

**BIRCH BAY VILLAGE COMMUNITY CLUB
ARCHITECTURAL CONTROL COMMITTEE
REGULAR MEETING
JANUARY 6, 2015
7:00PM
AT THE CLUBHOUSE
8181 COWICHAN ROAD
MINUTES**

Call to Order: Chairman, Tom Wright, called the meeting to order at 7:00pm.

Roll Call:	Tom Wright, Chairman	Present
	Richard Baer	Present
	Dawn Baker	Present
	Bill Knowlton	Present
	Michael Schmidt	Excused
	Ken Woods	Present
	Valery Anderson, Board Liaison	Present
	Steve Freitas, Operations Manager	Present
	Ken Hoffer, General Manager	Present
	Esther Matter, Office Manager	Present (Recording Secretary)

Minutes:

- **November 4, 2014: Motion** made by Bill Knowlton **to approve the ACC minutes of November 4, 2014 as written**, motion seconded by Dawn Baker and carried.

Business:

- **A) Motion** made by Richard Baer **to approve Project #2015-1-16, Tree removal, Div. 1, Lot 54, 5444 Tsawwassen Loop, Gordon & Dixie Reimer contingent that** a plant is added to the front of the property, motion seconded by Ken Woods and carried.
- **B) Motion** made by Ken Woods **to approve Project #2015-2-16, Fence, Div. 12C, Lot 47, 8144 Kitamat Way, Frances & JoAnne Smitchko** contingent that the fence does not exceed six (6) feet in height, motion seconded by Dawn Baker and carried.
- **C) Motion** made by Richard Baer **to approve Project #2015-3-16, New Home Construction, Div. 4, Lot 4, Comox Road, Marlene Lewis (Herbert & Elizabeth Seils) as submitted** motion seconded by Ken Woods and carried.
- **D) Motion** made by Richard Baer **to approve Project #2015-4-16, Deck replacement, Div. 11C, Lot 33, 8244 Cowichan Road, Michael & Jeanne LaCasse subject to Steve Freitas** verifying the materials being used and the height of the deck does not exceed the current height, motion seconded by Bill Knowlton and carried.

Discussion:

- **The office should consider posting a sign on vacant lots staked for new homes.**

- **Setback regulations:** Whatcom County currently has a 50 foot setback on waterline properties, plus an additional 10 feet. Their frontline setback, though, is 20 feet in cul-de-sacs with less than 16 properties. BBVCC currently has a setback of 35 feet from the waterline and 25 feet from the front. The ACC has made exceptions for extenuating circumstances in the past and the CC&Rs gives the ACC some right to do so. Any changes, though, should be very specific. Since someone submitted a new home request on a property that is effected by the County's setbacks, the ACC was asked to consider allowing a 20 foot setback from the front on properties along the lakes (the rule would only include 9 lots).
 - The change would allow for a five (5) foot relief on these affected properties.
 - The County does not regulate retention ponds, but discussions could be a ways away on whether Kwann and Thunderbird are lakes or retention ponds. Kwann and Thunderbird function as retention ponds but they are referred to as lakes.
 - **AR&R Changes 3.4: Motion** made by Richard Baer **to recommend board approval of the proposed changes (below) to the AR&Rs 3.4**, motion seconded by Ken Woods and carried.

3.4 LOT LINE SETBACKS

The following setbacks pertain to all BBVCC lots except for the rear lot line requirements for lots described in section 4:

- a. Homes ~~on lots (except Division 7) must shall~~ be setback a minimum of twenty five (25) feet from front and ~~those~~ side lot lines that parallel BBVCC streets except as follows: (1) In Division 7 the home minimum setback from the front lot line is twelve (12) feet; (2) In Division 9 lot 118, Division 10 lots 1,2,3 and 12, Division 15 lot 41 and Division 15A lots-1, 40 and 46 the minimum setback from the front lot lines is twenty (20) feet. The maximum height ~~in within the above these~~ setback areas for any ~~type of~~ structures is four (4) feet from the natural ground level.
 - b. The maximum height on lots in setback areas (other than item 3.4.a above) for fences and detached walls and windscreen type structures is six (6) feet from the natural ground level.
 - c. No home or part of a home (except roof overhangs of 18 inches), such as a small cantilevered room, bay window, chimney, stairway, or any other structure may be erected nearer than five (5) feet from any side or rear lot line. Part of a home such as a small cantilevered room, bay window, chimney, stairway or roof overhang may extend up to two feet into the twenty five (25), twenty (20) and twelve (12) foot setback areas of item 3.4.a above.
- **E) Motion** made by Ken Woods **to approve Project #2015-5-16, New Home Construction, Div. 15A, Lot 40, Coquitlam Place, Greg Cosford & Karen Fowler subject that** the board approves the proposed changes to AR&Rs 3.4, motion seconded by Richard Baer and carried.

- **Retaining wall rule change:** Changes were presented to the board and some recommendations were made, but nothing has been decided on. The board will discuss the rule changes at the January regular meeting.
- **AR&R Change 1.5 “Responsibility”:** The proposed change includes regulating County permits and codes. **Motion** made by Bill Knowlton, seconded by Richard Baer and carried **to recommend board approval of the following proposed AR&R changes:**

1.5 RESPONSIBILITY

The ACC is only concerned with overall planning, specific site considerations and aesthetic quality for the contents of section 1.2. In no way shall the ACC confirm assumed geological conditions, structural methods proposed, adequacy of design/engineering, nor the general adequacy or safety of any section 1.2 item that it discusses or reviews. Private property owners or in the case of common property, the BBVCC Board of Directors, are solely responsible for all aspects of their AR&R projects. **Included in the sole responsibility is compliance with Whatcom County codes and permits process, the AR &R and overall management and supervision of their project.**

- **ACC applicants:** There has been a vacancy on the ACC, and now Ken Woods and Bill Knowlton’s terms are expiring. Bill Knowlton requested to extend his term another year, and one of the three applicants was present for questions: Sheryl Jensen.
 - **Motion** made by Ken Woods **to recommend board approval of Bill Knowlton’s one-year extension request, and to approve Sheryl Jensen’s term request,** motion seconded by Dawn Baker and carried. Bill Knowlton abstained. The other candidates will be considered when they are able to attend a meeting.

Adjourn:

- **Motion** made by Bill Knowlton seconded by Richard Baer and carried to adjourn at 7:56pm.