

Shorewood Hills Property Owners Association Property Modification Guidelines and Approval Process

The association's governing bylaws and deed restrictions require association approval before a member may make a physical improvement or significant modification to the exterior of the member's property or to common area. The SHPOA has adopted an architectural application and approval process for members to utilize, and to assist the association in administering its architectural standards.

The key question is, "What types of modifications require approval, and which ones don't?" In general, the overarching guideline for Shorewood Hills POA is to follow the same guidelines and restrictions as enacted by the members' township of residence for external modifications or additions (West Bloomfield Township or Bloomfield Township). This means items such as fences, pools, addition or removal of square footage to a home, secondary structures, etc. all will require approval in the respective townships' regulations and ordinances. The respective township approval boards will usually seek to confirm HOA approval has been received as part of their review checklist. Therefore, they should also first be reviewed by the SHPOA before seeking township approval.

Examples of exceptions to this general rule:

- Modifications exclusive to the interior of the home – such as removal or addition of interior partition walls, renovation of kitchens, bathrooms, basement finishing, window replacement.
- Modifications exclusive to the Electrical system of the homeowners' property
- Modifications exclusive to HVAC systems
- Modifications exclusive to the plumbing systems which do not significantly impact the SHPOA water supply system.

Each of these modification types typically will need only township approval as part of the contracting and permitting process.

The responsibility for reviewing and approving or disapproving a member's architectural application is commonly delegated to an Architectural Committee that is separate from the board, as defined in the SHPOA bylaws.

Procedural Requirements

When reviewing and approving or denying a member's architectural application, the association must provide a fair, reasonable and expeditious procedure for making its decision. That procedure must:

- Be included in the association's governing documents (i.e., in its CC&Rs (Covenants, Conditions and Restrictions) or operating rules);
- Provide for prompt deadlines; *and*
- State the maximum time for the association to issue a response to the member's architectural application or a request for the board to reconsider a disapproved application.

The association will provide its members with updates of its architectural approval requirements. The notice will include general guidelines for size, location and

appearance changes that require association approval, and include a copy of the association's architectural application and approval process, as provided below.

Decision Requirements

Any decision regarding a member's architectural application must:

- Be made in good faith and not be unreasonable, arbitrary or capricious.
- Not be in conflict with any "governing provision of law" (e.g., Fair Employment and Housing Act, building codes, laws governing land use or public safety, etc.). *and*
- Be made in writing.

If an application is disapproved (rejected), the written decision must include both an explanation of why the application was disapproved and a description of the procedure through which the member may request reconsideration of the decision by the board.

Specific notes related to playstructures: Approval is required for structures which will exceed a 15' x 15' footprint and 15' height limits. Placement restrictions of the appropriate township still apply.

Disapproval & Reconsideration (Appeal)

Where a member's application is disapproved, the member is generally entitled to reconsideration by the board at an open meeting of the board. However, if the initial disapproval of the application was made by the board or a body that has the same membership as the board at a duly held board meeting, no reconsideration is required. If the application is disapproved both by the Architectural Review team and the SHPOA Board, the member can request that the proposal be added to the agenda for the Annual General Meeting, and assuming a quorum is achieved for that meeting, approval could be given by way of simple majority vote at the Annual General Meeting.

Scope of Approval Powers

The association's architectural committee and board do not have the authority to approve the construction of improvements which are expressly prohibited by the provisions of the association's CC&Rs. Where the improvement is not expressly prohibited by the CC&Rs or other provisions of the association's governing documents, approval will often depend upon (a) whether the improvement is aesthetically harmonious with surrounding structures and (b) whether it will pose a burden on neighboring owners or the association.

Process

1. Download or request the necessary permit application from the appropriate Township. Complete the appropriate application form, and attach any necessary backup documents such as a mortgage survey, sketch or plan for the structure, fence or pool, etc.
2. Submit the forms to the Architectural Review Committee by emailing them to the Board Liaison (see Board of Directors page).

3. The SHPOA Architectural Committee will convene a review (in person or online) within 2 weeks of the submittal, and provide the applicant with either:
 - a. Request to the homeowner applicant for further information (i.e. photographs of the existing area, drawing clarifications, etc.)
 - b. Proposal for a meeting with the homeowner applicant to discuss the proposed modifications and clarify any unclear points.
 - c. Written approval
 - d. Written rejection
4. The Homeowner/applicant will then submit the application for approval to the appropriate township review board.