

**CASITA COLONY RECREATION ASSOCIATION
EXECUTIVE SESSION of the BOARD OF DIRECTORS
May 14, 2024**

CALL TO ORDER

An Executive Session was called to order on May 14, 2024, at 6:00 PM, by Board President Fleming, to hear a Rules Infraction appeal by a Resident.

ROLL CALL Directors in attendance: Fleming, Whitney, Debus, Helferich, Baughn

THE VIOLATION

In prior weeks, a resident had been notified by the Property Maintenance Committee that their garbage/recycle bins and enclosing cabinet were in violation of a “no bins in carport” rule expressed in the Rules & Regulations.

The notification was verbally delivered to the resident by a Board/Committee member at the resident’s place of work, during the resident’s work shift.

DISCUSSION OF APPEAL

The resident was upset at the violation notice and in the manner in which it was delivered, and appealed to the Board via an email letter for a waiver for their garbage bins/cabinet arrangement. The bin cabinet in question had been in the carport for more than a year without notification of violation.

Key points in the letter:

- No side yard to keep garbage cans out of sight
- Extremely unacceptable to keep garbage bins in outside living space
- Storage solution is a wonderful one for those who have no other option
- Not at all visible when car is in carport
- Color (of cabinet) matches doors perfectly

Directors agreed that the intent of the restriction is to keep VM3 as a clean and tidy community, with carports that are not a blight on the community.

Directors reviewed CCRA Declaration of Restrictions and Rules & Regulations and noted that the storage solution does not violate the Declaration of Restrictions.

Directors discussed that different VM Units had differing restrictions around carport bins, noting that VM2 allowed several methods of concealing bins from view, such as makeshift lattice barriers, built-up cabinets, and curtains. None of the ad hoc methods were thought to be neat and tidy by the VM3 Board.

A Board Director reported an email exchange with the City of Scottsdale Supervisor of Enforcement, in which the supervisor stated that bins in carports are not a rules violation and would not be ticketed.

Based on the intent of the restriction, some Directors felt that the neat design and manner of trim color on the bin cabinet enabled it to be considered “neat and tidy”. In addition, the cabinet is located

unobtrusively at the back wall of the carport. In fact, several Directors noted that most passers-by would not notice the bin cabinet at all, because it is the same color as the house and trim paint.

BOARD ACTION

Directors voted unanimously to grant a waiver to the residents of the property, allowing the bin cabinet to remain in the carport. There was no expiration date attached to the waiver.

ADJOURNMENT

John Baughn
Secretary, CCRA