

POLICIES REGARDING ARCHITECTURAL REVIEW ON MIDDLE ISLAND

- Ideally, architectural review is a collaborative process to find an architectural solution that meets the needs of the owner and results in a building that is in harmony with its environment, balancing aesthetic, financial, and environmental considerations.
- To achieve that goal - and to avoid unexpected developments during the review process – property owners and their architects should consult with the MIPOA ARC at an early stage of planning – certainly before any formal filing of plans and ideally before any preliminary site planning – to understand the general review process, the architectural guidelines for Bald Head Island in general and for Middle Island in particular, and the specific features of the property that may affect design review.
- The MIPOA Architectural Review Committee makes the final architectural review determinations regarding siting (including tree removal and dune excavation) and exterior architectural design for new construction and for exterior modifications and expansions.
- The Bald Head Association and its Architectural Review Committee provides the MIPOA ARC with administrative support, professional staff expertise, and design recommendations arising from the deliberations of the BHA ARC.
- In general, reviews use the architectural review guidelines of the Bald Head Association Architectural Review Committee, supplemented by:
 - Setbacks specific to Middle Island
 - Siting considerations specific to Middle Island
 - Other specific review guidelines, including roof and building colors and materials
- Siting is highly specific to each property. In siting discussions, the ARC will be particularly concerned with:
 - Maintaining set-backs required by our covenants
 - Preserving sightlines for East Beach properties
 - Preserving large trees
 - Assuring that houses in the forest do not extend above the canopy except where necessary
 - Assuring that dunes are altered as little as possible while still creating a viable building site
- Final decisions of the Architectural Review Committee may be appealed to the full Board of the MIPOA.
 - The applicant may initiate an appeal by providing notice to the Board within 30 days of the receipt of notification.
 - A member of the MIPOA ARC who voted against the ARC decision may initiate an appeal by providing notice to the Board within 10 days of the ARC decision.
 - Another property owner may initiate an appeal by providing notice within 10 days of the ARC decision, stating specifically how he or she believes the decision is inconsistent with the Middle Island covenants or architectural design guidelines.
 - The Board will schedule a hearing within 14 days of the notice, and provide a final decision within 21 days of the notice. These periods may be extended by the Board only with the agreement of the applicant.

POLICIES REGARDING POTENTIAL OR PERCEIVED CONFLICTS OF INTEREST

- Any member of the MIPOA ARC or the MIPOA Board whose specific financial or personal interests will be affected by the decision of the ARC or the Board shall disclose the potential conflict of interest, shall not vote on the issue, and should exercise discretion regarding appropriate participation in the discussion of the issue. (“Specific interests” do not include financial or personal interests shared by a large class of similarly situated property owners.)
- A Board member who is also a MIPOA ARC member may participate in the Board’s consideration of an appeal, but shall not vote on the appeal.
- If there is a tie at the board level, the decision reverts back to the MIPOA ARC vote.

TIMELINE RELEVANT TO ARCHITECTURAL REVIEW ON MIDDLE ISLAND

- When a lot/home is purchased and again when a new building permit is issued, the MIPOA ARC will send a welcome letter and document summarizing the architectural review the process.
- When contemplating new construction, a Middle Island property owner should contact the MIPOA ARC as the first step in the MIPOA ARC process, before the architect develops a sketch plan and before the property owner contacts the Bald Head Association architectural review staff. The MIPOA ARC will help clarify the architectural review process and point out specific items that are unique to Middle Island. A preliminary review of site specific issues would be desirable, focusing on the existing dunes and trees and the location of potential building sites.
- When ready to proceed, the property owner submits an application to the BHA ARC staff, who will in turn notify the MIPOA ARC Chair.
- The applicant submits a site plan/sketch of new construction or of a renovation that alters the footprint or elevation of the existing home. The site plan must note the type of tree and the diameter of any tree larger than 3” diameter at 4’ above the ground. If the existing contours of the property will be altered substantially, the old and new contours should be indicated.
- The applicant submits a preliminary design for committee review.
- The applicant submits the architectural drawings and landscape plan for final review by the BHA ARC and final review and approval by the MIPOA ARC.
 - The MIPOA ARC has specific responsibility for reviewing and approving roofing and paint colors.
- When the MIPOA ARC issues a final approval letter through the BHA, the MIPOA Treasurer will receive a copy with an indication of the heated square footage of the new construction or the addition and will send a bill, payable after issuance of the building permit but before construction begins, for
 - The non-refundable construction impact fee (\$1/square foot), and

- The refundable Owner/Deposit to assure satisfactory completion and mitigation of any specific damages to Association property will be based on the cost of construction per the building permit as outlined in the table below:

0-\$10,000	\$ 0.00
\$10,001 – 300,000	\$6,000
Over \$300,000	\$10,000

- The Owner/Deposit agreement should be submitted to the MIPOA ARC with a copy to the MIPOA Infrastructure Committee.
 - Before any road cuts are made, the Road Cut Application must be completed by email to middleislandpoa@gmail.com specifying the road cut(s) to be made and the road repair process that will be followed.
 - No additional deposit will be required.
 - The home owner will be responsible for professional restoration of the road in front of the house after construction is complete. Standard specifications on the road repair will be provided by the Infrastructure committee.
 - The Infrastructure Committee will notify the MIPOA ARC if the road repair is unsatisfactory and if any of the construction deposit is to be retained to make further repairs to the road
- The Village of Bald Head Island building inspector reviews the engineer's technical plans and, if approved, issues a building permit.
 - The professional staff of the BHA ARC will periodically inspect the construction to assure adherence to approved plans.
 - On completion of the construction and issuance of an occupancy permit, the MIPOA ARC will make a final visit.
 - The ARC will notify the Treasurer that the lot is now an improved lot for the purpose of determining future annual assessments.
 - The Association shall refund the Deposit in full upon completion of the project, as determined by the ARC, if: a) The construction project on the Property has been completed in accordance with the ARC approved plans; b) site is clean; c) No Common Areas or rights of way have been damaged or disturbed by construction; d) No Covenants or Design Guidelines have been violated; e) No deficits are remaining from the landscaping plan; f) Road Cut process and specifications have been adhered to and passed final inspection.
 - Failure to satisfy these conditions may result in the loss of some or all of the Deposit, regardless of whether such failure is caused by the Owner, Architect, Landscape Architect, or Builder, their contractors or agents

VILLAGE TREE CUTTING ORDINANCE

Both the ARC and the Village have the power to fine property owners for cutting trees over three inches in caliper at four feet above grade without a permit from the Village Building Inspector -Village Ordinance NO. 2001-019.

PROCESS TO ENFORCE THE MIPOA COVENANTS

Construction site violations:

The person who wishes to make a complaint should make it to the BHA ARC coordinator. The coordinator will make an inspection to check and see if it actually is a violation and then, if it is a violation, notify the property owner and MIPOA ARC of their need to fix the issue. A member of the MIPOA ARC should accompany the BHA ARC coordinator when a follow up check is done to see if the issue has been resolved.

Covenant Violations on existing properties:

- The MIPOA ARC handles covenant violation complaints on existing (non-construction) properties, such as boats that are unscreened, trash left out of containers, carts repeatedly parked along the streets, etc.
- Property owners contact the MIPOA ARC if they have concerns regarding a property that may be in violation of the covenants
- An MIPOA ARC committee member will discuss the concern with the property owner and verify that the property is nonconforming.
- If the situation is not resolved informally, the MIPOA ARC will send a letter to the nonconforming home's property owner describing the violation, citing the appropriate section of the covenants, setting a date by which the property must conform to the covenants and be fined if not fixed. The letter will note that the Board may take a variety of actions under Section 5.3 of the covenants if the violation is not resolved.

Note: The date will be based on the reasonable amount of time to remedy the problem and fines will be appropriate to the issue and the amount of time the problem continues to not be in compliance.