

**Greenwood Village Community Association, Inc  
(GVCA)**

**APPEAL PROCEDURE  
to actions of the  
ARCHITECTURAL CONTROL COMMITTEE FOR EXISTING STRUCTURES  
(ACCES)**

WHEREAS the BOARD has established ARCHITECTURAL REVIEW PROCEDURES AND GUIDELINES under its authority from the DECLARATION; and

WHEREAS the BOARD wishes to establish a procedure to provide due process to any OWNER;

NOW, THEREFORE, BE IT RESOLVED that the following procedure is adopted.

**I. RIGHT AND NOTICE OF APPEAL**

**A. RIGHT OF APPEAL**

1. Any owner who has had a request for addition or change disapproved by ACCES, or who has received a notice of noncompliance with architectural standards (APPELLANT) shall have the right to appeal that disapproval or notice.

**B. PROCEDURE BY APPELLANT**

1. The APPELLANT shall, within 30 days of receipt of such disapproval or notice, notify the President of GVCA in writing of such appeal by the U.S. Postal Service, certified or hand delivery of the notice to GVCA at its office, 830 Village Club Drive, Sagamore Hills, OH 44067.

**II. ARCHITECTURAL APPEAL PANEL**

**A. APPOINTMENT OF PANEL**

1. The President of GVCA shall appoint an ARCHITECTURAL APPEAL PANEL (PANEL) consisting of no less than three persons, one of whom shall be designated Chairman. Members of the PANEL shall serve at the pleasure of the President.

## B. QUALIFICATIONS OF THE PANEL

1. Each person serving on the PANEL shall:
  - (a) Be an OWNER (or spouse of an OWNER) as defined in the DECLARATION;
  - (b) Reside in GREENWOOD VILLAGE; and
  - (c) Be a MEMBER in good standing of GVCA.
  
2. No person shall serve on a PANEL who is:
  - (a) A current TRUSTEE of GVCA;
  - (b) A current member of ACCES;
  - (c) The APPELLANT (or a person related to the APPELLANT or APPELLANTS family) in the appeal under consideration;
  - (d) An owner or resident of a multi-family structure which is the APPELLANT in the appeal under consideration; or
  - (e) An OWNER or RESIDENT of a single family house contiguous to a single family house whose owner is the APPELLANT in the appeal under consideration.

## III. ACTION AND CONDUCT OF PANEL

### A. SCHEDULING OF HEARING

1. The Chairman of the PANEL shall schedule a hearing as soon as practicable but within thirty days of receipt of notice of appeal by the President at a time and place agreeable to the APPELLANT and to the Chairman of ACCES.

### B. PANEL QUORUM

1. A PANEL Quorum will consist of at least three qualified and duly appointed persons. In the absence of the Chairman appointed by the President, the PANEL shall elect a Chairman from its members.

### C. CONDUCT OF HEARING

1. The APPELLANT may present arguments, evidence, supporting documents, and witnesses in support of APPELLANTS position and may, if desired, be represented by counsel or other designated person(s).
  
2. ACCES, through its Chairman and/or members, may present arguments, evidence, supporting documents, and witnesses in support of its position and may, if desired, be represented by counsel or other designated person(s).

3. The PANEL may conduct the hearing in any manner which best serves the parties involved and which assists the PANEL in reaching a decision.

#### D. DELIBERATION AND DECISION OF PANEL

1. The PANEL may consider any factors it feels relevant in making its decision, whether presented at the hearing or not.
2. Deliberations of the PANEL shall be held in closed session of PANEL members only.
3. The decision of the PANEL shall be by majority vote.
4. The finding of the PANEL shall be reduced to writing within 3 days of the conclusion of the hearing. Notification to the APPELLANT, the ACCES Chairman and the GVCA President shall be made by hand delivery or the U.S. Postal Service, certified mail.

#### E. PERMITTED RULINGS

1. The PANEL may deny the appeal and uphold ACCES.
2. The PANEL may overrule ACCES and approve the original request either as submitted to ACCES or with specific exceptions.
3. The PANEL may return the request to ACCES for further review and approval with specific instructions.

#### F. PROHIBITED ACTIONS

1. The PANEL shall not take any actions or issue any findings which are not in compliance with the DECLARATIONS or with any REGULATIONS, DOCUMENTS, or MOTIONS approved by the Trustees of GVCA.

#### G. EFFECTIVE DATE OF FINDING

1. The finding of the PANEL shall be final and binding upon all parties thirty days after issued, unless a FINAL APPEAL is filed by either the APPELLANT or ACCES within that thirty days. If a FINAL APPEAL is filed, the finding of the PANEL is not effective until acted upon by the Board of GVCA as herein described.

#### IV. FINAL APPEAL TO GVCA BOARD OF TRUSTEES

##### A. RIGHT TO FINAL APPEAL

1. Either the APPELLANT or ACCES through its Chairman may appeal the finding of the PANEL to GVCA.

##### B. PROCEDURE FOR FINAL APPEAL

1. Notification and scheduling of the FINAL APPEAL shall be as follows:

(a) The party requesting FINAL APPEAL shall notify GVCA of their intent through U.S. Postal Service or hand delivery of written notice to the President of GVCA at its office, 830 Village Club Drive, Sagamore Hills, OH 44067.

(b) Notice of intent to seek FINAL APPEAL shall be made within 30 days of issuance of the findings of the PANEL:

(c) The President of GVCA shall schedule the FINAL APPEAL for the next meeting of the GVCA Board of Trustees scheduled at least seven days after receipt of the intent to seek FINAL APPEAL.

(d) The President shall notify the APPELLANT and the ACCES Chairman of the scheduled FINAL APPEAL.

2. The President shall cause the FINAL APPEAL to be heard during that portion of the Trustee's meeting open to all MEMBERS.

(a) Both APPELLANT and ACCESS may present arguments, evidence, supporting documents, and witnesses in support of their positions. Counsel is permitted.

(b) The President may, at his or her discretion, permit questions by Trustees to the APPELLANT, ACCES, or witnesses.

(c) The President may, at his or her discretion, permit MEMBERS to address the Board regarding the appeal.

(d) The Board may adjourn to Executive Session to deliberate, but shall make its decision in open session by roll call vote.

(e) The decision of the Board shall be effective and binding on all parties immediately. Notice shall be through adoption of the minutes of the meeting in the normal course of business.

#### V. CONCLUSION

Nothing in this resolution shall in any way limit, abridge, or modify the powers, rights, or authorities granted to GVCA by the Declarations of Covenants and Restrictions.

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Adopted by the Board of Trustees, GVCA, this \_\_\_\_\_ day  
of \_\_\_\_\_, 1991.

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Douglas Powers/President, GVCA