

## **Architectural Control Committee Guidelines**

### **Approved December, 2004**

#### **Introduction**

The Baker's Branch Homeowners' Association (BBHOA) Architectural Control Committee (ACC) was created to help ensure that the character of the neighborhood in which we invested remains attractive to us and to those to whom we sell our property. Towards these ends, we all contracted to abide by the BBHOA Covenants, Conditions, and Restrictions (CC&Rs) when we purchased our homes. Our CC&Rs provide for very clear directives regarding alterations/addition to our properties. For example your ACC is explicitly charged to "use its best efforts promote and ensure a high level of taste, design quality, harmony and conformity throughout the Property. . ." (CC&Rs, Article 10.5 [a])

Our CC&Rs state in detail the authority of the ACC to regulate buildings, relocation and/or height changes to a fence, and playground equipment over six feet tall, all walls and other structures. Before any of these things can be built, the ACC must approve the owners' plans, including a plat of the lot showing the location of proposed work. The committee is also explicitly charged to "prevent unusual, radical, curious, odd, bizarre, peculiar or irregular structures from being built in the development (10.5 [e])." The ACC is generally to require, "that any plans meet the standards of existing improvements" in the neighborhood (10.5 [e])." Further, the committee is granted sole discretion in determining what meets its charges. In fact, in the strictest interpretation, ACC approval is required for any change whatsoever to a property if it is visible from the outside (10.5 [c, iv]).

In other words, as the CC&Rs we all agreed to are written, your ACC is mighty powerful.

On the other hand, as Baker's Branch enters its fifth year of occupancy, we have had little reason to fear that our homeowners would attempt bizarre or structurally curious improvements. Generally speaking, homeowners' plans have been well in keeping with neighborhood standards and few concerns have arisen. Accordingly, the vast majority of applications to your ACC have been approved as submitted. Some applications have required minor revision, and a very few, major.

**Objective**

We homeowners of Baker's Branch have no desire to burden ourselves with needless paper pushing; yet if we do not ensure that the CC&Rs are respected, they will cease to be in effect. This could lead to circumstances that might well adversely affect the resale value of our homes. While we might wish not to have to deal with the ACC, it is a necessary aspect of living in Baker's Branch – indeed, an aspect that many of our homeowners find a positive benefit.

In order to minimize the amount of paperwork that homeowners and ACC members have to process, we have established the following guidelines to help homeowners determine when an ACC application is appropriate. New Guidelines

As a general guideline, maintenance of property does not require additional approval. For example, if a home is to be repainted in the same color and style as it was originally, no additional approval is required (since the paint scheme was previously approved.) Similarly, replacing fence stakes, replacing windows, replanting beds also do not need approval if the original appearance is maintained. Another example of maintenance that does not require approval is re-roofing with the same color & grade of shingles (after a hail storm, for example.) In general, any maintenance that does not alter the appearance of the house or lot does not require ACC approval.

Similarly, typical landscape maintenance does not need approval. For example, trimming plants and trees, removing dead plants and trees, or replacing them with similar plants can be done without an ACC application. Obviously, if your old 30 foot oak croaks, you will probably be replacing it with a smaller tree, perhaps of a different species. If the replacement is similar, you won't need to submit an application to the ACC. For example, replacing a Post Oak with a Red Oak or a Live oak wouldn't need approval; replacing it with a Gingko would. Homeowners are not expected to apply to the ACC for typical seasonal changes of bedding plants (e.g. pansies in the winter, begonias in the summer, etcetera.)

In general, minor alterations to a homeowner's fenced in yard that are not visible from the sidewalk and are lower than six feet do not require an ACC application. Major construction, on the other hand, such as a swimming pool, or pond does require approval of the ACC (in addition to city permits). This is

true of any sort of project that affects drainage. Satellite dish antennas less than 3 feet in diameter and mounted on the back side of a member's house are acceptable. All other antennas still require approval as per the CC&Rs.

The objective of these guidelines is to minimize the effort required to ensure that your ACC is able to do its job of keeping our neighborhood a place we wish to live. Needless to say, if homeowners start to experience problems with these guidelines, *your ACC retains its full authority to enforce its detailed and explicit charges in our CC&Rs*. This announcement serves as an ACC bulletin establishing fair, reasonable, and uniformly applied standards. The foregoing notwithstanding, all major alterations to the appearance of the property, visible from the street or over six feet in height will continue to require an ACC application for approval. It is solely the homeowners' responsibility to research and obtain all necessary Town permits. Neither the Homeowners Association nor its elected or appointed representatives carry this obligation.

### **Caveat**

Recall that if your Board and/or its committees fail to perform their duties to your Association, including reviewing major improvements to homeowner's properties, our CC&Rs provide that the Town of Flower Mound (or its appointed agent) can take over the Association. Believe me; whoever took over would certainly be less concerned with the costs and hassles of dealing with your HOA than are your fellow HOA members.

### **Addition Approved May, 2005**

ACC approval is not required for trimming existing flowerbeds with the following: natural materials (e.g. timber, stone); brick in keeping with the look of the house; or concrete edging in colors similar to brick or stone. Trim may be either temporary (e.g. dry-set stone), or permanent (e.g. mortar-set brick). Steel edging to replace that installed by the builder (e.g. dark green or black) also does not require approval. The ACC is still required to review any planned major landscape alterations as well as any project requiring city permits (e.g. walls higher than 12 inches).