

Silcott Meadow Homeowners Association (SMHOA) Homeowners Guide to Architectural Control Committee (ACC) Procedures

I. Introduction

The careful design and planning of SMHOA benefits all residents, and the protective covenants and design standards established by the Declaration of Covenants, Conditions and Restrictions for SMHOA, Inc. (herein referred to as the Covenants) should give all residents the confidence that the original vision and quality of “Black Oak Estates” will be maintained. The Covenants stated purpose is to “provide for the presentation and enhancement of the property values and the orderly development” of the community.

This document addresses improvements made by Owners and enforcement of compliance as regulated by the Covenants. Its objective is to guide and assist the Owners in understanding and navigating the processes.

II. Declaration of Covenants, Conditions and Restrictions

The authority for establishing these Architectural guidelines, rules and regulations is found in the Bylaws and Covenants that are part of the deed to every property. The Bylaws and Covenants establish both the SMHOA, the Board of Directors (BOD) and the ACC.

Owners received a copy of the Bylaws and Covenants in the Owner’s document package prior to settlement. The Covenants are conveyed with the property and are binding to all Owners. Acceptance of their provisions was a condition of sale.

The Covenants provide that improvements to properties may not be made without prior approval from the ACC. If there is any question as to whether an application should be submitted to the ACC, the Owner should inquire or submit the application to the ACC **prior** to commencing any improvement.

The Covenants also provide the ACC the full authority to ensure that the intent and purpose of the Covenants and Restrictions are complied with.

III. ACC Processes

1. Applications for Improvements

The ACC evaluates all submissions on an individual merit in view of the intent and purpose of the Covenants, and any rules, regulations or guidelines established pursuant to the Covenants and the Property Association Act.

A. Review Procedures

All applications for architectural changes requiring ACC review and approval, whether permanent or temporary, shall be submitted in writing or via email to the management company:

Coventry Group Management
2045 Valley Avenue, Suite 100
Winchester, VA 22601
Email: admin@coventrygrp.com

Applications must contain all the required information listed on the application form provided on the community website. A telephone number and email are required for the ACC Chairman to confirm receipt of the application. It is the responsibility of the Applicant to ensure the ACC has received the application. If the applicant has not heard from the ACC Chairman within ten (10) days of submission, follow up action is required on the applicant's part.

Upon receipt from the management company, the ACC reviews the application and, if the application contains all required documentation, begins the review process. Incomplete applications will be returned to the Owner requesting additional information. The ACC will consider the application and respond to the Owner within ten (10) days with a verbal decision. Failure of the ACC to respond to a request within forty-five (45) days of receiving a completed application will result in an automatic approval of the application. Owners, however, must ensure the application was received by the ACC for this waiver to apply.

If the application is denied, the Owner has the right to request a hearing before the ACC. The request must be made within ten (10) days of the ACC notification otherwise the ACC decision is final. (See Section 3 Hearing before the ACC).

B. Changes Requiring ACC Approval

The Covenants state, in part, that "no building, including but not limited to, sheds, barns, or detached garages, swimming pool, structure, fence, utility yard, screen planting, external flues or other improvements shall be erected, placed or altered on any premises until building plans, grading plans showing the location of such improvements have been approved in writing as to the conformity and harmony of the external design and materials.

If the Owner has any question as to whether a desired alteration is regulated by the Covenants, the burden is on the Owner to inquire to the ACC whether approval is needed, prior to commencing work.

C. Elements of an ACC Architectural Improvement Application

For some Owners, the most difficult part of the application is adequately describing the request. Generally, the following items should be part of every application:

- Architectural Application Form

The ACC Architectural Application Form can be downloaded from the community website. It contains instructions and lists the supporting documentation required for submission. An incomplete application will cause delays in approval; in such instances, the application must be returned to the Owner for additional information before it can be approved. All time constraints on approval begin at the submission of a complete form.

Ensuring the application contains all the required information can avert delay and frustration.

- Site Plan

A site plan is a scale drawing of your lot (plat) that shows the dimensions of the property, adjacent properties, if applicable, and all improvements including those covered by the application. Contour lines may be required where drainage is a consideration. More complex applications may require a larger scale version of your plat plan provided by the county or your contractor. Proposed changes should indicate dimensions/distances from adjacent property and houses, height off ground, as is the case of decks and porches.

- Material and Color

Samples of the materials/colors to be used and an indication of the existing colors/materials should be provided. In most cases, a statement that the proposed storm door, for example, is to be painted to match the existing house trim or entrance door is enough. Where materials/colors are compatible but different from the existing structures, samples or color chips should be submitted for clarity.

- Drawings and/or Photograph

A graphic description should be provided. An Owner should not be intimidated by any shortcomings as a draftsman or illustrator since a graphic description may be in the form of a manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. The sketch or photograph should be accompanied by a written description.

D. Post-Review Procedures

Upon completion of the project, the Owner is required to notify the ACC Chairman. The ACC will then inspect the finished project to ensure compliance with the approved plan and will notify the Owner if the project is not in compliance. If the project is not subsequently brought into compliance, the ACC and the BOD will use all avenues available to obtain compliance as outlined in this document, the Bylaws and the Covenants.

2. Enforcement of Compliance

The Covenants require the ACC to ensure compliance with the SMHOA architectural standards. The ACC will conduct quarterly walkthroughs of the community. Individual Homeowners can submit complaints to the ACC Chairman, which will be confirmed by a site visit of a majority of the ACC members. Complaints will be handled in complete anonymity.

A. Friendly Reminder

The ACC will issue a Friendly Reminder to the Owner describing the issue. The Owner has ten (10) days to either acknowledge the issue and provide a resolution plan or fix the issue. The Owner may also request at this time a Hearing before the ACC to appeal the validity of the violation (see Section 3. Hearing before the ACC). Failure to do so will result in a First Violation Notice.

B. First Violation Notice

A First Violation Notice is issued if the Owner has not submitted a remediation plan, has failed to implement the remediation plan in the agreed upon time frame, or has failed to acknowledge or fix the issue. First Violation Notices are sent by certified mail. The Owner has forty-five (45) days to remediate the issue before receiving a Second Violation Notice. If the remediation is to take longer than forty-five (45) days, it is the burden of the Owner to come to an agreement on timeframe with the ACC. The Owner may also request at this time a Hearing before the ACC within ten (10) days of the First Violation Notice to appeal the validity of the violation (see Section 3. Hearing before the ACC).

C. Second Violation Notice

A Second Violation Notice is issued if the Owner has not met either the forty-five (45) remediation period or has not complied with other agreed upon deadlines with the ACC. Second Violation Notices are sent by certified mail. At this point the Owner has ten (10) days to complete remediation of the issue. After the ten (10) day period, the Association has the authority and obligation to seek all enforcement remedies afforded by law and its governing documents. The costs associated with enforcement would be your responsibility, as the Owner of the property. The Owner may also request at this time a Hearing before the ACC to appeal the validity of the violation (see Section 3. Hearing before the ACC).

3. Hearing before the ACC

Owners may request a hearing before the ACC within ten (10) days within receipt of the Friendly Reminder, First Violation Notice or Second Violation Notice. If a hearing before the ACC is requested the BOD Secretary will send the Owner, at the address on record, a notice of date, time and place of meeting requested. This notice must be sent at least fourteen (14) days prior to the meeting. The Owner shall receive a Hearing Results Letter stating the outcome of the meeting. If the ACC finds in favor of the Owner, no further action is necessary. If the ACC finds the Owner not in favor, it is the Owners responsibility to comply within fifteen (15) days of this hearing or within the deadlines imposed at this hearing. Failure to do so subjects the Owner to the Association's enforcement remedies afforded by law and its governing documents. (See Section 5 Imposition of Sanctions). At this time the Owner may Appeal to the BOD within ten (10) days of the receipt of the Hearing Results Letter (See Section 4. Appeals).

4. Appeals

Following the hearing before the ACC for violations or the denial of an Architectural Improvement Application, the Owner who wishes to appeal a decision must submit a written notice of such appeal to the BOD President within thirty (30) calendar days of the hearing date, otherwise, the ACC decision shall be considered final.

A. Notice of Appeal

The Notice of Appeal must contain the following:

1. A copy of the Owner's Architectural Improvement Application or Violation Notice, if applicable.
2. A copy of the ACC's Hearing Results Letter.
3. An explanation from the Owner detailing the reason for appealing the ACC's decision.

The notice of appeal must be received by the BOD President or Secretary within thirty (30) calendar days of the hearing.

B. Appeal Review

The BOD has forty-five (45) days to review an appeal. The Appeal Decision Letter will be sent to the owner's address of record via certified mail with a copy furnished to the ACC. The BOD decision is final. In the case of a violation, the Owner has fifteen (15) days from the date of the appeal decision or within the deadlines imposed in the appeal decision to resolve the violation before the BOD commences with a hearing to impose sanctions. (See Section 5. Imposition of Sanctions)

5. Imposition of Sanctions

In the case of violations, the BOD has the authority to impose sanctions. The process begins when the Owner does not remedy the violation within:

- The ten (10) days from the issuance of the Second Notice of Violation and a Hearing before the ACC has not been requested.
- The fifteen (15) days or agreed deadline from the issuance of the Hearing Results Letter and an Appeal with the BOD has not been requested.
- The fifteen (15) days or agreed deadline from the issuance of the BOD Appeal Decision Letter.

At this time, the BOD will convene a hearing to determine the imposition of charges associated with the violation. The Owner shall be given an opportunity to be heard and to be represented by counsel before the BOD at the hearing.

Notice of the hearing, including the charges that may be imposed shall be mailed by certified mail, return receipt required, to the owner at the address of record with the association at least fourteen (14) days prior to the hearing. At the hearing, the BOD may impose a charge for the violation of fifty dollars (\$50.00) for a single violation, up to ten dollars (\$10.00) per day, for any offense of a continuing nature for up to ninety (90) days. The hearing result shall be mailed certified mail, return receipt

requested, to the owner at the address of record with the association within seven (7) days of the hearing. The BOD may also pursue injunctive relief for the violation. If a court finds in favor of the SMHOA, all costs involved in the process, including, but not limited to, the courts costs and attorney's fees, will be borne by the Owner.