responded adequately to a fine notification letter. Bert will follow up with them. Roger will send a violation notice to another homeowner for trash cans stored in front of the house. Eldon and Scott will visit a third homeowner to request they relocate their boat so it cannot be seen from behind a privacy fence. Finally, nuisance complaints have been received about a fourth owner who parks his business vehicles in front of his residence. Eldon will follow up with JeffCo to assess the legality of this activity and determine if anything can be done to correct it.

Meeting Adjourned at 9:30 pm

Respectfully submitted,

Tim Shangraw