

Architectural Control Committee

Guenter Ihrig, Tommie Plank, Greg Lovato, JoAnne Hilton-Gabeler

Requested Issues for Review

May 11, 2020

First and Foremost Step: Review the Declaration of Covenants, Article VI: Architectural Control

1. Issue: Compromised Quad concrete and dirt underpinnings:

“The West end of the driveway at 16832/16838 (Kinnaman/ Rubinstein) Buffalo Valley Path is experiencing the same problem that was reported at Daryl Richmond/now Greg Lovato house/driveway (16940 BVP) in 2019. (see photos).

The ground supporting the driveway has eroded and the driveway has begun to bow. Extra weight (trucks over the one ton limit Governing Documents restriction needs to be enforced?) could be dangerous.

The concrete needs to be mud jacked as quickly as feasible. It will also need some back filling and drainage repair.”

This is our first opinion from Guenter Ihrig. As a Committee please review this issue and

1. comment on possible resolution and any or different steps the HOA needs to take.
2. explore the (now fixed) similar situation at 16940/16934 BVP. Consider whether this might be an ongoing issue with all West Side quads...or just some.
3. consider the appropriateness of putting up “No Trucks” signage for the quads and East Side driveway? If appropriate, what should the signage say exactly and where should they be placed?

2. Issue: Common Area Walkway (between 16856/16850 and 16862/16868 BVP)

It appears from observation and conversations with folks involved that the broken concrete walkway was created and placed there, in the **Common Area**, between the Units by an Owner as his personal project. There are several overt as well as underlying issues with this. Here’s some information, to the best of my knowledge and reports from Owners and contractor(s).

1. The area between these units is Common Area (CE), insured and maintained by the HOA.
2. The “walkway” is not on Limited Common Element/Area (LCE) property.
3. The Owner says he had approval from prior Board members to place this path there, but no minutes or other documentation exists to support that-and the Owner admits he is sure there were none and that such approval didn’t come in a Board meeting.
4. The concrete used was junk concrete delivered to the spot by contractors the HOA hired for repair work elsewhere in the Village. The junk concrete was, at that time, HOA property and removed by the HOA contractor to be relocated at the site of the walkway at the personal request of the Owner...for his personal project...to be erected on HOA property.

5. At the point the walkway was constructed (unknown who or which actually completed the task) its construction, evidence and safety were now under the HOA's list of responsibilities to the Owners and the public. HOA insurance would be needed to insure and cover.

6. The landscaping done at the site (medium and large rocks, any grass) was altered and the terracing at the back of the now walkway was adjusted to allow "steps", with a strong rise.

7. The walkway was erected to end at the Owner's LCE gate and yard.

What the ACC should discuss is:

- What to do about a personal, DIY project that was erected on CE land? That now is HOA property? That is now HOA liability?
- Consider the aesthetic value of such a walkway? See photos
- Consider the necessity of asking our insurance to insure a broken concrete walkway that is not-to the naked eye-safe?
- HOA Covenants were broken when the Owner erected said walkway. See **Declaration of Covenants, Article II, Section 2.2.**
- Should the walkway be removed?
- If removed, should the Owner bear the cost of removing the concrete and returning the land to its original landscape?

3. Deck Staining Request: Owner wants to use different color stain

Tom White (16922 BVP, renters are Rich and Monica Ramey) is having our handyman stain his deck and has submitted a different color stain option than the others (which are redwood, specifically).

Please review and compare this color to the others and see if it might "blend" well with the aesthetics of the community. Approve or Disapprove.

JoAnne

Architectural Control Committee Meeting Report May 30, 2020

Ref: Requested Issues for Review from JoAnne Hilton-Gabeler
of May 11, 2020

ACC meeting May 21, 2020 Attendance: Guenter Ihrig, Tommie Plank, Greg Lovato, JoAnne Hilton-Gabeler

The following issues were discussed @ May 21, 2020 ACC meeting:

- 1) **Compromised Quad concrete and dirt underpinnings -west end driveway @ 16832/16838 Buffalo Valley Path**
 - The ACC concurred that mud-jacking would most likely be an appropriate repair that would also entail some backfill and drainage repair by HOA as soon as reasonably feasible.

- Could possibly be due to excessive vehicular weight though most likely poor drainage, void/s, or poor compaction under concrete contributed as well.
- It's also been brought to the ACC's attention that rebar was never utilized and therefore a weight/weight limit concern.
- Maximum 1-ton vehicle payload limit would be allowed and appropriate signs to be posted at each driveway restricting heavier traffic.
- Signs were since ordered/received and Guenter Ihrig has appropriately mounted/erected signs at all driveway access points East and West sides.

2) Common Area Walkway between 16856/16850 and 16862/16868 Buffalo Valley Path

- The ACC concurred that it appears the walkway lies within Common Area (CE) that is insured/maintained by the VAM HOA.
- The walkway is not on or considered a Limited Common Element (LCE) property.
- Supposedly the owner who constructed or ordered the construction of the walkway had verbal (former) board approval and there is no record of board decision, minutes, etc. to prove otherwise.
- The concrete appears to be of reclaimed nature from prior use as a sidewalk and does not fit in with the VAM Neighborhood.
- Questionable safety was also discussed.
- Questionable changes/alterations of drainage were discussed.
- Ultimately, due to the question of the walkway being constructed on Common Area (CE) property w/o proper approval from previous board/board member(s) or possibly the VAM Neighborhood, the walkway would/should be removed by the person responsible for its original construction. Further discussion June 10 at regular board meeting and a minimum of 30 days to arrange and remove would be reasonable.
- If removed the owner or person responsible for walkway construction would also bear the cost of removal and any change of previously disrupted landscape due to walkway construction.

3) Deck Staining Request: Owner wants to use different color stain

- Deck stain color Behr Premium # SC-146 Cedar submitted to the board digitally appeared to be very tan in appearance.
- I (Greg Lovato) would meet with the owner to discuss the color and our concerns.
- I met with Mr. Tom White (owner) on May 23rd and he simply thought the color he had suggested was simply a guess that would probably look okay w/o physically comparing sample to existing house color or simply seeing a live swatch vs digital representation. He had brought a live sample sheet of Behr Premium stains and we had the opportunity to compare colors directly with the house color. Tom White and I agreed on color SC-142 Cappuccino (a tan color with reddish hues) and he was advised that it was a tentative -Yes- to go with agreed upon color, though, I would gain further approval through our other ACC members and Joanne. I met with Guenter immediately following visiting with Tom White and then sent pictures of the colors to the ACC (Tommie Plank) and Joanne Hilton-Gabeler, board president. All were in favor and Tom White began the repair/staining process ~ 3 days later via contractor. To date the deck color looks very good.

Respectfully submitted,
Greg Lovato, VAM HOA Member-at-Large, ACC Chair

GDL

Guenter Ihrig

Tommie Plank

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