

Andover Glen Gazette

www.andoverglen.org

“Communication is the key to a strong community”

May 2007, volume 5, issue 5

Important Notice

Homeowners in Andover Glen are being asked to vote on a change to the covenants of the Association related to the width of driveways. You will be receiving the full text of this proposal along with a ballot in your mail in the next few days. There is one ballot/one vote per household. It is important that you carefully read the details of the proposal and get your ballot returned by the due date indicated in order for it to be counted. What follows below are statements in favor of this proposal, opposed to the proposal, and the Andover Glen legal counsel's opinion of the proposal. Each statement was limited to 350 words or less.

Statement In Favor of the Proposed Covenant Change

TO LITIGATE OR NOT--THAT IS STILL THE QUESTION

When first I heard that we might sue Mr. Randall over his violation of our 26' rule, it seemed a costly, time-consuming, and possibly fruitless waste of our resources. Why? Because that particular speck of our covenants had not been enforced in the past 25 years. Not ever. Past that, well over half of our homes have violated that rule for many years. Perhaps the law does allow for such blatant hypocrisy, but I wanted no part of it.

A very strong majority of our board wanted to sue over the 26' limitation, and I could not persuade them otherwise. They were afraid another homeowner would sue for NOT enforcing that rule.

"Okay, folks, let's get rid of the rule that forces you to sue." The petition quickly gathered over twice the number of signatures necessary, but our board still wants to sue.

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Statement of Opposition to the Proposed Covenant Change

DON'T BE FOOLED!

Proponents of the proposed covenant change would have you believe that voting for this change is about trying to avoid a lawsuit. THIS PROPOSED CHANGE WILL DO NO SUCH THING! Read the statement of the Andover Glen Attorney if you have any doubts.

This covenant change would only give control for the standards of our community over to Aurora City Code, which is bad for Andover Glen because city code is the lowest minimum standard possible and can change at any time. Do we want Andover Glen to be a minimum standard community, where potentially 40% of our front yards could be driveway!? I don't think so.

Proponents of this covenant change would have you believe that many homes in Andover Glen are in violation of our covenants related to the width of driveways, and that that board is displaying

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Andover Glen Legal Counsel Statement

The proposed amendment to the declaration would change the maximum width allowed for a driveway from 26 feet to whatever is permitted by the City of Aurora.

It is our opinion tying such a provision to a city requirement is not advised. The entire point of living within a homeowner's association is that the association can help to protect property values.

If the city code alone were sufficient there would be no need for a homeowners association. By simply setting the requirement to match the city's requirement it removes the ability to control your community and keep it looking like it looked when you purchased your home.

It gives the impression that all that is needed is a permit from the city to install something on your property which is not correct. A homeowner must submit plans for review and approval to an Association prior to installing any improvement to property. While the current requirement of the

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Statement In Favor of the Proposed Covenant Change

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Ah, well. Recent events give us even more reason to pause. Mr. Randall is in jail, and has probably lost or spent much of what he embezzled from the State. I am reliably informed that Colorado will stand ahead of others seeking satisfaction from Mr. Randall.

My concern now, is that we may win in court and be awarded reimbursement of all costs incurred. The sheriff shall supervise the Randall driveway reduced to rubble and carted away. The lawyers and contractors will seek satisfaction from Randall, and finding none, will turn to us with their bills. We shall be left with a big hole in the ground and bills involving several, perhaps tens of thousands of dollars. Association dues will be raised to cover this amount, or reserves depleted, perhaps both.

Please vote YES to change our covenants and, for the time being, let City of Aurora zoning rule on the driveway issue only.

If necessary, we may change the zoning part later and perform that function in another way. Perhaps our board will take this action as a mandate to halt the lawsuit.

Bob Meyer

Statement of Opposition to the Proposed Covenant Change

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some sort of hypocrisy by trying to enforce this provision of the covenants now. This is **simply not true**. Every home in Andover Glen had to submit a building plan to be constructed, and by practice, if that plan was accepted and allowed to be built, any driveway over 26 feet was accepted by default. All homes and their driveways currently in Andover Glen (with the exception of one!) have been long ago accepted as appropriate for our community. The *truth is*, the home in question doubled the width of their 2 car driveway from 18 feet to a full 36 feet without getting any required approval, and all this was in clear violation of our protective covenants.

Please, listen to the advice of our attorney and the majority of your Andover Glen Board members and vote a firm NO! to this ill-thought out and misdirected change to our covenants. Don't let Andover Glen be ruled by Aurora City Code!

Look around Aurora to communities that are guided by these minimal standards and you'll see why our covenants are so important to protecting property values and the quality of our neighborhood !

Randy Simpson
President
Andover Glen HOA

Andover Glen Legal Counsel Statement

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city may or may not be appropriate for the community, the city could change its requirements to something that is not appropriate for the community. If that happens, the community would be bound by the city code even though it is not suitable for the community any more because the declaration would be tied to the city code.

Many owners were led to believe that amending the declaration in this manner would stop a pending lawsuit the Association has against an owner for expanding his driveway without permission of the Association. That is not the case. The owner in that case is bound by the driveway restriction that was in place when he made the change. Also, the amendment does not change the fact that the owner did not obtain the Association's approval prior to making the change to his driveway.

Those are issues that are not affected in any way by the amendment. Therefore, the amendment has no effect on, and will not stop, the lawsuit.

Debra J. Oppenheimer
Covenant Enforcement Attorney
HindmanSanchez P.C

Two June Events set to Clean up and Clean out Andover Glen!

By Debra Jones

There are two events scheduled for June that you'll want to mark on your calendar right away aimed at cleaning up and cleaning out our neighborhood.

Garage Sale Weekend

Our Annual Garage Sale is set for Father's Day Weekend, Friday, June 16th and Saturday, June 17th. If you plan on having a garage sale, please have your items out early. This Garage Sale will be well advertised and sponsored by Rich and Donna Foerster of Keller Williams. Rich and Donna will be walking around the neighborhood during this event to meet and greet you. This is the perfect chance to turn your old stuff into cash!

Dumpster Days

A large roll-off dumpster will be available Friday, June 22nd through Sunday, June 24th

near AG Park. Just a couple of reminders, if you have any large tree branches or bushes, please cut them down to smaller pieces to fit into the dumpster.

No toxic wastes like old paint, oil, batteries, tires, etc., are allowed. Please wait for the City of Aurora Household Chemical Roundup in September for those items.

Once the dumpster is full - **IT'S FULL!** If we overfill it the waste management company cannot cover the dumpster and they will not take it.

Please remember that the dumpster is for Andover Glen homeowners only and is paid for by your Association Dues.

Thanks again for everyone's efforts so we can keep offering this service to our community.

If you have any suggestions, questions or concerns, please e-mail me at debsew79@msn.com ~

Xeriscape Project Workday set for June 9th!

By Norm Arlt

On Saturday, June 9th, there will a workday for our Xeriscape Rebate Project. The City of Aurora will give us a rebate of \$1 for each square foot of grass that we eliminate. This year's project includes the removal of 8,576 square feet of grass, producing a rebate of \$8,576.

The project area is our park entrance on Layton Drive. Almost all the grass will be replaced with mulch, and 127 xeric plants will be placed. Since we hope to obtain free mulch from the city, and use volunteers to spread the mulch, the Rebate should be a slightly more than the cost of the project. Our primary savings from this project will be reduced water needed for irrigation.

We are planning to have the plants professionally planted, and have some of the irrigation changes done by our contractor. However, a big part of the project is spreading the mulch to a depth of 3-4 inches. We need to move a few truckloads of mulch from our park entrance to cover the grass that is being eliminated. Bring your wheelbarrows, shovels, and forks. The project will get underway at 9 a.m. and there will be refreshments served. Please contact Norm Arlt at 303-766-7344 if you'd like to help out. If you can't help that day, we will have some mulch delivered before that date, and would be glad to have your help sooner. ~

Printed Copies of Board Minutes available

By Anne Stellman

If you'd like to get a printed copy of the Andover Glen Board meeting minutes (as opposed to reading them on the AG website at www.andoverglen.org), just call Anne Stellman at 303-699-8567. I can usually get copies made within a few days. ~

Special Feature Article:

Understanding Homeowners' Associations and CC&Rs

By Donna Foerster, GRI

Keller Williams Realty

Email: mrsdonna4str@aol.com

When you buy a home in a new subdivision, common interest development (CID), planned unit development (PUD), or co-op, chances are good that you also automatically become a member of an exclusive club: the homeowners' association. The club's members include all the people who own homes in the same development.

The transfer deeds to houses in new developments, CIDs, PUDs and co-ops almost always include limitations on how the property can be used. Usually these limitations – called covenants, conditions, and restrictions (CC&Rs) – put decision-making rights into the hands of the homeowners' association.

Some associations enforce every rule with the enthusiasm of a military drill sergeant; others are run in a more relaxed way. Most associations try to make decisions that will enhance the value of the homes in the neighborhood.

CC&Rs commonly limit the color or colors you can paint your house (often brown or gray), the color of the curtains or blinds visible from the street (usually white), and even the type of front yard landscaping you can do.

Some CC&Rs go on to require that garages facing the street be kept neat, insist that laundry be dried indoors rather than hung on a line, prohibit basketball hoops in the driveway or front yard, and prohibit parking RVs or boats in the driveway.

Many homeowners like CC&Rs because they provide a level of predictability and an expectation of behavior that can be enforced if necessary. ~

Neighbor to Neighbor

Services and stuff for sale, cheap!

Baby Sitting: Experienced, Red Cross Certified, 9th Grade, neighborhood Babysitter. Loves Kids! Kristin Guerra, 303-766-0464.

Baby Sitting & Odd Jobs: Red Cross Certified, 7th Grade, neighborhood Babysitter. Will also do odd jobs like house sitting, dog sitting, watering plants. Very Responsible. Shannon Guerra, 303-766-0464.

Baby Sitting: Red Cross Certified, thoughtful and loves kids. Call Sophia, 303-693-9356 or 303-668-6058.

Tennis Lessons: Experienced Tennis Instructor living in AG. Group Rates Available. Cari Merrill, 303-699-0454.

Lawn Mowing: We can mow and trim your lawn weekly or while you're on vacation. Call Zach at 303-400-6805.

If you have an ad or notice you'd like to place in the Gazette under the Neighbor to Neighbor section, please contact Randy Simpson at rgates@yahoo.com

Meeting Reminder:

The next meeting of the Andover Glen Homeowner's Association Board will be on Wednesday, June 20th at 7 p.m. at Shalom Park. All members are invited and encouraged to attend!

Andover Glen Homeowner's Association Board Members

President: Randy Simpson	693-0546
Vice President: Bill Windler	688-8617
Secretary: Anne Stellmon	699-8567
Treasurer: Barb Powell	632-3727
Architectural: Royal Shields	617-1307
Grounds: Norm Arlt	766-7344

Social: Debra Jones 690-9459

Welcoming: Cindy Wagner 693-8729

Neighborhood Watch: Bob Meyer 690-6927