

STATEMENT OF POLICY  
C&O CLUB ASSOCIATION BOARD OF DIRECTORS  
May 23, 2018

This is a statement of policy adopted unanimously by the Board of Directors of the C&O Club Association on May 23, 2018.

One of the concerns that has surfaced from time to time over the more than twenty-five years that there have been homes in the C&O Club has been the planting of trees, hedges, and other shrubbery, primarily in the required zoning setbacks between homes, that may impair a view of Lake Charlevoix from other homes. These sight lines have sometimes been referred to as “view corridors.” The concern was originally exacerbated by the developer’s decision, for marketing purposes, to plant fast-growing (and not particularly attractive) white pines on the lot lines separating the lakeside home sites. Now, many years later, many of those trees and other plantings located in the setbacks are reaching the end of their natural lives. Unit owners may be interested in updating the landscaping. The Board wishes to state an overall policy in connection with such landscaping, even though individual approvals of landscape plans will continue to be administered by the Architectural Review Board (“ARB”).

1. All plans for landscaping and grading (as well as any addition, change, or alteration to the exterior of “Improvements”) are subject to approval by the ARB. (Bylaws, Article VI.A.2 & 5(c)).

2. In connection with those plans, Article VI.A.7 of the Bylaws gives the ARB reasonable but nevertheless complete authority over “any matter or thing which in the judgment of the Review Board would render the proposed Improvement or alteration inharmonious with or out of keeping with the objectives of the Review Board or with Improvements erected or to be erected on other Units in the Condominium, including purely aesthetic conditions.”

3. While, in the Board’s view, the legal entitlement of any home site to a “view corridor” is open to question, it is also the case that there is some understanding as a community that unit owners ought not get ARB approval for large view-blocking trees or shrubbery in the setbacks between the houses. Moreover, the ARB’s authority not to approve any such landscaping is beyond question.

4. Every purchaser of a unit was aware that, unlike many other home sites in the area, the C&O Club consists of relatively large houses in close proximity to each other. Every purchaser of a unit was on notice of the fact that the community could impose significant restrictions on the appearance of Improvements and on landscaping, and that the right to do as one pleased on one’s property would be encumbered to some extent. The Board does not believe that there is any restriction on the ARB’s authority concerning the approval (or not) of replacement landscaping for existing trees or shrubbery that need to be replaced due to casualty or act of God, because they have reached the end of their natural or useful lives, or because the unit owner just wishes to replace them. In other words, simply because a unit owner had landscaping either (i) placed by the developer, or (ii) approved as much as twenty-five years ago

under standards no longer observed, that unit owner does not have a vested perpetual legal right to replace it with presently non-approved landscaping.

5. Nothing in this policy should be construed as imposing an obligation on any unit owner to replace existing trees or shrubbery, but existing trimmable hedges must be kept under seven feet tall.

6. The Board's view is that a set of rules and a legalistic approach to these issues will never be sufficient for the maintenance of a harmonious neighborhood in a relatively tight space like the C&O Club. The Board has no interest in policing the neighborhood for compliance with this Policy. Rather it expects that (a) unit owners will abide by the spirit of the Bylaws in submitting material additions and changes to the ARB for approval, and (b) unit owners will have the courtesy to consider the impact of their improvements and landscaping on their neighbors regardless what such unit owners may believe their legal rights entail. Moreover, it expects affected neighbors to express any concerns to each other, or otherwise to resolve any differences, and not to rely on the volunteer members of the Board to adjudicate disputes. Nevertheless, the position of the Board in case of any such dispute will be as stated in this Policy.