

11. Board Resolutions On ARC

11.1 Appeals

Any decision and or fines issued by the ARC may be appealed to the Board of Directors. Where discrepancies exist between these Guidelines and the most recent Amended Covenants and Restrictions, the Covenants shall take precedence.

A. When the contractor or lot owner and the ARC cannot agree on an issue, the contractor or lot owner must prepare a written statement indicating the areas in dispute and the resolution being sought. The property owner shall appeal the ARC ruling to the POA Board of Directors. The President of the POA Board of Directors will schedule the appeal to be heard at a special or regular meeting within 30 days or receipt of the written appeal request.

B. The Board shall invite the ARC Chairperson or other members of the ARC and the lot owner(s) to the appeal hearing session with both having prepared written statements and ready to discuss the matter and answer any questions the Board might have in helping it to reach a decision.

1. A special meeting of the Board of Directors shall be called for the purpose of hearing and deciding the appeal. The Board President shall notify the ARC chairperson that the issue has been appealed and to prepare a written basis for the ARC's ruling indicating the specific covenant or guideline that prohibits the ARC from approving the lot owner's request. The meeting shall be open to POA members but at least the Architectural Review Committee chairperson and the property owner shall be in attendance.

2. The decision of the Board of Directors shall, within 30 days of the appeal hearing, be made in writing and presented to the lot owner and the Architectural Review Committee chairperson. The decision shall be made part of the record of the next regular meeting of the Board.

C. Once decided, the ARC will follow the project to its conclusion through all usual procedure. The ARC will issue a POA Building Permit or issue a Certificate of Completion for the project according to the areas covered in the Board appeal decision and the Architectural Review Committee Building Guidelines.