

# MIDDLE ISLAND PROPERTY OWNERS ASSOCIATION (MIPOA) OVERVIEW FOR NEW CONSTRUCTION AND RENOVATIONS THAT ALTER THE EXISTING FOOTPRINT OR ELEVATION

## WHAT REQUIRES MI ARC APPROVAL

The MI Covenants in Article VI section 6.19 state that “**No site preparation or initial construction, erection or installation of any improvements, including but not limited to, residences, outbuildings, fences, walls, screens (whether by plants or structures) and other structures shall be undertaken upon Middle Island unless the plans and specifications therefore showing the nature, kind, shape, height, materials, including color schemes, and location of the proposed improvements shall have been first submitted to the Association or its designee and have been expressly approved in writing by such entity or its designee.**”

## PROCESS:

### NEW CONSTRUCTION REVIEW PROCESS

The typical new construction project review process takes a minimum of three months. The property owner is solely responsible for compliance with the Covenants and Design Guidelines and assuring compliance fulfillment by their designees of the approved plan.

The MIPOA employs the BHA ARC as a liaison between the MI ARC and property owners, the BHA ARC Coordinator (referred to as the Coordinator). This person will assist applicants with the approval process, review submittals, and complete site management and final required inspections. For submittal requirements or questions, contact the Bald Head Association to reach the ARC Coordinator. Call 910-457-4676.

### STEPS IN THE NEW CONSTRUCTION REVIEW PROCESS

- Step One** Review the ARC Covenants: Appendix G, Article VI and these Design Guidelines to determine if further restrictions are applicable to your property. Contact the Coordinator who is acting as our agent with any questions. Call 910-457-4676.
- Step Two** Employ a registered surveyor to obtain a complete survey as required and described within the Draft Review Section. This survey must be less than two (2) years old and must include existing vegetation.
- Step Three** Discuss plans and visit the site with your architect/designer.
- Step Four** Draft Review: A draft plan submittal is strongly recommended. This step will enable the Coordinator and MI ARC to consider the design aspects of the house and site. Revisions at this stage can save many hours of production time needed to meet preliminary submittal requirements. Submit one full-size printed copy, one emailed PDF copy and one emailed AutoCAD-compatible copy by the 14th of every month. The review fee is due with this submittal.
- Step Five** Preliminary Review: Submit one full-size printed copy, one emailed PDF copy and one emailed AutoCAD-compatible copy for Preliminary approval after

schematic design development by the 14th of every month.

**Step Six** Final Review: Revise as required indicating each change with a “revision cloud” and a written description attached to the Final application specifying all changes made and include a Scaled Landscape Plan and Paint Application. Submit two full-size printed copies, one 11x17 printed copy, one emailed PDF copy and one emailed AutoCAD-compatible copy by the 14th of every month.

**Step Seven** Project approval by the MI ARC is valid for 24 months from the date of approval. If the Village of Bald Head Island building permit has not been issued and on-site construction has not begun within the 24-month approval period, the MI ARC approval expires. If MI ARC approval expires before the project has been started, the construction deposit will be returned.

**Notes:** All submissions are sent to the BHA Office in care of the ARC Coordinator

If an owner wishes to proceed with an expired, approved project, the project will be subject to the New Construction review process based upon current Design Guidelines, Fees, and Deposits.

## RENOVATION REVIEW PROCESS

Renovation Review applies to any building additions, any exterior alterations or any improvements enumerated in the Covenants. A submission for review of the proposed renovations must contain:

1. A Change Application Form with a description and purpose of the renovations. A letter of intent may be included.
2. Site plan elevations and detailed drawings of proposed renovations to scale. The MI ARC may require an up-to-date site plan or “As Built” survey.
3. For oceanfront properties, a submittal for an oceanside addition must contain an ‘As Built’ survey that includes the required sightline setback calculations for oceanfront properties. (see Sightline Setback requirements page 108)
4. A Site Management Plan specifying limits of construction fencing and designating a location for the materials lay-down area, the dumpster and the portable restroom, as well as the location of proposed installation of protective measures for existing vegetation.
5. Material and color samples
6. A completed Paint Application Form with manufacturer’s chips attached
7. The appropriate Review Fee

## PAINT REVIEW

If an approved Paint Review application is on file, no approval shall be required to repaint the exterior of a structure with the originally approved color scheme. If an approved Paint Review application is NOT on file, one must be filed with the Coordinator for review and approval before proceeding to paint.

1. Changes to any exterior paint/stain or roof colors must be submitted to the Coordinator

for a MI ARC color review.

2. There is no charge for a color review.
3. An MI ARC Paint/Color application must be completed and include authentic manufacturer's color chips. The Paint/Color Application is available in the Forms section.
4. Once a painting project has commenced on a structure, it must be completed within three months (90 days). (Note: This includes power washing that has removed any exterior finish.)
5. Maintaining siding in an unfinished state is not allowed unless the original approval from the MI ARC was for unfinished siding.

**ROOF COLORS:** Middle Island roof colors should blend with the environment: greens, browns, grays, etc.

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.

## **POLICIES**

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.

Final decisions of the MIPOA ARC may be appealed to the full Board of the MIPOA<sup>1</sup>. The applicant may initiate an appeal by providing notice to the Board within 15 days of the receipt of notification.

The Board will schedule a hearing within 30 days of the appeal notification and provide a final decision within 15 days of the hearing. These periods may be extended by the Board only with the agreement of the applicant.

## **ENFORCING THE MIPOA COVENANTS**

### **CONSTRUCTION SITE VIOLATIONS:**

The person who wishes to make a complaint should make it to the 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 Coordinator when a follow up check is done to see if the issue has been resolved.

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<sup>1</sup>All references to 'Board' means the 'MIPOA Board of Directors'  
MIPOA ARC Guidelines for new construction and renovations 2020

## **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.

## **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