

Addison Estates Architecture Committee
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Objectives

Harmony of design and cleanliness of each property within the community provides added value to each property so that each homeowner can enjoy increasing equity from their property.

Having a strong and well managed community enhances the value of all properties decreases the liability of each homeowner while attracting many potential home buyers.

Having uniform standards enhance and further develop the mutually beneficial rules and restrictions established in the By-laws. The specific objectives of these standards *are*:

1. To increase homeowner's awareness and understanding of the by-laws from which authority is granted to the *Board of Directors* for creating rules and use restrictions.
2. To define and illustrate Community specific *design standards*, which will assist the *Board of Directors, and homeowners* to develop exterior alterations and improvements, ***which are consistent, size appropriate, and in harmony with the existing home, the immediate neighborhood and the community as a whole.***
3. To assist homeowners in preparing a **complete** and **acceptable** application to the Architecture Review Committee.

Addison Estates Architecture Review Committee (ARC)

The Board of Directors is pleased to announce the creation of the Addison Estates Architecture Review Committee (ARC). This committee is comprised of three (3) or more members appointed by the Board of Directors. Members shall serve from one (1) to three (3) years as determined by the Board of Directors, in order to assure that each Property shall always be maintained in a manner:

- (a) providing visual harmony and soundness of repair;
- (b) avoiding activities deleterious to the aesthetic or property values of the Property;
and,
- (c) promoting the general welfare and safety of the Owners, such Owners, tenants and such Owners' (or tenants'), household, guests, and invitees.

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At least one Member of the committee must be a Board member, the remaining members can be any homeowner who is in good standing with the Board i.e. no known or active violations and all dues paid. Except for members who have been designated by the Board, the Board of Directors may remove members of the "Architecture Review Committee with or without cause. Appointments to fill vacancies in unexpired terms shall be made in the same manner as the original appointment. If a vacancy shall occur, the remaining members of the ARC may continue to act until the vacancy has been filled.

If the Board of Directors shall fail or are unable to appoint an Architectural Review Committee, then the Board of Directors shall perform the duties of ARC until one is appointed. Notwithstanding the foregoing, the Board reserves the right to appoint any or all the ARC members.

According to the by-laws: No building, fence, wall or other structure or improvement shall be commenced, erected, or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made (including change in color) until the plans and specifications showing the nature, kind, shape, heights, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by ARC.

Swimming pools and hot tubs, either permanent or temporary, (except for small children's wading pools) shall not be installed by anyone other than the Declarant or a Builder on any Lot without prior approval of ARC.

Role of the Architectural Review (ARC):

All homeowners at Addison Estates are automatically members of the Addison Estate Homeowners Association. The Association is a non-stock corporation who is responsible for the upkeep and maintenance of all common properties within the community.

The Association is also responsible for the administration and enforcement of all by-laws which are applicable to property owners, including design standards and restrictions. The by-laws, Conditions and Restrictions for the Addison Estates HOA Association provides that responsibility for the enforcement of design standards shall be exercised through an Architectural Review Committee (ARC) hereafter known as ARC. The members of which shall be appointed by the Board of Directors of the Association. The ARC is to consist of three or more persons appointed by the Board of Directors.

ARC shall be responsible for enforcing the Association's Design Standards with respect to exterior modifications to homes. ARC shall review and approve (or disapprove)

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applications submitted by lot owners for visible exterior additions, alterations or modifications to a home or lot. The review process shall be governed by the Design Standards promulgated by the Association's Board of Directors in accordance to the by-laws. As part of its responsibilities, ARC will make recommendations to the Board of Directors with respect to the modification of the Design Standards initially approved by the Board. ARC will also be responsible for reviewing possible violations of the Association's Design Standards.

In addition to the by-laws which might include specific design standards. ARC is responsible to create additional standards to be approved by the Board.

ARC evaluates all submissions on the individual merits of the application; including the consideration of the characteristics of the requested modifications; since what may be an acceptable design in one specific instance may not be for another.

Design decisions made by ARC in reviewing applications are not based on any member's personal opinion or taste. Judgments of acceptable design are based on the following criteria, which represent in more specific terms the general standards of the by-laws:

- **Adherence to the By-laws:** all approved modifications shall be in accordance to the by-laws; No exceptions. ARC cannot override restrictions already included in the by-laws.

- **Validity of Concept** – The basic idea must be *sound* and *appropriate* to its surroundings.

- **Design Compatibility** – The Proposed improvements must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, use of like or similar building materials, color and construction details.

- **Location and Impact on Neighbors** – The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation, and drainage. For example: fences may obstruct views, breezes, airflow or access to neighboring property; structures or larger additions may cause unwanted shadows on adjacent patios or infringe on a neighbor's privacy and view. As another example: an inappropriate "clutter" of play equipment or an "ill-planned" landscape scheme may also affect existing neighbors.

- **Scale** – The size (in three dimensions) of the proposed alteration should relate well to the adjacent structures and its surroundings. For example: a large addition to a small house may be inappropriate.

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- **Color** – Color may be used to soften or intensify visual impact. Parts of an addition that is similar in design to an existing house, such as roofs and trim shall match in color and composition.
- **Materials** – Continuity is established by use of the same or compatible materials as were used on the original structure.
- **Workmanship** – Workmanship is another standard, which is applied to all exterior alterations. The quality of work should be equal to, or better than, that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable.

Addison Estates HOA assumes no responsibility for the safety or structural validity of new construction by virtue of an approved design. It is the responsibility of each applicant to obtain a Building Permit where required to comply with City, County, State and Federal building codes and regulations where required.

- **Timing** – Projects, which remain uncompleted for long periods of time, are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must include an estimated completion date. If such time period is considered unreasonable, ARC may disapprove the application.

Projects must be commenced within 3 months of an approval; and completed within six months.

APPLICATIONS

Applications for alteration or improvements must be submitted on the approved request form: “*Addison Estates Exterior Modification Request Form*”. This form, available on the Addison Estates website at: www.ae-hoa.com, requires information which will assist ARC in reviewing plans for your proposed alteration or improvement.

Specific information is detailed below. Action on applications submitted without the required information will be delayed until all information is provided. The information required includes:

- **DESCRIPTION** – The application form requires a complete description of the alteration or improvement. This includes a complete listing of material to be used; overall dimensions – height, length, width, height above ground level, etc.; colors of the existing house, trim and roof colors; and colors of the proposed alteration or improvement.
- **SITE PLAN/LOT (PLAT)** – A site is a scaled drawing of your lot showing dimensions of the property, adjacent properties if applicable, and all existing improvements on your lot. You **MUST** draw your proposed improvement of this plat and provide it with your

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application. Enlargement of the original County registered plat drawing may be necessary to adequately present your planned modification. Contour lines may be required where drainage is a consideration and more complex applications may require larger scale (10 to 20 feet to the inch scale) engagements of the site plan of County approved development or site plans.

· **DRAWINGS/PHOTOGRAPHS** – Complete scaled drawings showing all dimensions, elevations and details of the proposed improvement or alteration are required. Drawings must clearly show the relation of the improvement or alteration to the existing home. Drawings which are unclear, slow the approval process, and may be returned to the applicant for clarification. Photographs, catalogue clippings or manufacturer’s “cut sheets” are acceptable for items such as lighting fixtures, storm doors, and other standard items.

· **Prior Approval:** ARC will approve requests for exterior modifications retroactively. All requests must be submitted and approved before work can begin or be done.

· **SIGNATURES** – The applicant is required to sign the application form. In addition, the signatures of all adjoining or affected property owners are required on all applications. The signatures do not constitute approval or disapproval of the proposed project; rather they indicate that the adjoining property owners are aware that some form of alteration or improvement is contemplated. Applications received without signatures will be returned without review.

· **CONSTRUCTION SCHEDULE** – Applications must contain the proposed construction schedule indicating both a start date and completion date. All alterations or improvements **MUST** be commenced within 3 months and completed within 6 months of the approval.

APPLICATION REVIEW PROCEDURES

Meeting Calendar: ARC meetings can take place during scheduled Board meetings as posted in the Association Web page.

According to the bylaws, only Board meeting requires a public place to discuss Board matters. ARC members can review applications off meeting and make a recommendation to the Board for final approval. Approval can be communicated to the requester outside of the Board meeting if no issue was flagged. Such approval can only come from the Board upon recommendation from ARC in writing.

If further discussions are required, the matter will be scheduled on the next scheduled Board meeting and the homeowner will be notified in writing so that he can attend the meeting where the issues related to the application will be discussed. Neighbors listed in the application might also be notified.

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General Guidelines: ARC matters will always be added to any Board meeting agenda. During Board meeting, only properly completed *Applications for Exterior Modifications* received by the ARC 5 days or more prior to the Board meeting will be reviewed at that meeting.

- Applications that are incomplete or missing information will not be reviewed at the Board meeting and will be returned to the applicant for correction and re-submittal. The time period for review shall not commence unless a completed application has been submitted and accepted.
- Applicants are encouraged to attend and discuss their application. Each applicant will be allotted 5 minutes to discuss their application and address any questions the committee may have.
- New applications not sent through the established channels (Community mail box, Prestige Accounting & Bookkeeping Inc) will not be accepted at the scheduled meeting. Adjustments to previously submitted applications will only be accepted during a scheduled meeting if previously asked to do so by ARC.

Importance of timely application submissions: ARC will only review those applications that have been properly submitted and processed in accordance with these procedures and the published meeting calendar.

- All completed applications should be mailed, scanned and e-mailed, or hand delivered to the Community mailbox or Prestige Accounting no later than one week prior to any Board meeting.
- Applications received less than 5 working days prior to a Board meeting will be made available for review after the Board meeting.
- Any application found lacking in completeness by ARC will be denied and immediately returned to the applicant with appropriate annotations as to what is missing or requires correction.
- Once determined to be acceptable by ARC, the original will be scanned and forwarded, via e-mail, to each ARC member review who will submit their recommendations and findings to the Board.

Review and Approval of Submitted Applications: The Board of Directors will be responsible for the final review and approval of submitted applications as per ARC recommendations:

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- ARC has a maximum of 30 days to render an initial decision on the completed application. So, homeowners are advised to plan ahead accordingly. ARC members are unpaid volunteers and such will work on ARC matters as time permits:
 - The 30 days commences upon receipt and log in of the application by the *ARC Team*.
 - After the ARC review and action, a decision letter will be mailed to each applicant at the address provided on the application.

- Once ARC action is taken, the original, with all signatures, will be returned to *the Board*; also:
 - *Letters of Approval* will be sent by first class mail.
 - *Letters of Delay of Action* will be sent by first class mail and will reference specific reasons for the delay and outline additional information required.
 - Applicants have 15 days to respond with the requested information.
 - Failure to respond in a timely and complete manner may result in significant delays in obtaining approval.
 - *Letters of Denial* will be sent via first class mail and/or email if an email address is provided;
 - *Letters of Denial* will reference specific reasons for the denial and are always subject to appeal.

APPEALS OF ARC DECISION

An appeals procedure is in place for those affected by an adverse decision by *ARC who* believe that:

- Proper procedures were not followed during the administration and review process.
- The applicant and any other affected homeowner attending the meeting were not given a fair hearing.
- ARC was arbitrary, or did not have a rational basis for their decision.

To initiate the appeals procedures, the applicant **MUST** submit a written request for an appeal within ten (10) days of receiving the decision of denial. Other affected homeowners or neighbors must submit written notice within ten (10) days after ARC *and The Board* rendered their decision. The written request must be delivered to the Community mailbox or Prestige Accounting in writing.

Appeals Review and Public Hearing:

- The Board of Directors will review submitted appeals and shall conduct a hearing at the next scheduled Board meeting after receipt of the request for an appeal

- Appellants will be advised, in writing, as to time and place for each hearing.

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· Appeals of ARC denials will not be heard by the Board of Directors unless all the above stipulations have been met.

APPROVALS

If ARC approves an application, improvements shall be made strictly in accordance with the approved plans. All construction must begin within 3 months of approval and must be completed within 6 months of approval, unless otherwise allowed for by the Board.

The Board's approval of an application does not constitute certification that the proposed modification complies with local and state ordinances. Likewise, local or state permission does not constitute approval by the Association. It is the applicant's responsibility to obtain all required permits and approvals from County and State authorities where required.

ENFORCEMENT PROCEDURES

The Bylaws of the Association empower the Board of Directors to enforce compliance with the Association's Design Standards. The following enforcement procedures will be used to ensure compliance.

Please note that a structure might be acceptable by City codes but are not allowed by our by-laws. In these instances, our by-laws will prevail.

1. A violation may be observed and reported to ARC by a member of the ARC, the Board of Directors, the managing agent, or a homeowner. In the case of homeowners wishing to report a potential violation, a written notification should be transmitted to the Associations Board of Directors.
2. The alleged violation will be confirmed by a site visit by a member of ARC or Board Member, if necessary.
3. If it is the Association's determination that there exists a violation, with the Board approval, ARC will contact the owner in violation by letter advising them of the violation and requesting appropriate action to remedy the violation. A notice will be sent by certified mail where the violation is deemed to involve an immediate emergency or where such violation, if not remedied, will increase or enhance with the passage of time.
4. If the violation continues beyond the date established in the notification that the violation must be remedied, a second letter of citation will be sent to the owner via certified mail. This letter will provide notice that the violation must be remedied within a specified amount of time from the date of mailing of the letter (or alternatively, that the resident in violation must submit to ARC a written plan, including timing, for the

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abatement of the violation within the stated period of time). The second notice of citation shall also advise the owner that the failure to bring the lot into compliance with the governing documents can subject the owner to monetary charges in the amount of \$50.00 for a single offense or \$10.00 a day for a period of up to ninety (90) days for a continuous offense. The Association may forego with a first notice of citation and proceed directly with a second notice where circumstances warrant.

5. If the owner fails to comply with the directive in the second notice of hearing, then the Association shall inform the owner that monetary charges will be assessed against the owner, and of other enforcement action. In such notice, the Association will provide the owner with a time period by which the owner can request a hearing before the Board of Directors regarding the violation. If the owner fails to request such a hearing within the time period, the owner will be deemed to have waived his or her right to a hearing.

6. The above procedures do not preclude the Board of Directors from taking accelerated measures in the case of a violation which constitutes an emergency situation provided that the resident in violation has been properly notified by certified mailing and that the action is consistent with the provisions of the by-laws and ARC recommendations.

7. The above procedures do not apply to the failure of an owner to maintain a lot in good order and repair and free of debris. All owners must maintain their lots in accordance with the general maintenance standards detailed in the by-laws and ARC recommendations.

In the event of noncompliance with maintenance standards and if the property does not seem occupied, the Board of Directors may, after ten (10) days written notice to the owner (or such shorter notice period as determined by the Board), authorize the Association to enter upon the owner's lot and to perform any required maintenance at the expense of the owner.

In the case of persons who fail to mow their lawn or have trash or debris visibly stored on their lot, (other than neatly stored construction materials for an approved improvement of the lot or home) the notice period shall be ten (10) days.

8. Unpaid violations fees will trigger referral to a law firm to initiate a lien on the property. As such, in addition to the violation fees, legal fees will also be added.

9. In case of sale of a property, upon receiving the request for Estoppel letter, ARC will perform an inspection of the property for sale. All violations will be reported in the Estoppel letter for buyer and seller to review. It is the responsibility of the selling party to resolve these violations. However, if the buying party wants to assume the stated liability, the buyer will have 30 days after closing to remedy these violations at his own costs or penalties will start to accumulate.

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10. To avoid delays and additional costs when closing on the sale of a property, homeowners are encouraged to follow the rules and guidelines outlined herein. In addition, it is recommended that homeowners request an ARC inspection as soon as they are ready to put their home for sale to avoid conflict with ARC at closing time when time is critical. A clean inspection will make the selling process go faster for everyone.

EXTERIOR SURFACES: All exterior surface alterations require approval. Exterior materials and colors must be selected and approved to present a uniform architectural theme for the community. Any replacement roofing, siding, trim, brick, etc., must match the existing. In the event a material or color is **not available** or if there is a problem with any material, ARC may approve a similar alternate material and/or color.

FENCES: Fences require approval. Proper fencing can have a unifying effect upon a neighborhood. Improper fencing can detract from the appearance of a neighborhood. In all cases, fencing shall be constructed with the “finished” side facing out. Wooden fences will not be approved under any circumstances as they are prohibited by the by-laws. The location, design, height, material, detailing, and color of fencing shall match that of the home and approved standards.