
OAKTON MILL ESTATES HOA

BOARD QUARTERLY MEETING & Garage/Shed Informational Meeting – May 16, 2022, 7 pm Oakton Public Library

In attendance: Judy Mahony, Christine Foreso, Marcia Sherwin, David Buss, Lucas Black, Ed Hanlon, Bob Doyle, Carol Doyle, Charlie Black, Rebecca Chanin, Alan Gilbert, Jerry Strausbaugh, Jon Ambler, Gary Crum, Lauren Crum, Ralph Luciani, Nancy Luciani, Bill Bogutski, Dotty Bogutski,

Attending via zoom: Connie Jeremiah, Nick & Maria Butler, Elaine Grigsby, Carl Hahn, Kirsten Day, Noreen Tarr, Rebecca Green, Carla Ozkan

Judy opened the meeting at 7:03 pm.

All HOA members in attendance introduced themselves.

Slide show deck was emailed to all members of the HOA prior to the meeting.

OVERVIEW:

At the 12/7/21, a member asked if the HOA would consider changing the governing documents to allow a third car garage and stand-alone sheds. A covenant review subcommittee was formed to evaluate these proposals. A special meeting of the HOA members is required to consider and vote on changes to the governing documents.

COVENANT REVIEW COMMITTEE MEMBERS:

David Buss, Ed Hanlon, Carol Doyle, Jon Ambler, Judy Mahony, Mark Sherwin

PRESENTATION OF SLIDES THAT WERE SENT TO MEMBERS: David Buss, chair of the Covenant Review Committee, presented slides to the attendees, assisted by Ed Hanlon.

Process for change / decision making as outlined by covenant committee

- 1- Draft Guidelines/Factors to Consider
- 2- Covenant Subcommittee presented draft guidelines to HOA Board of Directors for Board vote (2/8/22)
- 3- Board Reviews Draft Documents
- 4- HOA board members review draft documents
- 5- Hold informational meeting where all members of HOA are invited on 5/16/22
- 6- Committee updates documents, sends documents to the Board.
- 7- Identify additional legal issues from tonight's meeting
- 8- Committee updates documents, sends to the Board
- 9- The president of the Board of Directors calls a special meeting of the HOA for the purpose of voting on the shed / garage options and amending the Articles of Incorporation
- 10- HOA vote in person or by proxy occurs at Special Meeting

Voting by proxy – process described.

- Only one ballot per HOA lot is allowed

Special Meeting: Process requirements to amend certain covenants of the Articles of Incorporation.

- 60% percent of votes of all lot owners or their proxy
- 81 households in HOA, 49 must vote 'yes' for the proposal to pass
- If 'yes', Articles of Incorporation will be amended

Current HOA practice regarding sheds: Sheds attached to existing home or structures are allowed

Four Voting Options for Sheds:

- 1- Do not allow sheds
- 2- Allow attached sheds in rear of home
- 3- Allow stand-alone sheds in rear of home
- 4- Enclosure beneath an existing deck or sunroom

Three Options for Third Car Garage:

- 1- Do not allow third car garage (no changes)
- 2- Allow third car garage attached to home and located adjacent and next to existing garage
- 3- Allow third car garage attached to home and located behind existing garage

Questions raised during slide presentation:

- A question was raised on whether votes for each question were mutually exclusive of the votes for other questions. The presenters responded yes: votes for each question would be mutually exclusive of votes for other questions.
- Another question was raised asking if an HOA homeowner cannot build a third car garage, does that HOA homeowner's vote not count on voting questions involving a third car garage. The presenters responded that regardless of ability to build a third car garage, all lot owners can vote on each of the seven voting questions.

David noted that HOA homeowners could send any additional comments in to David and Ed within two weeks (i.e., by May 30th). David noted the Board would consider all comments received and any comments received during the Information Meeting before finalizing the documents before the Special Meeting.

Homeowner Comments:

- Because lots are different, some restrictions may be needed depending on where lots are located (near parkland, shared driveways, etc) and the adjacent neighbor boundaries should be considered.
- One member reiterated that lot owners must meet Fairfax Country permit guidelines for construction of sheds and garages and to provide information on building permits to the ARC for their review.
- A member requested that a project be approved by all neighbors that are affected by the proposed project, not just adjacent neighbors.

- Carl reiterated that not all lots are equal. Guidelines are set but projects would have to be determined on a case-by-case basis
- A member asked if you have a right to vote for options if you vote 'no' but the option for sheds or garages passes
- Change language on option 1 for shed or garage. Should we change the articles of incorporation to allow sheds. Yes or No?
- One member feels that the only real option is whether we are allowing stand-alone sheds
- A question is raised about what happens in a resale if a shed is on the property
- Members wanted to make sure that 'rear' of the home is defined
- One member noted a primary identified consideration for the location of a third car garage is setback requirements. The member suggested that the guidelines should note that neighbor immediately next to the third car garage should have veto power. The member noted that the guidelines note that normal permit requirements require a third car garage to have over 25 feet setback from rear and over 20' from side. Several members suggested that the guidelines should only allow third car garages that required normal Fairfax County permitting, and disallow any third car garages that required a special permit or a variance from Fairfax County due to setback infringement
- A member suggested simplifying and shortening the voting documents
- A concern was expressed that a third car garage may not fit in with the look of the homes
- A question was raised on voting by proxy. The board is hoping that options to vote by email, mail, or in person will alleviate the need for proxy voting.
- One member expressed concern that some of the voting questions were confusing. For example, if the 60% of the vote is yes for voting option 1 (Do not allow sheds), then there would be no sheds regardless of voting answers to shed voting questions 2, 3 and 4? David noted that the Board considered deleting Voting Questions 1 and 5 to limit confusion. David and Ed noted that the Board decided in earlier meetings that it was important to include Voting Questions 1 and 5 since responses to these questions would provide helpful feedback on whether homeowners did not want any sheds or third car garages in their neighborhood. Alan Gilbert suggested that to lessen confusion, we should reword Voting Question 1 from "*Should the Articles of Incorporation not be amended to allow sheds?*" to the following: "*Should the Articles of Incorporation be amended to allow sheds?*" Ed suggested also changing rewording Voting Question 5 similarly.
- One member noted that if a new homeowner wanted an attached shed but attached sheds were not allowed because 60% of homeowners voted to not allow attached sheds in their voting on Voting Question 2, then that homeowner might sue the Board since their neighbor may already have an attached shed.
- One member suggested that the Board consider having Fairfax County or our HOA attorney review Voting Question 2 to assess whether an addition to the home is acceptable without calling it a shed. The homeowner suggested that we consider deleting Voting Question 2.

The board appreciated the comments and will discuss next steps.

Meeting adjourned by Judy at 9 pm.

Respectfully Submitted,

Andrea Woodhouse, HOA Secretary