

Chambertin HOA Board of Directors Policy Reminders for Current and Prospective Unit Owners

Purpose: The Chambertin HOA Board of Directors (BOD) offers the following Policy summaries and reminders to Chambertin Owners.

Background: There has been discussion at the last several Chambertin Homeowners Association (HOA) and HOA BOD meetings regarding whether “basement lock offs” are permissible and whether it is permissible to rent two different sections of a unit. Other discussions involved parking and pets. Dave Sargent, as an owner and member of the HOA BOD, has researched various policy and development code documentation and offers the following information.

The Chambertin By-laws: Section 1.2 Assent states that the By-laws are applicable to “All present or future Owners, Guests, future Guests, tenants, future tenants or any other persons using the facilities of the Project . . .”. Therefore there is no doubt that the developers recognized that the units would be rented and have tenants and the Chambertin By-laws permit renting units.

Avon Development Code: The Avon Development Code includes the following definitions which are relevant.

Dwelling, Single-Family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

Dwelling Unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, duplex, or multi-family dwelling or mixed-use building.

Kitchen means a room or portion of a room devoted to the preparation or cooking of food for a person or a family living independently of any other family, which contains a sink and a stove, cooktop or oven powered by either natural gas, propane or 220-V electric hook-up.

Kitchen Facility means an area for cooking which includes a sink, refrigerator and fixture for cooking food.

Eagle County Official Website: Under *Common Concerns* at this website it states that one dwelling unit cannot have more than one full kitchen.

It also states that the land use regulations allow that up to 4 unrelated individuals may occupy a dwelling unit or 1 person per 300 square feet of living area (roommates). It also states that code enforcement generally seeks to mitigate impacts (parking, trash, etc.) rather than control of number of individuals.

Avon Ordinance 09-12 (Short Term Rentals): This ordinance describes a short term rental as less than 30 days and defines in detail if and where in Avon short term rentals are allowed.

Chambertin is an area where short term rentals ARE NOT ALLOWED. Where short term rentals are allowed the owner must obtain a sales tax license and must pay sales tax on short term rental revenue.

Policy on Pets: In November 2003 the HOA approved and incorporated a Rules and Regulation Change that prohibits tenants from having pets. Only owners can have pets at Chambertin. This policy change is also recorded in the April 19, 2010 HOA BOD Meeting Minutes.

Parking: The BOD is discussing whether a change in parking space assignments might be possible but at this time each unit has three assigned parking spaces, two inside (garage and/or carport) and one outside marked by numbered signs. Unassigned spaces are for “guest” parking and are not to be used as additional unit parking.

Take away from all this: The meaning of all this for Chambertin Unit Owners may be interpreted as follows:

1. Rentals/Tenants are absolutely allowed by the Chambertin By-laws and Avon and Eagle County Codes;
2. Chambertin Townhouses are Single-family dwelling units, but could be occupied by either related family members or by unrelated roommates as tenants, but as Single-family only one tenant lease should be allowed;
3. As Single-family dwelling units they cannot have any 220-Volt cooking appliance in the basement wet bar or other basement areas;
4. Number of occupants is of less concern than impacts on parking, trash, etc.

HOA Board Of Directors Guidance:

1. It is perfectly acceptable for the units to be rented as Single-family units but with maximum of one lease per unit. This could take several forms:
 - a. Owner occupied using full unit and therefore no tenant or lease;
 - b. Owner occupied but sharing part of the unit with roommate(s) and potentially documenting the terms of that agreement with a lease.
 - c. Tenant occupied using full unit and therefore only one lease;
 - d. Tenant occupied but allowing owners to occasionally visit as “Guest”;
 - e. Occupied by tenant(s) who are roommates. This would be one lease with all roommates included and responsible as a group for complying with all regulations.
2. Regardless of who is living in a unit it must be treated as an owner occupied Single-family unit in full compliance with all By-laws, Articles and Declarations. It is the owner’s responsibility to ensure this is done.

3. The basement rooms cannot be referred to as “lock-offs” and cannot be equipped with a second full kitchen or with any 220-Volt cooking appliance. The wet bar is fully acceptable as long as there is no 220-Volt appliance.
4. No short term rentals (less than 30 days) are allowed by Avon.
5. Each unit has three assigned parking places. Assigned parking includes two garage/carport and one on the asphalt (outside) space. Assigned asphalt parking places are marked with the unit’s number. Unassigned/guest spaces are for short term visitors, not for regular use by residents. Asphalt spaces are not to be used for vehicle, material or other storage. If an owner/tenant chooses to use a garage/carport space for storage or other permitted purposes, there is, still, only one asphalt space available to each unit. The HOA BOD is reviewing options on how to improve parking space assignment and management. At this point, the above policy remains in place.
6. Although owner residents are allowed a pet, tenants are not allowed to own or house any pets. This prohibition includes short term visitors.