

Thursday November 5th, 2009

ARC Approval Appeal:

HOA Board,

This is a formal appeal of the decision made by the ARC to approve plans for the furnace / chimney pipe constructed at 763 Kio Court. As stated from the Community meeting on 11/4/2009 the result of the submittal was that it was approved with the exception that it be painted the same color as the existing home.

According to the Watkins Farm Covenants Article V section 4 as homeowners we have the right to appeal the approval of this submission within (30) days. "If the Architectural Review Committee approves or denies a request for architectural approval (whether by original decision or an appeal) then any Owner shall have the right to an appeal of such decision to the Board of Directors, upon a written request therefore submitted to the Board of Directors within thirty (30) days after such decision by the Architectural Review Committee."

4. Vote and Appeal. A majority vote of the Architectural Review Committee is required to approve a request for approval, unless the Committee has appointed a representative to act for it, in which case the decision of such representative shall control. In the event a representative acting on behalf of the Committee approves or denies a request for architectural approval, any Owner shall have the right to an appeal of such decision to the full Committee, upon a request therefor submitted to the Committee within thirty (30) days after such approval or denial by the Committee's representative. If the Architectural Review Committee approves or denies a request for architectural approval (whether by original decision or an appeal) then any Owner shall have the right to an appeal of such decision to the Board of Directors, upon a written request therefor submitted to the Board of Directors within thirty (30) days after such decision by the Architectural Review Committee.

According to Article IX section 8 sub-section C there are no cooling or heating apparatus permitted on a roof and no such apparatus permitted elsewhere on a lot, except when appropriately screened.

(c) No types of refrigerating, cooling or heating apparatus shall be permitted on a roof and no such apparatus shall be permitted elsewhere on a Lot, except when appropriately screened from view, and except for residential solar systems approved by the Architectural Review Committee or as otherwise permitted in guidelines, rules or regulations promulgated by the Association.

We do not feel that painting this heating apparatus is appropriate screening where an enclosure above and below the roofline would constitute appropriate screening.

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Greg Lewallen

Greg Lewallen signed 11/5/2009

Larry Lewand
Larry Lewand

Becky and Larry Roberts Becky & Larry Roberts
11/5/2009

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