



HSVPOA ACC Approves 36 Permits

Description

Among other topics, the HSVPOA ACC approved 36 permits and had a lively discussion regarding parking off of driveways

At the Friday, April 7, 2022, Architectural Control Committee Meeting, Charlie Brown, Community Development Manager, shared the latest compliance and permit statistics. Brown said that we hired a new Compliance Officer who is now fully trained, giving the department three full-time Compliance Officers. The compliance caseload has increased 100%, week-over-week since the additional staff member was added. (At the end of this article, the committee discusses parking and what is and isn't allowed. Some of you may be surprised by what is revealed in this conversation.)

Compliance and Permitting Statistics

Permitting inspections completed as of March 31 – 765

Permits, new home year-to-date – 30

Permits, other year-to-date – 451

Compliance, new cases year-to-date – 342

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The committee approved 36 permits on existing homes with 4 being denied. Two new home permits were also issued.

Permits Approved by the ACC Committee

17 Ovieda Way – Dock

53 Manzanares Drive – Deck

143 Elcano Drive – Landscaping

40 Linares Lane – Landscaping

10 Algeciras Lane – Patio extension

19 Ventoso Lane – Dock

7 Granada Terrace – Landscaping

13 Loyola Drive – Fence around a new pool

8 Campeon Trace – Landscaping

25 Fachado Drive – Landscaping

12 Resplendor Loop – Extend fence to lake (not across back)

21 Resplendor Way – Landscaping

11 Acambaro Place – Extend deck

18 Pacifica Circle – Landscaping

27 Navagar Circle – Block wall

10 Narvez Way – Dock

5 Trapo Lane – Dock

4 Tiburon Lane – Free-standing two-car garage

163 Cifuentes Way – Deck

30 Vereda Lane – Landscaping

16 La Viejo Lane – Screened porch

14 Paraiso Lane – Dock

298 Maderas Drive – Landscaping

363 Maderas Drive – Landscaping

15 Nubarron Lane – Wrap around deck

105 Fineza Way – Landscaping

19 Lerida Lane – Storage building

4 Alcazaba Lane – Landscaping

75 Mano Way – Fence/variance

20 Delgado – Concrete patio

7 Delavega Circle This permit was for an existing above-ground irrigation system installed in 2012. The contractor did not apply for a permit at the time of installation. No one has complained about this sprinkler system until now. The owner is unable to bury the system because of the roots. He has partially camouflaged part of the piping with gray paint. This permit has been approved with the stipulations that the owner finish camouflaging the pipe with paint and adding gravel or sod to cover the pipes where appropriate.

58 Rubi Circle – Dock

10 Alava Way – Landscaping

8 Escondite Lane – Dock

3 Matamoroe Way – Add garage

30 Laguna Way – Solar panels

[Permits Denied by the ACC Committee](#)

11 Elcano Drive – Fence – This permit was denied because containment fencing is not allowed in front yards. The homeowner can resubmit for backyard placement of the fencing.

12 Isla Mujeres Court – Room addition and porch extension – This is a townhome and the owner wants to build a room addition on limited common property. (Limited common property is common property owned by the Townhome Association, not the POA.) This permit needs to be resubmitted with additional information.

3 Adoracion Way – Stand-alone garage in the front yard. This permit was denied for aesthetic reasons. The additional garage would block off what little you can see of the front house as it is now. In other words, the view from the road would be mostly garage sides and garage walls, instead of a view of the house.

15 Ponferrada Way – Replace rock wall

[New Home Permits Issued by HSVPOA Permitting and Inspection](#)

10 Rocos Drive

69 Ronquillo Way

Parking (Residential)

Brown brought up the issue of residential parking.

Committee Chair, Janet Rowe, said that an issue came up through the Compliance Department with parking in front yards or on gravel pads to the right or left of driveways. Often when this happens, it is at an Airbnb, but not always. Brown asked if the committee approves of off-driveway parking.

Board Vice-chair, Tucker Omohundro said this issue needs to be discussed. "Where in the Protective Covenants does it say people cannot park beside their driveway? We are not allowed [to prohibit this], from what I understand from legal counsel. We cannot change the Protective Covenants inside Hot Springs Village without a 2/3 majority vote."

We can make rules regarding the amenities, but we can't make rules regarding your home. Your home falls under the rules of the Protective Covenants.

Also, the ACC must go by the Protective Covenants, not the Rules and Regulations.

Omohundro said, that there are currently some rules for your home and neighborhoods in the HSVPOA Rules and Regulations. That is not where they belong; They need to be in the Protective Covenants. If they are not [in the Protective Covenants] they don't exist unless we vote and make them exist. [Again, the only way to change the Protective Covenants is if there is a 2/3 majority vote in favor of the change.]

Omohundro said there are people who have been parking in a gravel spot off of their driveway because of limited parking at their homes. "That's going to be a tough sell [to disallow parking to the side of your driveway]. It really is because we can't change Hot Springs Village. It's been this way for 50 years."

In the past, there was an effort to eliminate carports in HSV. "No, we can't say that. We're not allowed to say that – unless we have a vote," explained Omohundro.

"Right now the Protective Covenants say you can park golf cart trailers beside your home. You can't park boat trailers," continued Omohundro.

One example Omohundro shared is, "The ACC and the POA cannot decide one day that you can't park a golf cart trailer next to your house. We can't do it. We don't have the authority to do that."

Omohundro stated, "We're coming up to a vote where we can change the Protective Covenants and we need to start looking at things that actually do need to be done. We had a vote here a while back." Because of the political environment, changes that probably should have been made were voted down. "We need to focus on that and determine what we need to do and put a positive campaign out there – not a negative one."

If the Village decides [by a vote] that new carports cannot be built, the existing carports will obviously

need to be grandfathered in. If someone owns a lot already, we cannot tell them they cannot build a carport as long as new carports were allowed to be built when the lot was purchased. "That will not hold up in a court of law," said Omohundro.

While Section 3 of the Protective Covenant states that changes can be made to the Protective Covenants by the Board of Directors, this is in conflict with the Declarations. The Declarations trump the Protective Covenants.

Sale of CCI Reserve Property

Cooper reserved property at the Danville Gate area was sold. This parcel was not brought into the POA. Buyers of the CCI reserve property are not obligated to "bring their property into the POA". This means the POA has no authority over the sold CCI property if it is not brought into the POA.

Cheryl Dowden, Hot Springs Village Gazette, April 9, 2022

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