

Thank you for attending the Orchard Lake HOA monthly meeting. Our meetings are held on the second Thursday of almost every month. The meeting generally lasts about 1 hour and includes an executive session. Our meeting minutes are posted on our website <https://www.orchardlakecommunity.com/> and on the PMI website: <https://pmi.cincwebaxis.com/orchardlake>

Your HOA board are volunteers, who receive no incentives, reduction of dues or other monetary compensation or other benefits for their time and effort. Each member volunteers their time taking care of trash cans, pet waste cans, managing landscaping, taking calls and emails, maintaining our 18 acres of common area, managing ARC modification requests, cleaning the pool, distributing fobs, and dealing with financial concerns, in addition to performing the duties assigned to us as officers in upholding the covenants and overall maintenance of the community.

Like all HOA's we have a set of governing documents. These include the association's bylaws, articles of incorporation, and CC&Rs. Such documents contain guidelines on how the board should run the community. They also typically consist of provisions regarding what the board can and cannot do.

These governing documents, second only to the laws of the land, hold the highest authority in an HOA. They dictate the rules and regulations within an association, which both the board and the community members must follow. As the community leaders, the HOA board must make sure to follow the stipulations laid out in the governing documents. They must follow the processes and procedures as prescribed in these documents.

Board members have a duty to enforce these covenants and rules to allow for smooth operations and to avoid selective enforcement, a failure to apply the rules consistently among all homeowners.

We are called on to mediate disputes and review appeals. Tonight, we are reviewing an appeal that we have already ruled upon.

Here are the facts regarding this appeal:

1. The fence was built prior to approval & before approval timeline expired (**violating covenants**)
2. The fence has metal mesh that is clearly outlined in Covenants (**violating covenants and ARC guidelines**)

Section 14. Fences. No fence or fencing type barrier of any kind shall be placed, erected, allowed or maintained upon any Lot without the prior written consent of the Board or the Declarants. Fences shall not be allowed under any circumstances which extend beyond the rear corners of any dwelling constructed upon a Lot, or which are constructed of chain link, wire mesh, barbed wire, razor wire or other like materials. The Declarants shall be specifically exempt from this provision. In addition, the Declarants and the Board shall have the right to erect fencing upon the Common Area, of any type considered appropriate or desirable.

3. Fence does not have vertical posts which is also outlined in the ARC guidelines (**violating ARC guidelines**)

Architectural Review Committee

Section 3

Fences

Location

Fences shall follow the natural topography of the property and are to be placed on the owner's property line. Alley ways between parallel fences are not to be created. Setbacks and/or buffers must comply with all applicable building codes for Forsyth County.

Appearance and Materials

Natural, pressure treated wood is strongly preferred; however, on a case-by-case basis, other materials may be used with the approval of the ARC. Chain link or similar metallic fences will not be approved. Wood fencing slats are to be installed vertically with spacing not to exceed 4 inches between slats. Fences may not be painted; they may be stained with ARC approval of the transparent stain color to be applied.

Requirements

Per Orchard Lake CC&Rs, fences will not exceed 6 feet in height. Any attachments to the fence, including hanging planters or devices used to deter pets or wildlife, shall not be visible above the fence line. All fencing should be maintained in an aesthetic and safe condition.

Any other types of fencing, such as that installed to contain garden areas (e.g., herb or vegetable gardens) or pets (e.g., dog runs or outdoor caged areas) must not be visible from the street, and should be appropriately screened if visible from adjacent properties or common areas.

Horizontal style wood fencing is not permitted, an example is the type of fencing used on farms or pastures.

1. The Board cannot approve a fence that violates the covenants.

The covenants are what explicitly states no wire mesh. Covenants may be changed, but this entails legal fees (perhaps \$2000-\$3000 or more). In addition, this would take time and require 67% of the neighborhood to vote in favor of the change.