

## **5.0 ARCHITECTURAL COMMITTEE (AC)**

The AC operates under a Charter, approved by the Board which is based upon the provisions in the CC&Rs and the Bylaws of the Association. Within the Charter the AC has three tasks.

First, the AC reviews applications from Owners to construct, alter or otherwise improve their Lots, including the exterior of their homes. During review the AC determines if the application conforms to the Rules of the Association. Based upon this determination, the AC may approve, disapprove or conditionally approve an application. By State Law the AC cannot approve an application that would violate the Rules of the Association. It may exercise its discretion when approving an application where discretion is called for under the Rules. The AC must be timely in its response to the Owners.

Second, the AC shall follow a uniform set of procedures when reviewing each application so as to ensure a fair, consistent, non-discriminatory outcome in accordance with the Rules so as to preserve the value and appearance of the homes in SIV.

Third, the AC may recommend to the Board changes, additions and modifications to existing rules. The AC does not have the authority or power to modify, waive or provide a variance to the Rules. The authority or power to modify the Rules rests with the Board or in the case of the CC&Rs with the Owners of the Association and then only so long as the Board complies with governing documents and applicable laws. The Board may, under exceptional circumstances that are well documented, provide a limited variance to the Rules but then only so long as the Board complies with applicable laws.

### **5.1 What must have AC approval (See Attachment 7.1 & 7.2)**

Generally, additions, alterations, or improvements to a home or Lot will require AC approval while like-kind repairs and replacements do not. The Rules enumerate many of the more common situations that would need AC approval, but examples given are not intended to be all-inclusive. If an Owner is in doubt about when or how to obtain approval, the Association is to be contacted. Failure to submit an application and obtain approval may result in fines or other penalties including removal of the offending alteration or improvement.

When applying to construct an addition to your home, it is the Owner's responsibility to notify the Owners on either side of the intent to expand beyond the existing footprint of the dwelling. This is not for the purpose of granting their approval. If necessary, the Association Secretary can provide contact information. (See Attachment 7.1) If the neighboring Owners have input, the Architectural Committee may, but need not, take this into account in making a final decision to approve or disapprove the Plans.

## 5.2 Building Permits

In many cases, Pima County requires a permit for construction or other alterations to property. Owners are responsible for determining if this is the case prior to the initiation of any proposed construction. The Pima County Development Services website is useful for the permitting process:

<http://www.pimaxpress.com/Building/default.htm>

The permitting office can also be reached by phone: 520-740-6490

Obtaining the permit does not eliminate the need for AC approval, and AC approval does not eliminate the need for a county permit.

AC approval pertains to but is not limited to the aesthetics of design and compatibility with surrounding or existing building components. AC approval does not constitute an endorsement of any design specifications, engineering or conformity to Building Code.

## 5.3 The Application

Applications are included in this Handbook (Attachments 7.1 and 7.2). They can also be obtained from the Secretary or downloaded from the website at [www.sivhoa.org](http://www.sivhoa.org).

Generally, the application form will provide the name and address of the Owner, identify the Lot involved by address and Lot number and contain sufficient information for the AC to identify all of the necessary particulars of the request. The amount of information sufficient to process an application will vary depending upon the scope of the addition, alteration or improvement, but might include the following:

### 5.3.1 Site Plan, Drawings and Photographs.

A site plan or drawing is required showing all proposed improvements or alterations relative to the existing conditions of the Lot. Although the drawing may be freehand, it should contain all relevant dimensions (height, width, length). This can be supplemented by proposals from the contractor, mechanical drawings or other literature from the manufacturer, photos or other representations of the proposed improvements or alterations.

### 5.3.2 Materials and Colors.

A detailed list of the materials, finish and colors to be used should be provided along with a list of the existing materials and colors when appropriate. The application must show that quality, first-class materials and compatible colors will be used. When applicable, colors will conform to the *Paint Guidelines* Book that is available for loan from either the Secretary or the AC. Otherwise the AC will, at its discretion, determine the compatibility of the proposed materials or colors.

### 5.3.3 Contractor

The application should disclose the name of the contractor, license number if known. If the Owner will be performing the work, disclose that instead.

### 5.3.4 Start Date and Completion Time.

Provide an estimated start date and completion time. If the estimated time is considered impractical or unreasonable, the AC may condition its approval upon rescheduling. Work must commence within six (6) months of the approval date or a new application must be submitted.

## 5.4 Application Process

Your primary contact during the application process is the Secretary.

Plans must be complete and ready for submittal to obtain a building permit, if required. Prior to construction the Owner must meet all applicable Pima County requirements. (See Section 5.2 – Building Permits)

### 5.4.1 Submit Application

- A. The application together with all attachments must be submitted to the Secretary.
- B. The application must be submitted at least 30 days prior to the commencement of the proposed construction or alteration.
- C. If incomplete, the application will be returned to the Owner with a request for additional information.
- D. The application will also be returned to the Owner if it meets all of the criteria for self-guided repair or replacement under the Rules or otherwise does not require AC approval. The Secretary will indicate on the application that it conforms to the rules and no further action is required.
- E. The application may also be returned to the Owner if the application is for a variance or waiver of the Rules. If the purpose of the application is to obtain a variance or a waiver of the Rules, the Owner is required to use the appeal process. (See Section 5.4.4)

### 5.4.2 Applications are reviewed by the AC.

- A. Applications are forwarded by the Secretary to the AC. To facilitate its review the AC may seek additional information and/or request one or more site visits and/or enter into discussions with the Owner.
- B. The AC may also contact one or more neighbors of the Owner, but need not take their input into account when making its decision.

- C. If the AC cannot obtain all of the information it needs to complete its review, the AC will deem the application incomplete and return it to the Secretary who, in turn, will return it to the Owner for completion.

#### 5.4.3 All responses are in writing.

Once the review is complete, the response will be in writing.

- A. The Secretary will respond to the applicant Owner.
- B. If there have been no delays to gather information the review will normally be completed in 14 days, often sooner.
- C. Owners should feel free to contact the Secretary regarding the status of their applications should the review take longer than 14 days.
- D. If there is a delay in gathering supplementary information or other hold-up in processing, the AC must either advise the Secretary or return the application to the Secretary in a timely manner. In any event the AC must complete its review within 30 days of the receipt of the application. Otherwise the Secretary will notify the Owners that no action has been taken thereby rendering the application unapproved. The Owner may then appeal by submitting the application to the Board for an expedited hearing.
- E. Any response other than a written response from the Secretary is invalid and non-binding on the Association.

#### 5.4.4 Applicant appeal

If the application is denied, the applicant may appeal.

- A. An Owner may also seek a waiver or a variance through the appeal process.
- B. If the appeal is based upon an amended application, the Secretary will resubmit the application to the AC.
- C. The appeal must be requested in writing and delivered to the Secretary within 30 days of the denial date (the date the denial from the Committee is deemed delivered to the Owner).
- D. If the appeal is not based upon an amended application, the Secretary will direct the appeal to the Board. The Board will then have 30 days in which to review the application and render its decision based upon the reasons given by the Committee for its denial and the basis for appeal given by the Owner. The decision of the Board will be communicated in writing by the Secretary to the Owner and will be binding.

### 5.5 Architectural Review Criteria

Each application will be reviewed on its merits. Consideration will be given to the particulars of the application and the relationship of the additions, alterations or improvements to neighbors using the following criteria: