

## **OHE-HOA ARCHITECTURAL APPROVAL PROCESS**

### **I. Submission for Approval**

Submission of planned improvement(s) via the Architectural Approval Application to the Architectural Review Committee (the Committee). The Committee will review the application with respect to acceptability, per the OHE Declarations of Restrictions and Reservation of Easements (the Covenants and Restrictions).

1. If the improvements are within the guidelines of the Covenants and Restrictions, the Committee shall approve.
2. If insufficient information is provided, the Committee shall immediately request additional information from the OHE-HOA Member.
3. If there is a variance from the Covenants and Restrictions, the Committee shall:
  - a) Determine if the variance is acceptable to the members of the Committee.
  - b) If acceptable, the Committee shall contact all abutters regarding agreement or disagreement with the improvement. If acceptable to all, the Committee shall approve.
  - c) If unacceptable to three or more abutters, the Committee shall disapprove.
  - d) If unacceptable to one or two abutters, the Committee shall obtain input regarding why, and what would be required to make the improvement(s) acceptable.
  - e) The Committee shall attempt to reach a negotiated approval between all parties - the applicant and abutters.
  - f) If a negotiated settlement cannot be reached, the improvement(s) application shall be disapproved.
4. For the purposes of this approval process, "abutter" shall be defined as any OHE-HOA member with a lot line abutting the applicants lot, and any member whose house is located in a manner such that there would be a direct sight line from the house to the improvement(s) proposed by the applicant. The OHE-HOA shall provide final decision in any instance where there is reasonable doubt regarding a member's status as an abutter.
5. The Committee and OHE-HOA Board shall maintain records of any and all variances allowed for reference purposes, to maintain consistency during the review of all applications.

### **II. Violations and Complaints**

If violations are noted and/or a complaint is received regarding an "in progress" project for which no prior approval has been obtained:

1. The Committee shall issue a cease and desist order, and
  - a) Require the member making improvement(s) to submit an Architectural Approval Application for approval.
  - b) Upon receipt of the application, the Committee shall perform the required approval procedures.

2. If a complaint is received, the Committee shall gather information concerning the possible violation of the Covenants and Restrictions.

- a) If no violation, approval shall be granted.
- b) If a violation is noted, the variance process outlined above shall be implemented.
- c) Should a negotiated settlement not be reached:
  - 1) If improvement (s) "in progress" are of minor economic and/or other impact, the Committee shall request removal of the improvement(s) that are in violation.
  - 2) If improvement(s) "in progress" are of substantial economic impact (and also if minor impact, but removal has been rejected), the issue shall be brought to a vote at a meeting of OHE-HOA members. A vote of 2/3 (two thirds) of the members attending such meeting shall be required for approval of the improvement(s) in question.

3. If violations are noted and/or a complaint is received regarding a completed project for which no prior approval has been obtained:

- a) The Committee must receive unsolicited complaints from three members prior to commencing any action.
- b) If three complaints are received, the Committee shall:
  - 1) Contact the member in violation, providing details of the complaints, and
  - 2) Document for all complainants the reasons for the complaints filed.
- c) If, upon review of all documented complaints, there is no violation for the Covenants and Restrictions, the Committee shall dismiss the complaints and advise complainants in writing with appropriate details.
- d) If a violation of the Covenants and Restrictions is noted, the Committee shall:
  - 1) Contact any "abutters" who are not complainants.
  - 2) Determine areas for negotiation.
  - 3) Implement the negotiation guidelines outlined within the Submission for Approval section, as noted above.
- e) Should a negotiated settlement not be reached, and:
  - 1) The improvement(s) are of minor economic and/or other impact, the Committee shall request removal of the improvement(s) that are in violation.
  - 2) The improvement(s) are of substantial economic impact (and also if minor impact, but removal has been rejected), the issue shall be brought to a vote at a meeting of OHE-HOA members. A vote of 2/3 (two thirds) of the members attending such meeting shall be required for approval of the improvement(s) in question.

4. If less than three unsolicited complaints from Association members are received with respect to a completed project, the Committee shall document such complaints for OHE-HOA records, and advise complainant(s) that the Committee currently cannot take action.