

GREENWOOD ACRES PROPERTY OWNERS ASSOCIATION, INC.

Architectural Review Committee Policy and Procedures

22 06094

POLICY

The authority of the Architectural Review Committee (ARC) is derived from The Greenwood Acres Subdivision Amended Deed Restrictions ("Restrictions) # 7 which states: " No building or structure shall be occupied as a permanent residence or used as such until the exterior thereof is completely finished. All buildings must be completed no later than six (6) months after laying foundations and no structures of any kind may be moved on to the property. **All building plans are to be approved by association officials.**"

Section 209.00505 of the Texas Property Code (the "Code") defines "architectural review authority" as the governing authority for the review and approval of improvements within a subdivision with forty (40) lots or more. A person may not be appointed or elected to serve on an architectural review authority if the person is:

- (1) a current board member;
- (2) a current board member's spouse; or
- (3) a person residing in a current board member's household.

The Board of Directors appoints members of the Greenwood Acres Property Owners Association (the "Association") to serve as association officials on the ARC.

The purpose of the Architectural Review Committee Policy and Procedures is to ensure that any additions or modifications to property adhere to the requirements of the Restrictions, maintain the appearance and property values of the community and do not unreasonably impact the rights of the surrounding neighbors who may be affected by the modification/addition.

Any improvement or addition including but not limited to, storage buildings, fence installation, patio covers/ pergolas, pool/spa, awnings, recreational structures, etc. must first be approved by the Committee.

PROCEDURES

1. Applicant will submit the Architectural Review Committee Approval Application (the "Application") to the Association by email, physical mail or hand delivery. (*Exhibit "A"*)
2. Applicant will submit formal building plans or an informal blueprint/drawing of proposed construction with dimensions of construction and identification of the property lines to the Association along with the completed Application. The plans/blueprints/drawings must show specifically what presently exists and the proposed change(s). It is recommended a copy of Applicant's survey be included as well. (*Note: There is NO ENCROACHMENT of common area or easements permitted.*)
3. A member of the Board of Directors (the "Board") will submit the Application to the ARC.

4. The ARC will review the proposed plans and make an onsite inspection within one (1) week of receipt of the Application.

A. Committee will ensure the following:

- i. No improvements will be erected or constructed on any lot nearer than thirty (30) feet to the front property line;
- ii. No improvements will be erected or constructed on any lot nearer than five (5) feet to the side property lines;
- iii. No improvements will be erected or constructed on any CORNER lot nearer than ten (10) feet to the side property lines adjacent to streets; and
- iii. No residence, carport, or garage will be erected or constructed on any lot nearer than thirty(30) feet to the 1020 foot elevation line.
- iv. No building other than a single residence containing not less than 700 square feet, exclusive of open porches, breezeways, carports and garages, shall be erected or constructed on any lot, EXCEPT that on lots having 100 feet or more on the front and back, the owner may build two single family residences. Any building constructed on said lots shall not be less than 28 feet in width.
- v. If construction is to be on an adjacent lot to the lot the Applicant's residence is on, a copy of Section 209.015 of the Code is to be provided to the Applicant.
- v. For swimming pools...see Section 202.022 and 202.023 of the Code.

5. The ARC will recommend to approve, disapprove, approve with conditions or disapprove with conditions.

6. The ARC will submit the recommendation to the Board for final review.

- A. If approved, a copy of the Application and plans/blueprints/drawings is to be hand delivered or emailed to the property owner within two (2) weeks of the original submission.
- B. If approved with conditions, the ARC will notify the Applicant of the conditions within two (2) weeks of the original submission and provide the Applicant with an opportunity to meet the conditions.
- C. If disapproved, a copy of the Application and plans/blueprints/drawings **AND** a formal denial letter is to be sent to the member within two (2) weeks of the original submission. A written notice of the denial must be provided to the owner by certified mail, hand delivery, or electronic delivery. The notice must:
 - (1) describe the basis for the denial in reasonable detail and changes, if any, to the application or improvements required as a condition to approval; and
 - (2) inform the owner that the owner may request a hearing under Section 209.00505 Subsection (e) of the Texas Property Code on or before the 30th day after the date the notice was mailed to the owner.
- D. If disapproved with conditions, the ARC will notify the Applicant of the conditions within two (2) weeks of the original submission and provide the Applicant with an opportunity to meet the conditions. A

written notice of the denial must be provided to the owner by certified mail, hand delivery, or electronic delivery. The notice must:

- (1) describe the basis for the denial in reasonable detail and changes, if any, to the application or improvements required as a condition to approval; and
- (2) inform the owner that the owner may request a hearing under Section 209.00505 Subsection (e) of the Texas Property Code on or before the 30th day after the date the notice was mailed to the owner.

6. If the ARC/Board disapproves the Application, the Applicant has the right to appeal the decision to the Board. The board shall hold a hearing under Section 209.00505 Subsection (e) not later than the 30th day after the date the board receives the owner's request for a hearing and shall notify the owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. Only one hearing is required under this subsection .

During a hearing, the board or the designated representative of the Association and the owner or the owner's designated representative ("Owner) will each be provided the opportunity to discuss, verify facts, and resolve the denial of the Application or request for the construction of improvements, and the changes, if any, requested by the ARC in the notice provided to the Owner.

The Board or the Owner may request a postponement. If requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of the parties.

The Association or the Owner may make an audio recording of the meeting.

The Board may affirm, modify, or reverse, in whole or in part, any decision of the ARC as consistent with the subdivision's declaration.

7. The original Application and plans/blueprints/drawings will be scanned and saved electronically at *Documents/Architectural Review Committee/Building Permits/year folder* and filed at the Boswell Storage Building.

8. Only AFTER the ARC/Board has approved the Application may work proceed.

9. The ARC is to make periodic inspections of construction until they are satisfied that all construction is in line with the submitted Application and plans/blueprints/drawings.

10. Any variation from the original Application must be resubmitted for approval.

11. All buildings must be completed not later than six (6) months after laying foundations and no structures of any kind may be moved on to the property.

12. Approval of the Application expires after 6 months and a new Application will be required.

APPROVAL OF APPLICATION DOES NOT WAIVE THE NECESSITY OF OBTAINING REQUIRED PERMITS

OBTAINING PERMITS DOES NOT WAIVE THE NEED FOR ASSOCIATION ARCHITECTURAL REVIEW APPROVAL