

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 Architectural Review Committee (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 ARC 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 (BHA) and its Architectural Review Committee (ARC) provides the MIPOA ARC with administrative support, professional staff expertise and guideline compliance recommendations arising from the deliberations of the BHA ARC.
- Final decisions of the MIPOA ARC may be appealed to the full Board of the MIPOA¹.

¹All references to 'Board' means the 'MIPOA Board of Directors'

- The applicant may initiate an appeal by providing notice to the Board within 30 days of the receipt of notification.
- Another MIPOA property owner may contest the decision by providing notice within 10 days of the MIPOA ARC decision, stating specifically how he or she believes the decision is inconsistent with the Middle Island covenants or architectural design guidelines. If the property owner is a Board member, he/she must make it clear they are not acting on behalf of the Board but rather as a property owner.
- The Board will schedule a hearing within 45 days of the notice, and provide a final decision within 60 days of the notice. These periods may be extended by the Board only with the agreement of the applicant.

MIDDLE ISLAND KEY EXCEPTIONS TO BHA ARC GUIDELINES

In general, reviews use the architectural review guidelines of the Bald Head Association Architectural Review Committee, supplemented by:

1) Side Setbacks specific to Middle Island

a) Forest lot setback is 15'.

b) All lots – new construction and existing homes.

i. all vegetation within the side setbacks shall be left undisturbed

- ii. retaining walls cannot extend into the setbacks.
- 2) Rear setbacks for forest lots on the marsh – clearing of the understory must have MI POA approval to maintain the natural balance of our birds, butterflies, insects, etc. This restriction applies to new construction and existing homes.
- 3) Siting is highly specific to each property. In siting discussions, the MIPOA ARC will be particularly concerned with:
- a) Maintaining setbacks required by our covenants
 - b) Preserving sightlines & view sheds for East Beach properties
 - c) Preserving large trees
 - d) Assuring that houses in the forest do not extend above the canopy except where necessary
 - e) Assuring that dunes are altered as little as possible while still creating a viable building site
- 4) Minimal Disturbance of Soil and Vegetation - Mown grass and lawns are not permitted
- 5) Contact the MIPOA ARC for other Middle Island specific guidelines, including roof and building colors and materials

TIMELINE RELEVANT TO ARCHITECTURAL REVIEW ON MIDDLE ISLAND

When a lot/home is purchased and again when a new construction is contemplated, the MIPOA ARC will send a welcome letter and document summarizing the architectural review 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/designer develops a sketch plan and before the property owner contacts the BHA ARC. 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.
- Once the property owner is fully aware of the covenants and guidelines, the designer/architect of their choice should meet with the MIPOA ARC to discuss unique differences in the Middle Island covenants
- When the ARC process begins, the property owner allows the MIPOA and BHA ARC members and staff to enter the property.
- The property owner works with their professional to develop the sketch plan. A sketch plan is required for new construction and for major renovations that expand the footprint of the existing buildings. Sketch reviews are available at no additional cost for renovation projects.
- A site plan based on a recent topographical survey (2 years or less) is a required part of the sketch plan for new construction. 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 sketch plan and recent topographical survey are submitted with the application to the MIPOA and BHA ARCs.
- Once the sketch plan is reviewed by the MIPOA ARC, a letter is sent to the BHA ARC with comments/questions verifying that the MIPOA ARC has reviewed and accepted the plan for advancement through the ARC process. This letter is required by the BHA ARC before the BHA ARC can review the sketch plan.
- The sketch plan is presented at a BHA ARC meeting that is held the first Friday of every month. The MIPOA ARC reviewed sketch plan must be submitted by the MIPOA ARC at least 11 days before the BHA ARC meeting.
- It is now the beginning of a collaborative process with the MIPOA and BHA ARCs. The BHA ARC handles the technical review of the proposal and the correspondence with the property owner and their representative(s). The two ARCs share responsibility for ensuring compliance with the Middle Island ARC covenants and guidelines.
- Preliminary review application encompassing detailed drawings is submitted to the BHA ARC for consideration by both the BHA and MIPOA ARC’s.
- Final review application that includes updated detailed drawings, landscape plan and paint/roof application is submitted for consideration by both the BHA and MIPOA ARC’s.

- 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 ARC, the MIPOA ARC will send a copy of the approval letter to the MIPOA Treasurer and President with an indication of the heated square footage of the new construction or the addition. The MIPOA Treasurer will send a bill to the property owner, payable after issuance of the building permit but before construction begins, for
 - The non-refundable construction impact fee (\$1/ heated 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:

Construction cost estimate Fee

\$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. The Board acknowledges receipt of the application to the property owner and sends a copy of the application to the MIPOA ARC and BHA ARC for the file.

- No additional deposit will be required.
 - The property 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.
 - When the building permit is issued and prior to any construction activity it is the responsibility of the property owner or their representative to contact the BHA ARC Coordinator to initiate the site management plan.
 - The professional staff of the BHA ARC, when contacted, will complete the site management process at the beginning of construction to assure adherence to the approved plans.

- Once the MIPOA ARC has concluded the final inspection, including the road cut approval, and the project has been completed in accordance with the approved plan and pertinent design guidelines:
 - The Board shall refund the Deposit in full upon completion of the project, as determined by the MIPOA ARC, if: a) The construction project on the Property has been completed in accordance with the MIPOA 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
- When the MIPOA ARC receives notification from the Village Building Inspector that the Certificate of Occupancy has been issued, they will notify the MIPOA Treasurer that the lot is now an improved lot for the purpose of determining future annual dues and assessments.

Note: The BHA ARC has a list of architects, designers, builders, landscapers, etc. who have worked on the island and requested to be put on their list. Since this is not a BHA ARC approved list, we recommend you talk with neighbors to get personal recommendations before hiring someone.

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
- After discussion with the Board, a 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 Board will take appropriate action and keep the MIPOA ARC apprised of the resolution. The Board may 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 according to state statute and the amount of time the problem continues to not be in compliance.

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 MIPOA 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. The Board decision is made by majority vote of those voting. In the event of a tie vote of the Board, the decision of the MIPOA ARC is upheld.