

ARCHITECTURAL REVIEW COMMITTEE

Procedure for Conducting the Review Process or Building/Alterations in Oaks III

1. The Oaks III Homeowners Association will mail an approval review packet to Oaks III property owners informing them of the newly-appointed Architectural Review Committee (ARC), appointed by the Oaks III Homeowners Association Board of Directors. After this initial mailing, the same packet **-will** be mailed to new lot/homeowners as the Board becomes aware of them. This packet includes *the* newly revised Covenants and the procedures they should follow to obtain approval of their new construction, alteration and/or addition plans. **The packet should** contain *the current ARC Chairperson's and Secretary's names, addresses, and phone numbers.*
2. ARC will mail an approval **review** packet to realtors who are listing or selling property in Oaks III asking them to alert buyers to the procedures which must be followed in order to build in Oaks III and to make buyers aware of the Oaks III **Restrictive Covenants.**
3. A property owner shall submit building, addition, or alteration plans to the Chairperson of the ARC prior to clearing the lot for construction. Per the Covenants, a landscaping plan shall be submitted as part of said approval- ARC will have 30 days from the date of receipt of complete plans to respond. Failure to respond within the 30-day time period results in automatic approval. All official responses must be made in writing. The Chairperson shall call a meeting of ARC members within one week of receipt of plans to allow adequate time for the review procedure.
4. The ARC shall utilize the **Approval Review Form** that encompasses all of the **Covenants in** order to evaluate each plan to ensure fairness and consistency. Approval **Review Forms will** be available to property owners. All completed Approval **Review Forms will** be retained in the permanent ARC file
5. The ARC members will work with property owners to achieve compliance before recommended acceptance or denial.
6. If the ARC approves the plans, it shall notify the Board of Directors, and the property owner will be informed in writing as soon as possible, but prior to the 30-day mandated reply period. Also, a signed and dated copy of the Approval *Review Form will* be sent.
7. If the ARC disapproves the plans. it shall notify the Board of Directors, and the property owner will be informed in writing, stating the violation and enclosing the completed, signed, and dated *Approval Review Form* This letter should be sent by certified mail, with return receipt requested, as soon as possible after review and vote, and must be sent prior to the 30- mandated period for reply,
8. If the ARC cannot determine compliance, they may ask the submitter in writing for further information, and in writing, extend the 30-day time limit for response. The ARC may vote to refer the matter to a professional consultant for an opinion prior to taking a vote. Referral to the consultant requires a majority vote of the ARC, including approval by the Oaks III Homeowners Board representative on the ARC.
9. If the building plans do not comply with the *Covenants* and a *variance to the Covenants is* requested, the ARC members will follow procedures similar to those adopted by the Town of Chapel Hill for granting a variance (Brough & Green). *Following procedures from the Town of Chapel Hill applies to Grantor granting variances to the Covenants-not Chapel Hill ordinances.* The general criteria for granting such variances will be in compliance with all of the following necessary findings:
 - A. *That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, Applicants for a variance are required to show:*
 - (1) *that if he complies, with the provisions of the ordinance, he can secure no reasonable return from, or make no reasonable use of his property;*
 - (2) *that the hardship results from the application of the ordinance to his property;*
 - (3) *that the hardship of which he complains is suffered by his property directly.*

and not by others; (4) that the hardship is not the result of his own actions; and (5) that the hardship is peculiar to the applicant's property

B. That the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

C. That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done

the essential element in deciding whether "substantial justice "" would be done is whether the harm to the neighbors from granting the variance would outweigh the harm to the applicant from denying the variance.

10. If a property owner refuses to comply with the *Covenants* and a negotiated agreement cannot be reached, the Oaks III Homeowners Association has the right to sue for enforcement. If the ARC members vote to recommend a lawsuit, they will present facts and recommendations to the Board of Directors who may, by majority vote, decide to litigate the matter or may refer the matter to a full vote of the Oaks III Homeowners Association members.

Brough MB and Green PP: Granting Variances. Institute of Government, The University of North Carolina at Chapel Hill 1984,

Complete records regarding all correspondence and transactions will be kept in the permanent ARC Files which will be maintained by the ARC Secretary.

1/97/-lc/word/oaks/revproc doc

**OAKS III PROPERTY
ARCHITECTURAL REVIEW REQUEST**

PROPERTY OWNER'S NAME:

OAKS III STREET ADDRESS:

OAKS III LOT NUMBERS(S):

PROPERTY OWNER'S CURRENT MAILING ADDRESS:

PROPERTY OWNER'S NUMBER:

HOME PHONE:

OFFICE PHONE:

FAX:

DATE PLANS SUBMITTED FOR REVIEW:

30-DAY DEADLINE DATE:

DELIVERED TO:

DEVELOPMENT TO BE REVIEWED:

PROPERTY OWNER'S COMMENTS:

ATTACHMENTS:

\$25 REVIEW FEE_____

SEALED SITE PLAN SHOWING ALL STRUCTURES (EXISTING AND PROPOSED ON THE PROPERTY)_____

ARCHITECTURAL PLANS (PRINTS) FOR ALL STRUCTURES UNDER REVIEW_____

ELEVATION PLANS FOR ALL STRUCTURES UNDER REVIEW_____

LOT CLEARING AND LANDSCAPING PLANS_____

OTHER (LIST):

Guidelines for Submitting Plans to ARC (Architectural Review Committee) Covenants Review

1. Require one (1) full and complete set of all building plans
 - a. Plans must show:
 - i. building specifications for all proposed structures on the property
 - ii. size
 - iii. set backs
 - iv. topography/elevation
 - v. grading and drainage information
 - vi. any existing structures on the property
 - vii. landscaping plans
 - viii. owner(s) name, phone, address
 - ix. builder(s) name, phone, address
 - x. architect/designer name, phone, address
 - xi.. proposed start and completion dates
 - xii. easements
 - xiii intended clearing of trees
 - xiv. exterior finishes (siding and roofing, etc,)
2. Plans and administrative fee (\$25) must be submitted a minimum of thirty (30) days prior to commencement of grading or other disturbances to the lot. Survey and site markings are permitted.
3. Receipt of incomplete plans or requests for approval will not initiate a review. The thirty (30) day review period will not begin until full and complete plans are received by the ARC or the Board of Directors of the Oaks III Homeowners Association.
4. Owner(s), builder and architect will be provided with a full copy of the current Oaks III Homeowners Association Restrictive and Protective Covenants and names and numbers of the chair of the ARC or their appointed representative to serve as contact persons.
5. Per the Restrictive and Protective Covenants, owner(s) will receive the decision of Board of the Oaks III Homeowners Association regarding plan approval in writing within 30 days. Owner(s) will receive written documentation of Board of the Oaks III Homeowners Association decision including any comments and questions.
6. All restrictions, variances to the covenants. line-item refusals and requests for changes to the proposed plans will be made by the Board of the Oaks III Homeowners Association to the owner or their representative in writing within the thirty (30) review period,
7. Only written and signed notice from the Board of the Oaks III Homeowners Association will constitute acceptance or refusal of plans. Verbal communication will not be considered final.
8. Subsequent changes to the submitted plans will be reviewed by the ARC and Board of the Oaks III Homeowners Association. Review of such changes will be documented in writing and signed by Board of the Oaks III Homeowners Association before approval will be final.
9. Resubmitted, amended or altered plans will require the full thirty (30) day review period.
10. Owner will pay a \$25 charge per review for development of a lot. Checks should be made payable to Oaks III Homeowners Association Fees will help cover costs involved in review and notification.

.January 19. 19-07