

To All Woodside Village Co-Owners

In recent years, some co-owners in Woodside Village have taken actions to make alterations either to their own property or, in some instances, to the common elements of the site condominium, without obtaining approval from the Woodside Village Architectural Control Committee (ACC). Some of this may have occurred because the co-owners were unaware of the requirements of the Woodside Village bylaws or State law respecting wetlands or had an inaccurate idea of their lot lines.

It is the intent of the Board of Directors to assure that alterations conform to the standards of the ACC, both in maintenance of the appearance of property, in assuring that common elements are not “appropriated” by co-owners, and in assuring that the wetlands in Woodside Village are not disturbed.

The existing violations of ACC standards and WVCA bylaws should not be viewed as precedents for future actions of a similar nature. Significant penalties may be imposed for such violations and all co-owners must be aware of their responsibilities to the Woodside Village community to avoid sanctions.

It is the purpose of this communication to help Woodside Village co-owners understand their responsibilities as members of our community to keep our subdivision an attractive and desirable place to live.

Woodside Village is a Site Condominium. As a site condominium, Woodside Village is made up of “units,” which are the residences and their lots, and “common elements,” which is basically everything else—the large central park and the walkways, the ponds, the roads, the sewers, the utilities, the wooded areas not included in the lots, and so on. Unlike a conventional platted subdivision, a site condominium entails governance that places limits on the appearance of the units and the uses to which they may be put. The key component in assuring that the appearance and uses of the units conform to the standards of the condominium as expressed in the Association Bylaws is the Architectural Control Committee (ACC), which is appointed by and responsible to the Association Board of Directors.

The ACC is tasked with assuring that the units comply with the Bylaws and ACC standards for the following:

Appearance of the Units.

- *Exterior appearance of the residence.* Interiors may be configured and decorated in virtually any way the co-owners wish, subject only to local ordinances and building codes. The exterior of the residences may not be substantially altered without approval of the ACC. This means that if the house is to be a different color, or windows changed, or an addition made to the house, such as a deck or a porch, ACC approval must be obtained in advance. Approval is not required if the change does not alter the appearance of the house.

The ACC may also require co-owners to take action to maintain their homes by, for example, repairing roofs, gutters, windows, or driveways or replacing non-functioning exterior lights.

- *Appearance of the lot.* Only plantings and decorations, such as rocks and boulders, approved by the ACC may be placed on the unit property and, once approved, may not be removed, or replaced by different components without further approval of the ACC.

As with housing exteriors, the ACC may require co-owners to take steps to maintain their property by keeping lawns mowed, shrubs trimmed, and so on.

Requirements for the Common Elements.

As the designation suggests, common elements are those parts of the site condominium held in common by the co-owners. Consequently, any alteration of the common elements must receive approval of the ACC and/or the Board, and in some circumstances, even the ACC or the Board may not approve a proposed change.

The Woodside Village Condominium Association Bylaws provide that:

No Co-owner shall perform any landscaping or plant any trees, shrubs or flowers or place any ornamental materials, including but not limited to statuary, furniture, implements, rocks or boulders, fencing or other decorative items upon the Common Elements unless the same is approved by the Association's ACC in writing.

In other words, if the unit and/or the common elements can be enhanced by changing the landscaping, it may be done, but only with ACC approval.

The common elements may not be appropriated for private use by any co-owner.

Wetlands.

A separate issue involves wetlands. A significant portion of Woodside Village, in both the units and the common elements, is classified as wetlands. Most of the wetlands in Woodside Village are situated on the perimeter of Woodside Drive and in the adjoining courts. Wetlands are deemed by the U. S. Environmental Protection Agency and the State of Michigan to need protection and wetland use is generally subject to determination by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and alteration requires a permit from EGLE regardless of Woodside Village Association determinations.

Presence of a wetland on a property in Woodside Village has two consequences: First, the wetland may not be filled or altered in such a way as to change its drainage pattern (State law). Second, the requirement for a lawn in the area occupied by the wetland is suspended (Woodside Village bylaws).

Unfortunately, a precise delineation of wetland boundaries in Woodside Village has yet to be performed. A wetlands map of the area bounded by 5-Mile Road, Haggerty Road, 6-Mile Road, and Northville Road is available from EGLE, but it comes with a disclaimer stating that it is only approximate and that an onsite determination would be required to identify wetlands on a specific property. Nevertheless, a large portion of the area shown in the EGLE map, including Woodside Village, is identified as wetland. This should alert many of the co-owners that altering their property may not be legally possible.

Future Actions.

The Woodside Village Bylaws and the rules of the Architectural Control Committee have been established with the intent of maintaining Woodside Village as an attractive place to live. The name “Woodside Village” is not only a developer’s designation, it is also an apt description of our neighborhood with its many trees, both ornamental and native. It is, in part, the goal of the Association to assure that that the wooded character that distinguishes Woodside Village is retained.

That is not to say that alterations cannot be made. There may be legitimate reasons, chief among them safety, that trees should be taken down or replaced, whether in the units or the common elements. The Association Board of Directors and Herriman and Associates are willing to entertain such changes by 1) helping to determine lot lines and 2) obtain information and advice both from the Michigan Department of Environment, Great Lakes, and Energy and from Northville Township.

Once a change to a common element or, especially, a wetland is made, it frequently cannot be undone. Please let us help you avoid a situation that can result in lasting damage to our natural surroundings.

If you have any questions concerning an alteration that you might be considering, call Mark Heppner of Herriman and Associates at (734) 459-5440 or email at mheppner@herriman.net.