

MEMORANDUM (2013- 3-M)

FROM: THE BOARD OF DIRECTORS

FRESHWATER ESTATES PROPERTY OWNERS ASSOCIATION

DATE: September 14, 2013

SUBJECT: BOARD ADMINISTRATIVE RESOLUTION 0_-2013
Architectural Review Procedures and Architectural Standards

WHEREAS, all properties in Freshwater Estates are subject to the covenants, restrictions, and easements set forth in the Freshwater Estates Declaration of Covenants Conditions and Restrictions (Declaration)

WHEREAS, the Virginia Property Owners' Association Act (VAPOA), Chapter 26 Section 55-513, permits the Board of Directors (Board) shall have the power to establish, adopt, and enforce rules and regulations with respect to the use of the common areas and with respect to such other areas of responsibility assigned to the association by the Declaration. The Board may assess charges against any member for any violation of the Declaration or rules and regulations for which the member or his/her family members, tenants, guests or other invitees are responsible.

WHEREAS, VAPOA Section 55-515, conveys every lot owner shall comply with all lawful provisions of the Declaration. Any lack of compliance shall be grounds for an action or suit to recover sums due, for damages or injunctive relief.

The Freshwater Estates Property Owners' Association (FEPOA) Architectural Review Committee (ARC) has prepared architectural review procedures respecting the exercise of its duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby confirms and adopts the architectural review procedures set forth below.

Part I – General

Applicability. All property owners and occupants shall adhere to the architectural standards prepared by the ARC set forth below.

Objectives. The mission of the FEPOA Architectural Review Committee is to ensure conformance with the Freshwater Estates Rules and Declaration specifically Sections: 1 (Residential Use Only), 2 (Size Requirements), 3 (No Temporary Structures), and, 13 (Off Site Sewage Disposal).

Part II – Architectural Review Procedures

A. Residential Homes

The ARC Residential Homes Review is an examination of a lot owner's proposed building plans/blueprints prior to obtaining a Building Permit from Louisa County. An ARC member conducts a review to ensure a lot owner's building plans/blueprints conform to the Declaration and Rules. Results of any review are forwarded to appropriate standing committees where appropriate.

Members, who anticipate building upon their lot, shall contact an ARC member to arrange for a meeting to review prepared plans/blueprints. The ARC member will review, approve, and stamp the plans if found to be compliant with the Declaration and Rules. The ARC member shall then complete and sign the Covenants Architectural Review Approval Form (Approval Form) and provide a copy to the member. The member shall be instructed to carry the Approval Form with the approved stamped plans/blueprints to the Louisa County Building and Zoning Office for the issuance of a building permit. The office is located at 1 Woolfolk Avenue in Louisa, VA 23117, telephone 540 967-0401.

B. Common Area Dock Installation of Lifts and Canopies Review

The ARC Common Area Dock Installation of Lifts and Canopies is a review for approval of plans to install a lift and/or canopy submitted by slip owners located at the Common Area.

Common Area slip owners who anticipate installing a lift and/or canopy shall contact an ARC member to schedule a mutually agreed time and place for the review and approval of submitted plans. The ARC member shall review and stamp the plans if approved. The ARC member shall complete and sign the Common Area Dock Installation of Lifts and Canopies Review Approval Form.

Part III – Appeals from ARC Decisions

Decisions of the ARC can be appealed to the FEPOA Board of Directors. The Board shall ensure that proper procedures were followed during the administrative and review process, that the applicant and any other affected resident were provided a fair process, and that the ARC decision was not arbitrary and did have a rational basis.

1. Applicant. A member who is dissatisfied with a decision of a ARC member may request an appeal by giving verbal notice to the ARC within 48 hours of receiving the ARC decision, followed by a written request within five (5) working days.
2. Affected Residents. Members other than the applicant who are dissatisfied with a decision rendered by the ARC must submit verbal notice within 48 hours after the ARC member has rendered its decision, again followed with a written request within five (5) working days.

Part IV – Enforcement

Members who do not comply with the ARC standards, promulgated by the Declaration and Bylaws, may be assessed charges for non-compliances. In instances where non-compliance is observed or reported, the following enforcement procedures will occur:

The affected member shall agree to a site visit by a member representing the he FEPOA Board and ARC. The property owner will be notified of the violation by certified letter.

Should a member refuse to agree to a site visit, the FEPOA Board shall obtain copies of public records maintained by the Louisa County Government and/or Court Records to assist with its decision making process.

Non-compliance and/or violations not resolved within a 30 day period of the initial violation notice and/or appeal process will result in a second notice to the member sent by certified mail requesting compliance and/or inviting the property owner to the next regularly scheduled Board meeting to discuss the issue at an executive session. A member cannot claim to be exempt from this notification process by refusing to accept the certified letter.

The Board of Directors may schedule a meeting to consider the imposition of charges if a violation is found to have occurred. The Board may assess either a one-time charge of \$50.00 or a charge of \$10.00 a day (not to exceed \$900.00) until the violation is corrected and may initiate legal action to compel compliance with the Declaration, this Resolution, and the ARC procedures.

Members deemed to be in non-compliance with the Declaration, Bylaws and/or ARC procedures prior to the approval date of this resolution, shall be grandfathered and deemed to be members in good standing relative to this resolution.

V. Amendments to ARC procedures

The ARC procedures may be amended to provide clarification or to reflect changing conditions or technology.

Subject to confirmation by the Board of Directors, the ARC may consider and adopt amendments to the ARC procedures contained in this resolution. The Board may submit a request to the ARC to amend the procedures at any time.

The ARC shall review its procedures at least annually.

Members may request additions or amendments to the ARC procedures at any time. Requests or suggestions for amending the ARC procedures must in writing to the ARC. The ARC shall notified the Board of any requests or suggestions received by FEPOA members.

FEPOA members shall be notified of proposed changes to ARC procedures before a duly called Board meeting and published via electronic mailing, FEPOA website, and/or US Mail.

Date

Paula J Staub, President

Attest:

Myrna Bass, Treasurer
William Blanchard, Infrastructure
Duane Sergent, Web Manager

I hereby certify a vote was taken and the Resolution above was adopted by a vote of two-thirds of the Board of Directors at the meeting of the Board of Directors on the 14th day of September 2013.

Terri Reynolds, Secretary

Minutes dated 9/14/13