



**mccormick
ranch**

property owners' association

You have exercised your right to appeal your denied ACC Application under Article X of the recorded Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements, now what? Please review the frequently asked questions below PRIOR to attending the Board meeting. This information will assist you when preparing an appeal to be heard by the Board.

MRPOA BOARD APPEAL FAQs

Question: I submitted my Appeal Form to the Executive Director or Board of Directors of the Property Owners' Association (POA), when will it be heard?

Answer: ACC appeals will be heard by the Board at the first regularly scheduled Board meeting following notification. If an email was provided, the Executive Director will send you the date, time and location of your appeal. If no email is provided, a letter with the information will be sent via regular mail. If you do not hear anything within three (3) business days of submitting your appeal, it is your responsibility to call the office to verify your hearing information.

Question: How often does the Board meet?

Answer: Once a month during January, March, April, May, September, October and November at 4:00 PM at the POA office – 9248 N 94th ST, Scottsdale, AZ 85258.

Question: Do I have to be present for my appeal to be heard?

Answer: No. However, the Board prefers that owners are present in person or by phone when their appeal is heard in case there are questions regarding the appeal.

Question: How long do I have to present my appeal?

Answer: Due to the number of Property Owners within the POA, regular agenda items and other presentations, appeal presentations will be held to a strict five (5) minute time limit. If the Board requires additional information after your time is up, your time will be extended.

Question: Can I have a legal representative appear with me at my appeal?

Answer: Yes. You must let the Board know that you will be represented prior to the meeting so they can be prepared with their own legal counsel. If you do not let the Board know at least 48 hours ahead of time, your appeal will not be heard until the next regularly scheduled Board meeting.

Question: Can I record the meeting while I present my appeal?

Answer: If you are intending to tape a meeting, you must inform the Board that you will be taping prior to the start of the meeting.

Question: Should I bring other examples of what I am appealing if I feel they exist in different areas or sub-divisions of the POA?

Answer: You can bring this information, and presenting it will be included in the five minutes allotted for your presentation. Any examples **must meet** the current requirements of the Rules and Regulations. Important requirements to remember are:

- Colors and textures being appealed should be compatible with the immediate neighborhood and cluster and not draw undue attention to the property.
- All buildings and structures must reflect or complement the prevailing architectural theme, if any, within their subdivision.
- All proposed construction must be compatible with the design characteristics of the property itself, and any prevailing architectural theme within the subdivision. **Compatibility is defined as harmony in style, scale, materials, color and construction details as determined by the ACC in the ACC's sole discretion.**

A neighbor's property as an example is typically not a compelling argument for approving an appeal since styles and colors change over time and the ACC guidelines are updated periodically to reflect these changes. For example, another property in your neighborhood might have the color of decomposed granite that you are appealing. The POA does not retroactively institute new Rules and Regulations. As changes and updates are made to individual properties, they will also be required to meet the current requirements in place.

Any examples presented to the Board must include the property address to be accepted.

Question: If my examples meet the requirements of the Rules and Regulations, is it better to forward them to the Board prior to the meeting, or just present them during my appeal?

Answer: It is ALWAYS recommended that you forward any photos, examples, questions or information you will be presenting to the Board prior to the meeting, for Board and Staff to review.

Question: Do appeals ever get approved?

Answer: The Architectural Control Committee (ACC) is made up of volunteer members of the POA. They personally drive each and every property prior to the ACC meetings and over time have become very familiar with each neighborhood. The ACC is also aware that certain products result in maintenance issues, certain paint colors hold up better than others and that certain trends only last a few years (veneers, paint colors, materials) and become outdated and need replacing after a short amount of time. The ACC takes special care in maintaining the harmony and timelessness which McCormick Ranch Property Owners' POA has always been respected for.

Currently, there are two General Contractors, a retired Architect, an Arborist, a former HOA Board President and a resident/investor (who owns multiple homes in Scottsdale, including the one he lives in on McCormick Ranch), that review each application. The Committee is appointed by the Board; therefore, their knowledge, experience, familiarity and education is vetted, valued and respected by the Board. Usually, when an appeal is approved, it is not because the ACC made the wrong decision, but because the property owner is willing to make a modification or new information comes to light during the appeal. Again, the Board appoint the ACC Members and approve the Rules and Regulations that the ACC enforces.

Question: Should I propose modifications to my original plan to the ACC or as part of my appeal to the Board?

Answer: Any modification to your original submittal that was denied, normally should be submitted to the ACC for review as a resubmittal, not submitted as an appeal. Frequently, a simple modification to an original application receives an approval from the ACC, eliminating the need for an appeal.

Question: Will my appeal be heard in open session?

Answer: When permitted by Arizona law, the Board will hold the appeal hearing in a closed Board meeting. All other appeals will be heard in an open Board meeting.

Question: When will I know if my appeal was approved?

Answer: The Property Owner and the ACC will be notified in writing of the Board's decision with regards to the appeal hearing within thirty (30) days of the hearing. If the Board grants the Property Owner's appeal, the prior decision of the ACC is modified to the extent specified by the Board.

Question: Can I meet with Staff prior to submitting an appeal to determine which path I should take?

Answer: Absolutely. POA Staff is available Monday through Friday, 8:30 AM – 5:00 PM to review your Application(s) and help you determine the best, most efficient, path to approval.
