



NRC Report to the BCA Board of Directors

October 4, 2010

The NRC meeting held on Sunday, September 26 was attended by 19 NRC Reps representing approximately 784 households and 10 individual residents. As you might imagine, most of the conversation among the meeting attendees dealt with approval of the mailbox unit. The most resounding concern was not the design or cost of the unit but rather the process leading to the design's approval.

After the Board approved the mailbox unit design at its September 7 meeting, I asked Staff for a copy of the technical specifications and drawings of the mailbox so the NRC could begin a movement to encourage residents to update their units. I was surprised to learn approximately two weeks later during a MPOC subcommittee meeting that the BCA did not own the approved design and that the mailbox unit design was owned solely by the vendor who would then be the "single source vendor". Based on previous feedback from the NRC Reps, I suggested that this "single source vendor" positioning might create a legal liability for Brandermill. My subcommittee colleagues told me that this potential liability issue was beyond the scope of the subcommittee and that it should not to be in its written report, but rather it was more appropriate if I were to broach the issue during Member Voice.

At the September NRC meeting as well as at previous NRC meetings, Reps did bring up the "single source vendor" issue and asked other questions such as:

- Since most curbside residential mailbox units are located in a VDOT right-of-way, can the BCA mandate work to be performed in that area?
- Can the BCA mandate mailbox changes without violating its own Section 2.4.2 "Provides for Architectural Control of the Residential Design" of the 2007 Residential Design Standards (page 9), which states in part that "This paragraph shall not apply to any property utilized by a governmental entity or institution."

Because of these and other potential liability concerns, the NRC unanimously approved the motion that the "process undertaken by the BCA Board of Directors to approve the new mailbox design be reviewed." We would hope that this will be done before implementation begins.

At this point, I believe residents are awaiting for the BCA Board to form the 100-resident committee as announced on Channel 12 News at 11 p.m., Friday, September 23 to discuss the mailbox issue.

President Rowe is correct in her comment during the Draft Budget discussion at the September 7 meeting that some residents may view the replacement cost of the mailbox units as a type of “assessment”. With the Board authorizing the Finance Committee to present a 2011 draft budget with an 4% assessment increase, some residents will view the total assessment for 2011 to be closer to 14.6%. This raises a question of why is an assessment increase necessary? We hope that the functional budget to be presented next week will have statements of P&L and balance sheet.

Three 2010 MPOC projects were displayed on a table in the meeting room: (1) Landscaping of Front Entrance at Hull Street and Old Hundred Road, Millridge Parkway from Old Hundred Road to Court Ridge, and Back Entrance at Old Hundred Road and Brandermill Parkway, (2) The Landing Spruce-Up, and (3) Children’s Garden at Nuttree Park. Most residents felt there needed to be more detail shared on each of these projects, and in particular, residents asked if and when they would be notified of these projects prior to their coming on-line.

Respectfully submitted,

Mamie McNeal, NRC Chair

2.0 LEGAL RESTRICTIONS ON PROPERTY IMPROVEMENTS

2.1 COMPLIANCE REQUIRED

2.1.1 Property Owner Responsible: Any permanent or semi-permanent building, deck, patio, driveway, or other constructed site improvement in Brandermill is affected by certain legal restrictions of the state, county, and the Brandermill Community. Each property owner who is making an improvement to their property is responsible for compliance with these requirements. These requirements are summarized below.

2.2 UNIFORM BUILDING CODE - COMMONWEALTH OF VIRGINIA

2.2.1 Regulation of all Buildings: All structures for human use or occupancy are subject to regulations of the State Uniform Building Code for safety. This includes all houses, garages, sheds, additions, porches decks, retaining walls, swimming pools and also commercial structures. Interpretation, enforcement and review of structures occurs at the local government level - Chesterfield County Building Department.

2.2.2 Interpretation by Chesterfield Building Department: The Community Architect can answer general questions about building code requirements, but is not qualified to make legal interpretations of the code. Property owners are responsible for compliance with this code. It is recommended the building department be contacted directly with specific questions.

2.3 ZONING CODE - CHESTERFIELD COUNTY

2.3.1 Regulation of all Property Improvements: All improvements to property in Chesterfield County must conform to the zoning code with respect to their intended use, building setback requirements, floor area and building height. These requirements vary by zoning district. Brandermill, which is a mixed use development, also has some special zoning exceptions granted by the County. All applications for building permits are referred to the planning department for zoning review prior to issuance of a building permit.

2.3.2 Interpretation by Chesterfield Planning Department: While the BCA can often answer questions about the zoning requirements in various neighborhoods, they are not legally responsible for interpretation or enforcement of the zoning laws. Specific zoning questions should be addressed directly to the Chesterfield County Planning Department.

2.4 DECLARATION OF COVENANTS AND RESTRICTIONS - BRANDERMILL

2.4.1 Legal Agreement Between Property Owners: This document, which will be referred to as "the Covenants" is a legal agreement between all property owners in Brandermill which provides for a community association and gives the Association certain powers. It also, by agreement, establishes restrictions on the use and development of all property of Brandermill to protect the character and environmental quality of the community for the benefit of the members.

2.4.2 Provides for Architectural Control: One essential component of this agreement is the establishment of Architectural Control. This provision is made and described in Part I of the General covenants, which is reprinted here:

"No building, fence or other structure shall be erected, placed or altered nor shall a building permit for such improvement be applied for on any property in Brandermill until the proposed building plans, specifications, exterior color or finish, plot plan (showing the proposed location of such building or structure, drives, and parking

areas), landscape plan the pollution control plan described in paragraph 2 of Part II, and construction schedule shall have been approved in writing by the Association, its successors or assigns. Refusal of approval of plans, location or specification may be based by the Association upon any ground, including purely aesthetic conditions, which in the sole and uncontrolled discretion of the Association shall seem sufficient. No alteration in the exterior appearance of any building or structure shall be made without like approval by the Association. One (1) copy of all plans and related data shall be furnished the Association for its records. In the event approval of such plans is neither granted nor denied within thirty (30) days following receipt by Association of written demand for approval, the provisions of this paragraph shall be thereby waived. This paragraph shall not apply to any property utilized by a governmental entity or institution."

2.4.3 Additional Covenants: In addition to this general covenant, specific covenants control the development of residential property in Brandermill.

2.4.4 Interpretation by ARB: The Architectural Review Board is charged with the responsibility of interpreting the intent of the covenants; i.e. "...The harmony and compatibility of [a structure's] external design and location, with the surrounding structures and topography,..." for this purpose the ARB has initiated these design standards.

2.5 RESIDENTIAL DESIGN STANDARDS FOR BRANDERMILL

2.5.1 ARB Policies and Criteria: These Design Standards are a written composite summary of the ARB's policies and criteria related to architecture, materials and finishes, siting, landscaping and site improvements for all residential properties in Brandermill.

2.5.2 Fifth Edition: This document replaces the original "Design and Environmental Guidelines" which were written by the Developer at the incorporation of Brandermill in 1974 and all previous editions of the "Brandermill Residential Architectural Standards".

2.5.3 Interpretation by ARB: The Brandermill Architectural Review Board shall judge compliance with these policies in questions of appearance, aesthetics, or infringement by design upon the rights of other residents. The ARB reserves the right to require modifications to proposed designs including deletion, addition, or relocation of design elements in order to achieve compliance with these policies.

2.5.4 Amendments: The Board of Directors reserves the right to modify, add to, or delete from any specific section of the guidelines by adoption of written amendment at any regular Board of Directors meeting without providing prior notice.

2.6 WATERFRONT PROPERTIES

2.6.1 BCA Shoreline Buffer Policy: All Waterfront properties are subject to this policy which controls clearing and other improvements that can be made on waterfront common areas. Go to www.brandermill.com and click on "Documents" to review the policy and amendments. This policy document is also available at the BCA office.