

**MARCUS POINTE
HOMEOWNERS
ASSOCIATION**

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Shame on Me

By Larry Clarke

We bought our home in Marcus Pointe on Marquette Ave in early 2002 as a retirement home. Our daughter lived in the home until we retired. On visits to Pensacola, we realized we needed some privacy on the Marcus Pointe Blvd side of our home in the backyard and contracted with a landscape company to build a kidney shaped plant and flower bed to provide privacy for our patio. Several months later I was informed via letter that while the plant privacy screen was acceptable, I should have followed the Homeowners Association Guidelines and requested permission, with drawings, to the Architectural Committee. Having lived all over the country, I am grateful to have an architectural control committee to protect my property values.

I should mention at this point that in other states where we have lived, it is a requirement that homeowner association documentation be provided as part of the settlement documentation at closing. I received none at closing here in Pensacola despite asking about the guidelines and subsequently learned it is Florida law that the departing homeowner provide homeowner documentation to the buyer (a point we all should remember). When we finally moved here in April of this year, I contacted Carol Wilson, current Association President, who arranged for me to receive a soft copy of the Association Architectural Guidelines. I began planning for adding a whole house generator to our property. I sent a letter to the Architectural Control committee outlining our plans, which was immediately approved contingent upon appropriate screening with landscaping. The contractor took care of the building permit, which was required.

I then reviewed the guidelines and found nothing regarding hurricane shutters so I began my search of what was best for our home from the large inventory of different kinds available. I also went to the Escambia County Building Permit web site and found no mention of hurricane shutters requiring a building permit, so I contracted for shutters, assuming no building permit was required (shame on me). It turns out there was a homeowners association letter stating that hurricane shutters, in addition to other items not covered in the original guidelines, had been circulated to homeowners prior to our arrival requiring approval before proceeding with contracting. I also learned that in Oct of 2003, Escambia County had modified building permit requirements to include hurricane shutters (hope they plan on updating the web site this century). As you might expect, I was cited for a building permit violation on the hurricane shutters. The citation said the complaint was on file at the State Attorney's Office so off I went to the State Attorney's Office to find the details. After wasting about an hour, I learned the building permit office holds the citation background at the building permit office. My next stop was the building permit office to see the background information. There I learned that despite our Constitutional rights to confront our accuser, they entertain and follow-up on anonymous complaints. While waiting to meet with someone in the building permit office, I took a copy of every information sheet on the information desk and there was the Oct 2003 announcement that hurricane shutters required a building permit. I might add I was also accused of using an unlicensed builder, which is still in question.

So what's the moral to this story? First, you cannot fight city hall so learn how to comply with what really are reasonable requirements (remember the family that recently bought hurricane shutters that were appended to their house with Velcro stripes). Building permits put a stop to that foolishness and in the long run protects your investment and your property. They also protect you from less than honorable salesmen. Second, the Homeowners Association Board and Architectural Control Committee are made up of members of our community who volunteer their time for what is surely a thankless job. Having attended only one of their meetings, I can tell you that everything I heard will help my property retain its value and continue to ensure that we have a community we are all proud to live in. If you are in doubt about a Homeowners Association Architectural Control guidelines or Escambia County building permit requirements, call first. It will save you hours of running around town and ensure that the Association does not have to send you an unwelcome letter than none of us like to receive.