

## Meeting Minutes for June. 27, 2019 AMCA Board Meeting

### I. Attendance

A. **Present:** Lewis, MacDonald, Ayars, and Lopofsky.

B. **Absent:** Yost.

### II. Minutes – June 5, 2019 minutes approved and posted

### III. Complaints

A. **908 Thornapple Club Court** – as previously noted, the board received a complaint from an adjacent homeowner that the residents at 908 Thornapple Club Court had installed an invisible fence on the complaining owner's property. Both homeowners have now reported that they have had surveys performed to locate the property lines. The homeowners at 908 Thornapple Club Court are now working with fence installation company to relocate the fence inside their property lines. **Action Item: The board will monitor the situation and ask homeowner to notify when fence has been relocated**

B. **7929 E. Dogwood Meadows Ct.** – as noted in the June 5, 2019, minutes, the board worked with the homeowner at this address to resolve a complaint that had been filed regarding their shed/playhouse. As noted in the minutes, the board approved a course of action that resolved and closed the matter. This resolution was conveyed to the homeowner and documented in the minutes.

On or about June 17, 2019, the person who filed the complaint contacted the board to voice his opinion that the board should have handled the matter differently and imposed additional requirements on the homeowner. The board communicated that it had carefully considered the matter and approved a course of action to resolve the matter. That decision is final. **The matter is closed.**

### IV. Installation of Underground Fencing – Board Position

The board received an inquiry regarding whether homeowners need to obtain board approval before installing "invisible" underground dog fences. The bylaws state that "No owner

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may install within his or her unit a fence of any type within his or her unit unless approved in writing by the Developer or the Association." Art. VII, Section 1(B)(x). The homeowner submitting the inquiry wanted to know whether this provision applied to aboveground fences only or whether it also applied to "invisible" underground dog fences.

The board carefully considered the issue and concluded that the above provision does not apply to "invisible" underground dog fences. The board viewed the purpose of the above-quoted bylaw provision was to give the board control over the installation of any visible fencing, so that the board could ensure that the visual and aesthetic nature of the neighborhood remained consistent and harmonious. This interpretation is consistent with other portions of the master deed and bylaws, which generally require approval for external changes to a unit, but not interior changes that are not visible to others.

With that said, however, the board notes that homeowners must consult with their immediately adjacent neighbors **before** they install underground fencing to ensure that all parties agree that (1) the proposed installation location is on the installing homeowner's property, and (2) the proposed installation will not otherwise interfere with or impair the rights of the neighbors. As a practical matter, installing your fence at least five (5) feet inside your property lines should help avoid problems and conflicts with your neighbors.

Failure to consult with your neighbors in advance makes it more likely that your installation will result in violations of other provisions of the master deed and bylaws, including, but not limited to, Master Deed, Article V(E)(1), which prohibit the use of one's unit in a way that unreasonably interferes with or impairs the rights of others. The above discussion about the scope of Bylaws Art. VII, Section 1(B)(x) in no way impairs or restricts the board's ability to address other violations using all the mechanisms and powers provided for in the master deed and bylaws.

**III. Next Meeting:** September 18, 2019 at 7:30 PM at the front gatehouse.