

BBVCC Architectural Control Committee (ACC) Minutes February 15, 2017

BBVCC Clubhouse

Call to Order: Kathy Green, Chairperson, called the meeting to order at **6:30pm**.

Open Forum: public comments regarding the proposed AR&R's changes.

Regular ACC meeting began at 7:15pm

Roll Call:

Kathy Green, Chair –	Present
Ken Woods –	Present
Tom Wright	Present
Bill Knowlton –	Present
Robert Austin-Murphy-	Present
Mark St. Germaine	Present

Also Present:

Ken Hoffer, General Manager
Steve Freitas, Operation Manager
Ann Nydam, recording secretary

Kathy Green stated there would be a change to the agenda, beginning with B, and putting Item A, height variance, last.

Minutes:

- **Motion** made by Ken Woods, seconded by Bill Knowlton and carried to approve the Minutes of January 3, 2017 as written.

Projects:

- **B.** Motion made by Mark St. Germaine, seconded by Ken Woods and carried to approve as submitted, Project #2017-02-27, Deck Board Replacement, Div. 2, lot 64, 8222 Comox Road, Belva & Stephan Lee.
- **C.** Motion made by Ken Woods, seconded by Mark St. Germaine and carried to approve as submitted, Project #2017-03-27, Fence Addition, Div. 4, Lot 75, 8267 Chilliwack Road, Michael Sipe.
- **D.** Motion made by Mark St. Germaine, seconded by Bill Knowlton and carried to approve as submitted, Project #2017, 04-27, Deck Replacement/Patio, Div. 14, Lot 17, 8152 Sehome Road, Michael Tubbs.
- **Public Hearing:** Regarding the Height Variance. After comments were heard, the ACC deliberated the request.
- **A.** Motion made by Bill Knowlton, seconded by Mark St. Germaine, and carried to deny Project #2017, 01-27, Height Variance/Detached Garage, Div. 12A, Lot 6, 8111 Quinault Road, Richard Calef.

Discussion:

Revisiting the project checklists:

- Changes to the draft 3.3.2.1:
 - Change #b to “roofs shall be the same style, color and material as the existing residence.
 - Delete #e.
 - Change #g to read “be designed and sealed by a WA State architect.....”
- Change 3.3.2.3 #a, to read: ‘roofs shall be the same style, color and material as the existing residence.
- On the Major Project Request Form: Section 7. The following changes (in red)
 - a. Square footage of lot
 - b. Square Ft of existing dwelling, it's eves, attached structure and garage/carport.
 - c. Square footage of proposed structure
 - d. Divide ‘b’ by ‘a’. If result > 35% project is not allowed.
 - e. Square footage of all impervious
 - f. Divide ‘d’ by ‘a’. If result. 50% project is not allowed.

Ken Woods will ‘wordsmith’ the draft, send it to the chairperson for review, and then on to the rest of the ACC.

New Business: The ACC and the Board approved a shed for the Clubhouse last year, Ken is requesting an extension. It was recommended that project be resubmitted.

There is an opening on the ACC. A notice will be posted in the March bulletin.

Roads and Drainage representatives will be attending the March 7 ACC meeting.

The ACC would like to see the current Project list at each meeting.

Adjournment:

- **Motion** made by Robert Austin-Murphy, seconded by Tom Wright and carried to adjourn, meeting adjourned at 8:45pm.

Tom Wright suggested having the February Public Hearing comments posted in the February minutes.

Tom Wright made some opening remarks first with regards to Jim Lockie's sudden passing, and Michael Schmidt's health will not allow him to continue on the ACC. So there is an opening on the ACC, an announcement will be placed in the March Bulletin.

Tom also explained a bit of the background as to how this draft copy for changes to the AR&R's came about. Jim Lockie had asked for clarification on larger buildings

being built in BBV. The ACC formed a sub-committee to come up with a draft, and it is that draft that is up for public comment.

- Bob Oram-10A-20-currently has a shed on his property, will this new rule not allow him to request building a garage on his property? The answer was 'NO' , however he might need to have an open hearing.
 - ~~Eric Holmquist – accused the ACC of cronyism, being arbitrary and making up crazy rules. If these new rules are adopted, and class action suit could be filed against the ACC. (Mr Homquist is a renter, therefore not permitted to speak at meetings)~~
 - Dymond Nikon – strange rules in trying to address a detached garage. Why reduce the height, what difference does height make if it's not blocking someone's view. The ACC is just creating another layer of work & fees for the village. Why add an extra burden, why square footage limitations. BBV began as a recreational area, houses now should be taller than 18'.
 - Judy Osman-12C-6 – She read the new rules in the Bulletin and finds them confusing. She feels it should be worded more clearly so anyone who reads them will understand what is being required.
 - Danna Traxler, attorney for Walasek's, 12A-7-says the rules need to be clarified; however she and her clients are in favor of the new rules once they are finalized.
 - Joyce Walasek 12A-7 – she supports the new rules, thinks auxiliary buildings should match the existing house in color, placement on property and be compatible, she feels the wording is good. Should not allow barns on properties.
 - Ken Hoffer, general manager attempted to clarify why this draft came about: It was because of an auxiliary building built back in 2015 that the ACC had approved. There is no wording in the AR&R's for workshops. The Board of Directors wanted clarification on what constitutes a workshop. Rick Calef commented on the 35% rule. If someone has a large lot, they should be allowed to put a large building, besides the house, on that lot. The rules should be consistent and the lot size should be considered.
 - Peter Winterfeld-BBV is zoned for single family residences, and the aesthetic beauty of this area.
 - Bob Oram-these new rules could restrict what some people could build.
 - Dymond Nikon – claims taller homes are what is being required and needed by families these days, why only 18' allowable height?
 - Tom Wright stated the 18' height limit was placed in the Covenants.
 - Ken Davidson – a variance will still be required for really large buildings.
- End of Public Comments for AR&R rule change.

Public Hearing for Height Variance for Div. 12A, Lot 6

- Mick Bride – has been watching the permitting process of BBV for the past 14 years, certain areas in BBV have allowed variances for height, feels Calef property should be allowed a height variance.
- Rick Whitaker – has lived here since 1981, has seen many different structures go up in BBV, some good, some bad, however he is OK with Mr. Calef's request.

- Rick Calef – are there any questions from the ACC? Ken Woods asked where the floor plans were as he had not seen them, he then withdrew his questions.
- Robert Austin-Murphy – why does this building need to be over 18' in height? Mr Calef replied so he could get his car and boat inside to work on them, get them off the street and out of sight.
- Robert – asked Mr Calef if there really was a hardship?
- Mr Calef replied- he's still only using less than 5% of his lot, feels the hardship rule doesn't really apply.
- Robert – are you asking for exclusion from legal covenants?
- ~~Eric Holmquist – upset, claims the ACC is making arbitrary rules.~~
- Mr Calef – if he cannot build to the height he is requesting, what height could he build to? Answer 18'.
- Robert, what sort of roofing material would this building have? Would it be consistent with the existing house?
- Mr Calef replied – said he would prefer to have metal roofing on the house, however he would but the same type roofing material on the building and the same siding as the house, if that is what the ACC would request.

All that is being requested right now is a height variance. (at some point it was mentioned that height variances were only for vacant lots, not for lots with a residence built on it.)

- Danna Traxler – She used the AR&R's and the CC&R's to draft her letter on behalf of the Walasek's, these are binding legal documents that everyone who owns a lot in BBV must adhere to and the Board of Directors should enforce them.
- ~~Eric Holmquist he polled his neighborhood, they don't care if the building is put up, only 1 neighbor is complaining, says a precedence has been set by other variance being allowed.~~
- Mick Bride – The building on Comox, who besides the ACC & The BOD approved it? That particular building sticks out, Mr Calef's place is in the back of the village out of the way, height should not be an issue.
- Tom Kimberly – wanted to be a character reference for Calef, says he is an awesome person.
- Peter Winterfeld- stated ACC members are all volunteers, they do a great job and have a lot to consider.
- Ken Davidson- why is the variance for over 18' only for vacant lots?
- Joyce Walasek – several lot owners had similar problems with needing a place to put extra stuff and knew they could not put a large building on their lot, so they rented off-site places, or built to ACC guidelines. The bottom line, they solved their problem. If this building is allowed, they would have a wall to look at
- Ken Hoffer – The original developers allowed a lot of stuff to sell lots. The 18' height was established by the developers, and there is no precedence setting with variances, they are decided on a case by case basis. There is nothing arbitrary about what the ACC decides, they follow the rules.

End of Public Comments