

ARC - Homeowner Q & A

March 25, 2006

Q: When, how and who do I contact when I want to make an improvement on my property?

A: When you decide on a plan you'd like to complete on your property (*not inside your home*) you need to contact the Architectural Review Committee - Dave Barrick 2005-2006 ARC Chairman 724-7269 or via e-mail at djbarrick@copper.net. Dave will provide you with the basics. You'll be requested to provide a cover letter and including your lot's plat of record, any sketches and measurements. This is accomplished after your questions have been answered while following our governing documents.

Q: When do I know I have to contact the ARC?

A: Contained in our DCCR Article X Section 10.1 specifically, "No dwelling or other improvement shall be erected until the plans and specifications, including exterior color design, have been submitted to and approved in writing by the Developer, its successors or assigns or their authorized agent."

Q: What exactly is an improvement?

A: The DCCR defines this in Article I Section 1.16 " ... *any construction, structure, fixture or facilities of any kind of either a temporary or permanent nature, constructed above, at or below ground level ...*"

Q: How do I receive an approval response from the ARC after I submit my form?

A: Acceptance or rejection is based upon the Cloverdale DCCR and the Bylaws with the ARC Guidelines. Dave Barrick will look at your property with you, provide you with suggestions and/or comments and take into consideration your neighbor's general view of the appearance and placement of your improvement from their perspective as well as your own. You will also be asked if your new improvement can be easily maintained in the position you have chosen.

Q: What if my plan is rejected, how do I get it accepted?

A: The only way to have your plan reconsidered for approval is to approach your Executive Board thru the ARC. You must keep copies of all your paperwork to aid you and the Board in the final decision. The DCCR provides a clause for your use in this situation "*Approval of plans and specifications shall not be arbitrarily or unreasonably withheld.*" And in the ARC Guidelines you also have a clause stating "*Applicants are encouraged to work with the ARC to resolve any objections to a submission. If there is failure to resolve the objection, the applicant may appeal the decision of the ARC by filing a written notice of appeal with the Executive Board within ten (10) days of the rejection issuance. Hearing will be scheduled within ten (10) days of board's receipt of hearing request.*"

Q: What if I can't make the 10 day deadline to appeal?

A: We all have tough schedules and it is hard to make deadline requirements. With an agreement by the Executive Board, a time frame may be waived due to circumstances beyond our control. Remember, it needs to work both ways; for you and for your Executive Board. The most difficult time to appeal a request is about a month before thru the month after the transition of the outgoing Executive Board and the newly elected incoming Executive Board. This particular answer is an assumption, not a rule not a policy, that can be addressed by us all; but none-the-less critical in our combined decision making proceedings.

Q: What happens if I go ahead anyway while ignoring the ARC rejection?

A: Ouch! The DCCR states "Article XXIII (m) ... *after Notice and Hearing, levy reasonable fines for violations of this Declaration, Bylaws, Rules and regulations of the Association ...*" And in the Bylaws it states: Section 5.2 Fine for Violation " ... *By resolution, following Notice and Hearing, the Executive Board may levy a fine of up to \$25 per day for each day that a violation of the Documents or Rules persists after such Notice and Hearing, but such amount shall not exceed that amount necessary to insure compliance with the rule or order of the Executive Board ...*"

If you do not have your governing documents they digitally available at no cost on the **Unofficial Cloverdale Website** <http://cloverdale.macesoftware.com> for your use.

DCCR original:

http://cloverdale.macesoftware.com/hoa/1988-DCCR_scanned.pdf

DCCR reprint:

http://cloverdale.macesoftware.com/hoa/DCCR_transcription.pdf

Bylaws original:

<http://cloverdale.macesoftware.com/hoa/19xxBylaws.pdf>

Bylaws reprint:

<http://cloverdale.macesoftware.com/hoa/bylaws.htm>

ARC Policy as amended March 13, 2006:

http://cloverdale.macesoftware.com/hoa/ARC_PolicyAmended2006.pdf

Or contact Nance L. Briscoe, 2005-2006 Secretary at 728-2201 or via e-mail at nancebriscoe@nancebriscoe.com for a hardcopy at no charge.

An article of interest:

Semantics – a candid dialog:

<http://cloverdale.macesoftware.com/hoa/Semantics.pdf>

***In all cases of inconsistency the originating document
and/or official recorded document shall prevail.***



Homeowners Association, Inc. - 209 Cloverdale Road - Charles Town - West Virginia 25414

ARCHITECTURAL REVIEW COMMITTEE

NOTE: this form is completed by the Chairman of the ARC and is preserved as a matter of HOA Record relative to the Owner & Lot within Cloverdale

Approval / Disapproval

LOT NUMBER:	Homeowner: (first, last & telephone)
Type of Improvements: (Circle the correct choice or fill in "other")	
Porch Storage Building Patio Deck Pool Fence Attached Garage	
Other:	
Date Plans Submitted:	Date Plans Reviewed:
Date Plans Approved:	Conditions of Approval if Required
Date Plans Disapproved:	Reason(s) for Disapproval:
Date Construction Started:	Contractor:

COMMENTS:

2005-2006 ARC Representative
Dave Barrick, Committee Chairman

Date: