

Minutes of the Shadow Hawk Architectural Review Committee (SHARC)

Meeting called to order at 8:00pm on 02-Sep-99.

Attendance: Steve Dubravitz, Tom McMahon, Dean Zimmermann

Old Business

Minutes of the 13-Jun-99 meeting were reviewed and approved.

New Business

This meeting constitutes the September monthly meeting and was moved up due to the impending Board of Director's Meeting scheduled for 7:00pm, September 8th, 1999 at Allen & Susan Miglore's home.

The committee discussed letters received from Diane Shook & Geoff Ingram, Russell & Debra Williams, and Peter & Anne Southworth in response to the solicitation for comments regarding the Architectural Guidelines and Clarifications published in July.

Shook/Ingram Letter

This letter called for strict enforcement of the CC&R guidelines and intervention by the Architectural Review Committee as the "Bad Guys". It also speaks out on several situations defined by the writer as violations of the CC&Rs. The committee reviewed each of the concerns represented in the letter.

Lot 20 – Temporary structure and boat in front of home for several months. The committee concurs that this is a violation of the CC&Rs and will request that this owner remove the tent garage assembled in front of the home citing section 4.15 of the CC&Rs and the guidelines which clarify that temporary structures cannot remain for longer than two weeks.

RVs, Boats, Trailers – Given the removal of the above structure, a boat would be required to be removed from the property. However, the committee discussed at length the large number of unscreened RVs, boats, and trailers present in the community. To apply this rule fairly to all, the committee will solicit comments on what constitutes screening. Since it is poorly defined, the screening could potentially appear more objectionable than the vehicles screened. Also, there are properties where screening would have to surround the vehicle entirely to block the view from "any street".

Lot 17 – Section 4.1 – Use of Lots. This section prohibits ALL forms of business or commercial activity, except use as a model home or as permitted by local law in such a manner as to not adversely affect other Owner's use or enjoyment of the Project. The committee has no evidence of use in this regard other than the contents of this letter and has received no statements regarding how this use would adversely affect other Owner's use or enjoyment of the Project.

Lot 17 –Outbuilding – 3.3.f.(7).(c) & (d). The building in question was under development prior to the formation of this committee, however given this complaint, the committee reviewed the plans and design of the structure. The committee finds no violations of the CC&Rs. The owner has utilized a design and character that blends harmoniously with the residence and the natural topography. Also, the structure does not unreasonably interfere with or impair the view or solar access of any other portions of the project.

The letter indicated that many have not completed landscaping in the community. The committee finds it is unreasonable to uphold the landscaping requirement in light of serious water shortages and the significant drought damage to expensive landscaping already in place. The landscaping requirement is temporarily suspended pending a solution to the water shortage.

Williams Letter

This letter called for consistent and equitable application of the CC&Rs, and insightfully states that CC&Rs cannot regulate what they do not define. The committee heartily concurred and reiterated the difficulties of enforcement so far given the vague definitions of the CC&Rs.

The letter pointed out that there is no definition of what constitutes a view, so this letter recommended not overseeing view obstructions.

The letter also indicates that there is no legal basis for regulating water usage.

Finally, the letter addresses RV screening enforcement, pointing out that it must be applied equitably.

Southworth Letter

This letter took a moderate stance indicating that placement of buildings should be reviewed. It also specifically indicates the Lot 17 structure is aesthetically pleasing and that they approve of the structure.

The committee next reviewed several applications for Architectural Review, some of which were previously approved on a verbal basis.

Lot 34 – Vanhoven - Driveway extension

Plans were not included with the application. The owner will be asked to provide plans of the proposed driveway improvement.

Lot 38 – Alhady - Landscaping & fence

The landscaping is approved, however additional review is required concerning the wrought-iron fence.

Lot 29 – Ricketts - Landscaping & enclosed sun-room.

Landscaping and Sunroom approved.

Lot 9 – Liston - Landscaping.

The plot plan indicates an "Agricultural Setback" immediately adjacent to the house. The committee could find definition or regulations concerning this setback. Dean Zimmermann will research with the County Planning Dept.

Lot 11 – Shook – Landscaping & fence

Landscaping and fence approved.

The next SHARC meeting is scheduled for October 10th (second Sunday of October).

Adjournment

Meeting adjourned at 10:00pm