

Welcome to Fall

Greetings neighbors. It's that time of year again when the leaves are changing, pumpkins are carved, and kiddos are counting down the days to trick-or-treat. Our neighborhood trick-or-treat will be officially observed on Halloween night, Monday, Oct. 31. While Top of Skyway youngsters are out enjoying this seasonal treat, we urge motorists to use extra caution, especially on neighborhood streets where children could dart out unexpectedly. We encourage parents to accompany their kiddos and meet your new neighbors. It's bound to be a spooky and fun evening!



MEET YOUR NEIGHBOR Meet Tiffany and Brian McCormick

Tiffany and Brian recently moved into the Top of Skyway neighborhood. They met almost 13 years ago, when they both lived in Vail. Since then, they have gotten married, traveled the world, lived in Florida, Washington DC and, most recently, Chicago. They decided to move back to Colorado and settled here in our neighborhood last Spring!

Brian oversees the HR department at The Broadmoor and Tiffany is a meeting and event planner for Constellation Brands. They both love hiking, cooking, traveling and biking. Tyler is their adorable 10 month old little boy.



Popular Q&A

Q: My neighbor has a trailer parked on his driveway. I don't want to confront him directly. So, I keep waiting for the ACC to say something, but nothing seems to be happening. Why isn't the HOA doing its job?

A: Per our policy manual, TOSHA and the ACC do not "police" the neighborhood. We only react to complaints we receive, or to violations we learn about in the normal conduct of our business. If an owner would like to file a complaint, we will investigate within a reasonable period of time, and reporting parties remain anonymous.

Q: It's election season and I'd like to show my support for the democratic process in a constructive, respectful way. Can I utilize political signage on my lawn?

A: Yes. But political signs should not be displayed earlier than 45 days prior to elections and need to be removed no more than seven (7) days after that election. Residents are limited to one sign per race/ballot initiative, whether placed in yards or in windows. Under Colorado Law, the maximum size permitted for a residential political sign is 36 x 48 inches.

Q: Our family is beginning an extensive kitchen renovation which will require a dumpster to be positioned on our driveway for a week. Do we need to contact the ACC?

A: No. Per our policy manual, temporary dumpster installations associated with any home improvement are permitted and do not require prior coordination. Dumpsters may only be located on property for a reasonable period of time, and trust us, we understand that most projects last longer than planned.

Q: We own a large 1.75-acre lot and my spouse's mother is ailing. We'd like to construct a small home at the other end of the lot for her use, and eventually use it for guest facilities. Can we do this?

A: No. We often hear stories such as this and we're always sorry to hear that this is taking place. But what's being described is termed an Accessory Dwelling Unit (ADU).

TOSHA does not (and has never) approved ADUs on properties. This is codified in our policy manual, backed by our covenants, and buttressed further by past precedent.

Q: I walk my dog daily past a home with a chain-link fence. I know TOSHA does not permit this type of fencing. Why was this permitted? It's an eye sore. Can TOSHA have it removed?

A: Your neighbor most likely installed his/her fence during a period of TOSHA "inactivity". This means that the HOA was not operating due to a lack of volunteers. Under such a scenario, our covenants remain in place, but enforcement can only occur via direct legal action by another property owner. Obviously, such a scenario would make enforcement a challenge. Under the Colorado Common Interest Ownership Act (CCIOA), removal of a violating installation cannot occur retroactively if it has been in place (and known about) for more than one year. This means that while TOSHA cannot force this removal today, it is not obligated to approve a renewal moving forward. So in this example, the ACC would not approve a replacement of this type of fence, and would require that it be brought up to code in the future.

Q: I noticed TOSHA's ACC maintains a list of approved roofing materials, but the ACC seems stubborn in its refusal to add asphalt roofing to that list. Can someone please explain the hesitation?

A: There are areas of our covenants that allow certain materials to be approved "at Declarant's Discretion" and other areas stating that certain materials are specifically "prohibited". The ACC can codify a policy to allow or disallow certain products when the "at Discretion" language is used. But we have absolutely no flexibility when the "prohibited" language is present. Asphalt roofing products are specifically prohibited in all of TOSHA's filings.

Q: My home has an asphalt roof and I've been told this isn't an approved material. Is the HOA going to try to make me update it?

A: Under the law, we cannot (nor would we want to) force the removal of an existing asphalt installation that is not newly installed. Should the roof need to be replaced due to damage over 25% of the surface, you must use an approved roof product that is not asphalt. It is recommended you adjust your home insurance policy to cover the higher cost of roof replacement. TOSHA has successfully brought several homes up to code in the past years and will continue to do so moving forward. Fortunately, there are only a handful of asphalt installations remaining within our subdivision.

(Please note, the above questions are not actual submissions, and only offered here in the spirit of topical education. These questions are generic and do not reference any specific neighbor within TOSHA.)

TOSHA (Top of Skyway Homeowners Association) helps to improve the neighborhood

1. Property values: It's estimated that at least \$60,000 of your home's value can be attributed to an active homeowner's association. This is based on estimates laid out in a 2015 Virginia Tech study of the effect of homeowner's associations, combined with neighborhood sales data over the past 12 months. The covenant rules that run with every property in the neighborhood help to maintain the quality of properties and quality of life that make Top of Skyway a desirable place to live. TOSHA and the ACC (Architectural Control Committee) monitor and enforce those covenants when a violation is obvious or is brought up by a resident. Without an active TOSHA and ACC, the covenants would not be enforced, and property values would fall. As you drive uphill on Orion, notice the difference in the character of the neighborhood as you enter Top of Skyway near the intersection of Orion and Palomar. That difference is the result of an active TOSHA and ACC, plus residents' voluntary respect of the covenants on their properties.

2. TOSHA advocates for the neighborhood on issues of concern. Over the years, such issues have arisen, and TOSHA has played an important role in addressing those issues. For example, in 2020 TOSHA responded to ongoing neighborhood complaints about problems caused by short term rental (STR) properties. TOSHA volunteers put forth an unprecedented effort to codify an STR ban into the covenants that run with every property in the neighborhood. The final tally of Top of Skyway property owners showed 91% in favor of the ban, and 9% opposed. Other neighborhood concerns that TOSHA has worked to address include stopping the development of the natural White Acres area west of Top of Skyway, installing anti-speeding signs around the neighborhood, coordinating with the City and County on road/curb maintenance issues, and coordinating with the police to address security concerns.

"Fall Funnies"

Q: How do you fix a broken pumpkin?

A: With a pumpkin patch!

Enjoy this
simple fall
craft
idea!

Mason Jar Lids Fall Pumpkins



3. Wildfire risk management: TOSHA works with the fire department to mitigate the risk of fire in the neighborhood by helping coordinate slash pickup twice a year. TOSHA also coordinates the neighborhood's annual Firewise certification, and showed appreciation for the CSFD's response to the Bear Creek Fire by matching resident financial contributions to the fire houses that responded.

4. Social activities: TOSHA organizes events that bring us together. Examples include the annual picnic, resident directories for TOSHA members, welcome baskets for new residents, wine tastings, ornament exchanges, and plant swaps.

5. Information: These newsletters, plus the Top of Skyway website (www.TopOfSkyway.com) keep residents informed about neighborhood issues and provide a means of contacting TOSHA. Member dues and volunteers are needed to maintain this legacy of service to the neighborhood. Most of the above benefits cost money and require some work. The money comes from TOSHA member dues, and the work comes from neighborhood volunteers. If you haven't already, please chip in by becoming a member and/or volunteering to help TOSHA.

To contribute, visit www.TopOfSkyway.com and click the "Join Us" tab or the "Contact Us" tab.

Does TOSHA Matter?

We ask a simple favor. The next time you make the turn from Argus and begin your drive-up Orion, please take a moment and take note of what you see. Focus on the change in character as you travel from Lower Skyway and then into Top of Skyway. In Lower Skyway, our neighbors there enjoy many well-maintained properties. But notice this isn't consistent. You may see examples of poor landscaping, RVs and trailers parked in view, home colors that aren't consistent, exterior projects partially abandoned, and unused cars sitting gathering dust. The truth is, there is no such thing as a "Lower Skyway Homeowners Association". It doesn't exist.

So how lucky those owners must be to be free of the burden of an HOA, right? Or is that really such a good thing after all? The value of TOSHA to you is real. It is reflected not just in our subdivision's aesthetic appeal, but more so in your family's net worth. The real value of TOSHA to you is financial. It's why we're here.

As we mentioned previously, Virginia Tech conducted a broad-based study addressing the effects of HOAs on property values. The study was comprehensive. It consolidated all available data from previous major studies focused on the topic. What the VT Study found was that for associations such as ours (self-governed communities that offer a specific and enforceable covenant structure), price impacts fluctuated between +5.64% and +19% depending on the specific structure of the services offered.

Your TOSHA Board believes our HOA falls at the lower end of that scale, simply because we don't offer amenities such as gated access, clubhouses, or other types of joint services typical of many HOAs. Still, with the average 2022 selling price of a TOS home now at \$960,000, we can safely estimate that TOSHA's impact on our average resident's net worth is substantial.

The VT study wasn't all good news for us however. If covenants aren't enforced, the low end of that range drops to a meager +2% boost. Worse, the study found that aging covenant codes, or worse, inactive HOAs that do not enforce covenants, will negatively impact valuations over time. Can that happen to TOSHA? You bet it can. In fact, during the 1990s TOSHA slipped to an "inactive" status. No one volunteered to run the HOA. The covenants remained but enforcement ceased. TOSHA began to resemble our neighbors on lower Orion.

Though we're actively correcting that regression today, we're not out of the woods. The Association today runs on a skeletal staff. TOSHA remains at a critical juncture. We must have more resident participation. Alarming, today our HOA and ACC are essentially being run by just three or four neighbors. For perspective, TOSHA's bylaws stipulate a minimum of five Directors, four Officers, at least three ACC members, an ACC Chair, Block Captains, and additional project volunteers as requested by the Board. Elections for President, Vice-President, Treasurer, and Secretary continue to draw little interest from potential candidates.

10 Autumn Self-Care Tips

- Go for a scenic drive
- Find a local corn maze
- Bake pumpkin bread
- Pour a mug of hot cider
- Watch a scary movie
- Visit a pumpkin patch
- Dress in layers
- Enjoy the outdoors
- Get ready for daylight savings
- Buy a snow shovel
- Pay your 2023 TOSHA dues (oops that's 11 tips)

If you have the time, please step forward. If you can squeeze extra time out of an already busy schedule, please step forward. If you've previously served TOSHA, or another HOA, and know you have experience to offer, we ask that you step forward again. If you're a retiree, a parent with a few free hours during the school week, or a recent addition to our community, this is a great time to get involved. Volunteers can do as little or as much as they desire. When fully staffed, most of our positions require a minimal time commitment and the work is rewarding, social, and has real consequences for your family's net worth.

Regardless of the civil powers endowed to TOSHA, our HOA remains heavily reliant on volunteers, voluntary compliance, and voluntary dues funding. TOSHA can only be effective if it enjoys the full confidence and support of our residents. We realize that for some, there are doubts about TOSHA's effectiveness. What value is TOSHA really bringing to my family? Aren't my dues just funding restrictions on my rights as a property owner? Why not just let TOSHA run dormant as it did in the past? Why not mimic our surrounding subdivisions? Those are all fair questions. But it's important we answer those questions via reality.

Enjoy this quarter's issue of our newly formatted newsletter. As always, please reach out to any of us at TOSHA with any questions or concerns you may have.

Fall Turkey Chili With Pumpkin



INGREDIENTS

- 1 tablespoon pure olive oil
- 1/2 white onion, diced
- 1 bell pepper (orange or yellow), diced
- 2 cloves garlic, minced
- 1 package ground turkey
- 1 can organic diced & no salt added tomatoes
- 2 cans organic pumpkin
- 1 can organic kidney beans, drained
- 1/2 can whole kernel corn, drained
- 2 teaspoon sea salt
- 1 teaspoon cumin
- 1 teaspoon ground black pepper
- GARNISH (optional):
- 1 cup sour cream
- 1/2 cup shredded cheddar cheese
- 1 package organic cilantro
- 1 avocado, diced

DIRECTIONS

- Chop and dice white onion and bell pepper. Mince garlic.
- Put a large pot on your stovetop and bring to medium heat. Add olive oil.
- Add in chopped onion and bell pepper. Cook until the onion is translucent and fragrant, about 4 minutes.
- Add in garlic and stir for about 30 seconds.
- Next, drop in your package of ground turkey. Break up the turkey with your spatula and allow it to fully brown and cook through, about 10 minutes.
- Mix in your diced tomatoes, kidney beans (drained), pumpkin, and corn. Add your salt, pepper, and cumin (and any other spices that you prefer). Make sure everything is evenly mixed.
- Bring your chili to a boil, and then reduce heat to low. Allow your chili to simmer for 20-30 minutes.
- Distribute chili into bowls, and garnish with cheddar cheese, avocado, sour cream, and cilantro. Enjoy!

Recipe Courtesy of Trader Joes