

Committee of Architecture Appeal Procedure

Any member of Spring Creek Association aggrieved by a decision made by the Spring Creek Association Committee of Architecture regarding a zoning change, variance, conditional use permit, home occupation permit, boundary line adjustment or nuisance may appeal the decision, within thirty (30) days of the date the Committee of Architecture's final decision, to the Board of Directors of the Spring Creek Association. The Notice of Appeal shall be filed with the Spring Creek Association Administrative Office

The Notice of Appeal shall be in writing and shall specify the grounds for the appeal. A form for the Notice of Appeal is attached herewith and forms shall be available at the Spring Creek Association office. There shall be a \$250.00 fee for filing an appeal.

Upon receiving a Notice of Appeal, the Board of Directors shall set the matter as an action item on the agenda at a subsequent Board of Directors meeting. The Spring Creek Association shall give notice of the time and place at which the appeal hearing will be held to the original applicant, to the appellant if different than the applicant, to the Committee of Architecture, and to any other person requesting such notice and depositing with the Spring Creek Association Secretary a self-addressed stamped envelope for that purpose. The Spring Creek Association shall also mail notice to the thirty (30) closest property owners at least 10 calendar days in advance of any appeal hearing. All notices shall be sent via regular first class mail.

The original applicant and the appellant must attend the Board of Directors meeting for which the appeal has been placed on the agenda.

The Board of Directors shall be provided with all the documents, evidence, and information which was submitted to the Committee of Architecture. The Committee of Architecture shall submit the documents to the Board Secretary within ten (10) days of the Notice of Appeal being filed. These documents shall constitute the record for the appeal. The Board of Directors will be bound by the same information that was submitted to the Committee of Architecture at the time the original hearing was held, along with the appellant's Notice of Appeal. The Secretary of the Committee of Architecture shall sign a form certifying that the contents of the record on Appeal contain only the information previously submitted to the Committee of Architecture.

The Board of Directors shall not be permitted to use any additional evidence or knowledge in their consideration of an Appeal from the Committee of Architecture. Any Director with additional knowledge of the specific facts of an appeal shall not share any additional information or knowledge that was not presented to the Committee of Architecture with the any other Director. The Board of Directors shall be unbiased in it's review of the Appeal.

At the appeal hearing, the appellant shall be heard first and shall set forth appellant's reasons for the appeal. Any person wishing to respond to the appellant's appeal will

then have the opportunity to respond, and further public comment will be taken, after which the appellant may present any rebuttal argument, which will be the final input received by the Board of Directors. The Board of Directors will then close the record and begin Board Comment and deliberation. There will be no further public comment after the record is closed.

The Board of Directors, at the conclusion of the hearing on any appeal submitted based on a decision of the Committee of Architecture, may sustain, modify, or overrule the action of the Committee of Architecture, or may refer the matter back to the Committee of Architecture for further proceedings. If the Board of Directors determines that it appears necessary for a clear understanding of the issues that it hear additional evidence not presented at the hearing before the Committee of Architecture, it shall request that such evidence be provided and that the matter be remanded to the Committee of Architecture for further consideration prior to the Board of Directors making a final decision. The final decision of the Board of Directors on any such appeal shall be effective forthwith.

Any additional information which is presented to the Board of Directors which was not submitted to the Committee of Architecture will not be considered and should not be included, as it may delay any decision made by the Board of Directors. Please refrain from including any additional information other than what was submitted to the Committee of Architecture.

The Board of Directors decision shall be the final decision for the purposes of any Committee of Architecture Appeal action.

File Date: _____

**SPRING CREEK ASSOCIATION
NOTICE OF APPEAL OF
DECISION OF COMMITTEE OF ARCHITECTURE**

Appellant:

Physical Address:

Mailing Address:

Telephone Number:

APPELLANT'S NOTICE OF APPEAL

1. State the date of the Decision of the Committee of Architecture from which you are appealing. _____

_____.

2. List all dates which the Committee of Architecture held hearings regarding this issue. _____

_____.

3. State your relationship to the Decision of the Committee of Architecture (i.e. original applicant, neighbor, etc.). _____

4. State the specific decision of the Committee of Architecture that you are appealing. _____

5. What did you ask the Committee of Architecture to do? _____

6. What issues are you raising on appeal? What do you think the Committee of Architecture did wrong? _____

7. What do you think the Committee of Architecture should have done and why?

8. List any other details that you believe the Board of Directors should know about your case. Please limit all information to facts/testimony that was presented to the Committee of Architecture. _____

I acknowledge that any additional information which is presented to the Board of Directors which was not submitted to the Committee of Architecture will not be considered and should not be included, as it may delay any decision made by the Board of Directors.

Date: _____

Signature of Appellant

Printed Name of Appellant

File Date: _____

**SPRING CREEK ASSOCIATION
COMMITTEE OF ARCHITECTURE
CERTIFICATION OF
RECORD ON APPEAL**

Appellant's Name:

I, _____, Chairperson of the Spring Creek Association Committee of Architecture hereby certify that I have not submitted to the Board of Directors any additional information or documents other than what had been submitted to the Committee of Architecture previously.

Dated this ___ day of _____, 2____.

Chairperson
Committee of Architecture