

## ROSEMOUNT PLACE ARCHITECTURAL CONTROL (ACC)

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### Architectural Approval Process

*A home is often the most expensive item a person will purchase in his or her lifetime. One of the joys of homeownership can be making improvements to alter or beautify the physical structure or the property on which the home resides. While your home may be your castle, community association deed restrictions are "king" in determining what may or may not be done regarding most improvements.*

One of the most active committees established in an association is the architectural control or review committee. The function of this committee is to determine whether or not proposed changes to a property are consistent with the deed restrictions and aesthetic standards of the community. Deed restrictions provide land use restrictions along with limits on what physical changes may or may not be made to the exterior of the property. Most bylaws require written approval before any changes are made to the exterior appearance of a home or property, including landscaping.

This approval process sounds cumbersome but is often quite simple. Most associations have standard written forms (often called architectural variance or change requests) which are filled out by the owner and submitted, with appropriate architectural drawings if necessary, to the association's board of directors or property management office. Those requests are then forwarded to the architectural control committee members who review and discuss the proposal at the committee's periodically-scheduled meetings. As with full board meetings, the meetings of the architectural control committee are publicly-posted and open to attendance by association members.

Change requests are routinely approved unless the requested changes conflict with established standards of the community. Common requests are for installation of rain gutters, installation of a deck or patio, changing the paint color of the home, construction of a swimming pool or children's play scape, and installation of flower beds or other landscaping requests. While seeking the approval of a community association for these changes may trouble some owners, it is important to note that a community's enforcement of architectural guidelines can be upheld in a court of law. Although an association's survey of property changes is limited to changes visible in public view, should an association become aware of changes that do not meet established

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---

standards an owner can be required to bring them into compliance. This applies whether or not the owner was the one who made the changes. The architectural control committee does have flexibility to grant variances to the deed restrictions.

Success for an association's efforts to uphold architectural guidelines can best be achieved by the association exercising care in drafting written guidelines to educate owners and reduce disputes over requested changes. For those requests that are rejected, an association should also have a formal appeals process, preferably to the full board of directors, to discuss the requested change.

Architectural guidelines are not intended to arbitrarily control property, but rather are an additional means of fulfilling the association's duty to its members to maintain standards which provide for a beautiful community and protect property values.

### **The ACC Explained**

Responsibilities: Monitor community to ensure governing documents regarding architectural control are being followed and to monitor ongoing projects and violations of ACC rules. If violator(s) do not rectify a problem, committee chair is responsible for notifying the Board so that appropriate action is taken. In addition, the committee shall review rules and HOA bylaws annually, and provide recommendations and reasons for changes.

Members of the Architectural Control Committee also have an obligation to must comply with restrictions set forth in the CC&Rs and other governing documents

### **The Architectural Control Committee**

1. is a standing committee.
2. are homeowners in good standing with the Association.
3. may not approve applications due to governing document requirements and other considerations.
4. reviews in a timely manner all architectural requests/plans submitted.
5. endeavors to make fair and reasonable decisions.
6. monitors timelines for investigation, approval/denial and work completion.
7. normally Investigates, approves or denies projects within 30 days. Some circumstances may cause longer periods between actions.
8. requires, upon approval, that construction begin within 30 days of approval and completed within 90 days of start date. Consideration may be made for special circumstances causing delay.
9. maintains accurate records of all ACC applications and outcomes (see chart).
10. make recommendations to the homeowner regarding changes or enhancement of the project.

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### **Meeting with the applicant:**

The committee should meet with the applicant to go over the ACC request. At that time, questions should be asked and answered to clarify all questions. Following that meeting, the committee will notify the Board of the request and deny, approve or recommend adjustment to the request. The ACC will notify the applicant of the outcome. In the event that the request is denied, the applicant may request to speak to the Board (Right of Appeal).

### **Right of Appeal:**

- The Homeowner may appeal the ACC's denial of an Architectural or Property Change by requesting a hearing before the Board of Directors. Within seven (7) days of receiving the denial, the Homeowner must submit such a request in writing to the President. Upon receipt of a request, the Board of Directors will provide written notice to the Homeowner that will include the date, time and place of the hearing. The Homeowner's testimony may be requested in writing and/or presented orally at the hearing.
- At the hearing the Homeowner shall have the right to give testimony subject to reasonable rules of procedure established by the Board of Directors. This will ensure a prompt and orderly resolution. Testimony and/or evidence presented at the hearing will be considered in decisions by the Board regarding ACC actions.
- The Board of Directors will notify the responsible Homeowner in writing of the final outcome and decision of the Board within thirty (30) days of the hearing date.

### ***ACC Record Keeping:***

An application form is provided (**APPLICATION FOR ALTERATION OF THE EXTERIOR APPEARANCE OF A STRUCTURE**). Use of the form is required. The applicant needs to provide all the information necessary to evaluate the proposal. The best way to evaluate the application is for the applicant to ask him/herself, "If somebody gave me only this piece of paper, would I know exactly what the proposed change or structure will look like and where it is to be located?" Be sure the applicant includes any necessary sketches and a photocopy of the survey when needed.

**Recommend general guidelines to the Board for the most common ACC requests: Approved changes may be additions or modifications to the Maintenance Responsibility Chart**

The following record must be kept on each application. Attach a copy of the original ACC application to the records.

## ROSEMOUNT PLACE ARCHITECTURAL CONTROL (ACC)

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Applicant	
Location of work	
Date of Request	
Date of meeting with applicant	
Notice to applicant of outcome	
Date of Board notification	
Date of Board Appeal	
Outcome	
Date applicant notified of outcome	
Work commenced	
Work completed	
ACC Inspection Outcome	