

BROOKEVILLE KNOLLS HOMEOWNERS ASSOCIATION, INC.
P.O. Box 393
OLNEY, MD 20830
2019 ANNUAL MEETING NOTICE

October 1, 2020

Shelley W. Deppa
18417 Shady View Lane
Brookeville MD 20833-2842

For Property at: 18417 Shady View Lane Brookeville MD 20833-2842

Dear Homeowner,

We invite all Members of the Association to the 2020 Annual Meeting of the Brookeville Knolls Home Owners Association.

Date: **Thursday, November 5, 2020**

Time: **7:30 pm**

Location: **Zoom (The link will be emailed prior to the meeting; if we do not have an email address on file OR do not receive the link by November 2, please contact BrookevilleKnollsHOA@gmail.com to receive this information.)**

The enclosed Agenda outlines the meeting and is subject to change. If you have items you would like to have added to the agenda, please email BrookevilleKnollsHOA@gmail.com no later than November 1, 2020.

Board Elections

Your Board of Directors consists of five (5) members who volunteer their time to manage the business of the community. Board Members serve a three (3) year term and the terms expire on a staggered basis. This year the community will vote to fill three (3) positions, two reaching their end of term and one vacant position ending 2022.

All association members are encouraged to run for the Board. Experience is not necessary. The time commitment is typically limited to five (5) hours per month. The Board meets once a month for approximately two (2) hours at the Olney Library. All Board members are required to sign Code of Conduct and Conflict of Interest agreements. Montgomery County now requires that all Board members complete online training, which takes approximately two (2) hours to complete.

Proposed By-Laws Amendment

Exhibit 6 (a)
OZAH Case No: ADO 21-02

BROOKEVILLE KNOLLS HOMEOWNERS ASSOCIATION, INC.
P.O. Box 393
OLNEY, MD 20830
2019 ANNUAL MEETING NOTICE

As outlined in the enclosed GOCA resolution, the recently passed Montgomery County Zoning Text Amendment (ZTA-19-01) will substantially impact communities that consist of single family and town homes. To maintain the current character of our community as a single residence per dwelling neighborhood, not one with attached apartments or tiny homes in backyards, the BKHOA Board of Directors is proposing an amendment to our bylaws. The attached proposed amendment will prohibit homeowners from creating separate accessory apartments in or adjacent to their homes.

The enclosed document also includes GOCA's explanation of their opposition to the ADU zoning. The BKHOA Board of Directors also opposed this ZTA and therefore is proposing an amendment to our bylaws to address ADU zoning. Voting on this amendment will occur at this year's annual meeting.

Proxy

We encourage each household to be represented in person at the Annual Meeting. However, if you are unable to attend you can still vote by means of the enclosed proxy. The general proxy is used to establish a quorum for the meeting and to vote on all business, except voting for candidates for the Board. The directed proxy is used to vote for candidates for the Board.

Instructions are on the proxy form. For your convenience, we have enclosed a self-addressed, stamped envelope to return your signed proxy.

Proxies must be received in the HOA P.O. Box by 5pm Thursday, November 5th.

FY 2020 / 2021 Budget

The proposed Fiscal Year 2020/2021 Annual Budget is included on the reverse of the enclosed Agenda, which will be reviewed at the Annual Meeting. We are in a fairly good financial situation and for now have sufficient funds to cover normal operating expenses. We are NOT increasing the dues this year.

We look forward to seeing you (virtually) at the Annual Meeting on November 5th.

Sincerely,
BKHOA Board of Directors

INFORMATION ON FILE:

EMAIL sdeppa@safetybehavior.com

EMAIL

PHONE 301-774-1113

PHONE

DIRECTED PROXY
Annual Meeting
Brookeville Knolls Homeowners Association, Inc.
November 5, 2020; 7:30pm

For the property located at:

18417 Shady View Lane Brookeville MD 20833-2842

The undersigned Member of Brookeville Knolls Homeowners Association, Inc. ("Association) appoint the Association's Secretary as my proxy at the 2020 Annual Meeting and any subsequent meeting called for the purpose of voting on the proposed amendments to Article VI, Sections 1 and 12 of the Declaration. My proxy shall have full authority to vote upon the election of the Board of Directors as I specifically direct below, on the proposed amendments to Article VI, Sections 1 and 12 of the Declaration, as I direct below, or, if I do not direct, as my proxy determine appropriate, and shall have the authority to vote on my behalf on any other issues property brought up at the Annual Meeting, as fully and with the same effect as if the undersigned had been personally present at said meeting.

Member: Shelley W. Deppa
Address: 18417 Shady View Lane Brookeville MD20833-2842

Signature: _____ **Date:** _____

DIRECTED BALLOT BYLAW AMENDMENT

I hereby direct my proxy to vote on the proposed Amendments to Article VI, Sections 1 and 12 of the Declaration to prohibit accessory dwelling units within the Association, which was enclosed with the Notice of Annual Meeting, as follows:

_____ For Adoption _____ Against Adoption

DIRECTOR ELECTION BALLOT

Mark your vote(s) with an X or checkmark. Vote for not more than three (3) candidates.

[] Maria Bender

[] Rick Wermer

[] Bob Wersto

[] Write-In _____

Please use the enclosed self-addressed and stamped envelope to return your proxy.

This signed Directed Proxy must be in the P.O. Box by 5pm November 5, 2020.

NOTE: Your annual dues must be current for this proxy to be valid OR for homeowners to vote at the annual meeting.

**PROPOSED AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
BROOKEVILLE KNOLLS HOMEOWNERS ASSOCIATION, INC.**

The Board of Directors of Brookeville Knolls Homeowners Association, Inc. proposes the following amendments to its Declaration of Covenants, Conditions and Restrictions (“Declaration”):

1. Article VI, Section 1 of the Declaration is hereby amended and shall read as follows (underline is added language; strikethrough is deleted language):

The Lots shall be used for residential purposes exclusively, and no building shall be erected, altered, placed or permitted to remain on any such Lot other than one used as a single-family dwelling except a professional office may be maintained in a dwelling unit, provided that such maintenance and use is limited to the person actually residing in the dwelling and, provided further, that such maintenance and use is in strict conformity with the provisions of any applicable zoning law, ordinance or regulation. As used in this Section, the term “professional office” shall mean rooms used for office purposes by a member of any recognized profession, including doctors, dentists, lawyers, architects and the like, but not including medical or dental clinics. Notwithstanding any other provision of this Declaration, and except as provided in the next sentence, it is prohibited to install, erect, or construct an accessory dwelling apartment or accessory dwelling unit on any Lot or to use any portion of a Lot or a dwelling as an accessory dwelling apartment or accessory dwelling unit. The preceding prohibition of accessory apartments or accessory dwelling units within the Association shall not apply to a Lot where the Owner of the Lot obtained a Class 3 Accessory Dwelling Unit License from Montgomery County, Maryland, applicable to that Lot, dated on or before May 1, 2020, until the ownership of the Lot is transferred in any manner from that Owner, at which time the prohibition shall apply to that Lot. As used in this Declaration, the terms “accessory apartment” and “accessory dwelling unit” shall mean part of an existing dwelling, an addition to an existing dwelling, or a separate accessory structure on the same lot as the main dwelling, with provisions for separate cooking, eating, personal sanitation and sleeping than the main dwelling unit. The terms “dwelling” or “dwelling unit,” as used in this Declaration, shall include a townhouse. Nothing contained in this Article, or elsewhere in this Declaration, shall be construed to prohibit the Declaration from the use of any Lot or dwelling, or improvement thereon, for promotional or display purposes, or as “model homes,” a sales office or the like.

2. Article VI, Section 12 of the Declaration is hereby amended and shall read as follows (underline is added language):

Any lease agreement between a Lot Owner and a lessee shall provide that the terms of the lease are subject in all respects to the provisions of this Declaration, and the Articles of Incorporation and Bylaws of the Association, and that any failure by the lessee to comply with the terms of such documents shall be a default under the lease. All such leases shall be in writing. No portion of any Lot or dwelling unit (other than the entire Lot or entire dwelling unit) may be leased for any period.

Matt Quinn
President
CHERRYWOOD

Dave Miller
Executive Vice President
NORBECK MEADOWS

John Blachere
First Vice President
ASHLEY HOLLOW

Hilary Phillips-Rogers
Second Vice President
VICTORIA SPRINGS

Carol Frenkel
Recording Secretary
OLNEY MILL

Ryan Martin
Corresponding Secretary
BROOKVILLE KNOLLS

Bob Hambrecht
Treasurer
WILLIAMSBURG VILLAGE

Zoning Text Amendment No.: 19-01 (ZTA)

Wednesday, June 05, 2019

To: Montgomery County Council

Subject: Opposition to Zoning Text Amendment No.: 19-01

The following Resolution was passed at the General Membership Meeting of The Greater Olney Civic Association, Inc., held on Tuesday the 12th day of March 2019

RESOLVED: The Greater Olney Civic Association, Inc., reaffirms its earlier position, taken on the 5th of January 2012 (a copy is attached) and again opposes the proposed changes to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code, known as Zoning Text Amendment No.: 19-01 (ZTA), in that this proposed ZTA effectively and substantially changes the zoning of all single family detached homes after the homes have been completed, all community resources (such as schools, water, sewer, storm water management, fire, police, parking, etc.) have been allocated based upon the original zoning and development plan and the affected homeowners have invested very substantial resources for the purchase of a single family home community in a particular location and neighborhood based upon pre-existing zoning and design plans.

Reasoning

An accessory dwelling unit (ADU) is a smaller, independent dwelling unit located on the same lot as a stand-alone (i.e. detached) single-family home. ADUs go by many different names throughout the United States, including accessory apartments, secondary suites, and granny flats. ADUs can be converted portions of existing homes (i.e. internal ADUs), additions to new or existing homes (i.e. attached ADUs), or new stand-alone structures or converted portions of existing stand-alone accessory structures (i. e. detached ADUs). See American Planning Association, www.planning.org/knowledgebase/accessorydwellings.

The proposed change to the County's zoning ordinance will have the effect of increasing the density of our neighborhoods, many of which were designed with the specific intention of one home on one lot serving the members of one family, even with its own extensions.

This is contrary to the housing intentions of the homeowner, particularly one who has significantly invested in a community of dedicated single-family homes. This is particularly so in those neighborhoods that are subject to recorded covenants which run with the land and for which the community was designed and intended to be a single-family home community. Simply stated the proposed change will alter the design, purpose and function of the particular

community.

As contemplated, the Zoning Text Amendment does not adequately address the sufficiency of distance between homes to which an accessory dwelling unit might be permitted, the sufficiency of parking, be it within the particular lot or on the adjoining street, the availability of infrastructure services that accompany the increased density, such as for example, the emergency response time, the community swimming pool, all forms of utility services, the local neighborhood schools, etc.

Furthermore, there has been inadequate enforcement of existing zoning regulations thereby enabling one residential unit with its own green space, front/back/side yard, being literally transformed to a parking lot when the number of residents, with their vehicles exceed the acceptable standards of square footage within a residence appropriate for each individual occupant.

Unique lot sizes, residential configurations and other relevant factors may, under the right set of circumstances, permit, as a special exception, the placement of an accessory dwelling unit. Thus, the special exception process is the means by which an accessory dwelling unit shall be permitted.

Even in such a circumstance, this proposed ZTA shall require that the owner of the primary residence must remain as an on-site occupant of either the primary residence or the accessory dwelling unit.

Respectfully

Matthew Quinn
President
Greater Olney Civic Association, Inc.

Brookeville Knolls Homeowners Association, Inc
Annual Meeting Agenda
November 5, 2020 - 7:30 PM
Virtual Zoom Meeting

Call to Order

Introduction of Board of Directors

President — Ryan Martin
Vice President — Maria Herrera
Treasurer — David Kerr
Secretary — Maria Bender

Confirm Quorum Requirements (17 Minimum)

Establish Election Committee

Review of 2019 Annual Meeting Minutes

Nominations for 2 End of Term BOD Positions:

Candidate(s) Comments

- Maria Bender
- Rick Wermer
- Write-ins

Election

Old Business:

Past Year Accomplishments

New Business:

Proposed Budget for Fiscal Year ending September 30, 2021
Architectural Guidelines and Architectural Review Committee
Resale Packages
Traffic Calming
Greater Olney Civic Association Updates
Community Reminders

Member Comments