

Oella Architectural Review Guidelines

What is the ARC?

The Architectural Review Committee, a.k.a. the ARC, has the responsibility of reviewing and approving any changes Owners in Oella want to make to their property that will be visible from anywhere outside their house. Oella has a long history and rich architectural heritage (we're on the National Register of Historic Places)– for nearly 200 years people have lived, and continue to live, in Oella. When you became a homeowner here, you became an important part of that history and heritage. The ARC's job is to help homeowners in the Oella HOA maintain and preserve our community's unique character.

To help us help the community, it's very important that anyone considering any change to the outside of their house or property consult the ARC to determine what approvals are needed *in advance of any work starting*. This applies to both historic (original construction before 1925) and non-historic houses. Note that routine maintenance, repairs, or replacements to any structure that do not change its appearance, such as repainting with the same color, replanting existing flowerbeds, or replacing, (in whole or part) any structure with the same exact material, color, finish, and design does not require approval, although it's usually a good idea to ask first, especially if you have an historic house.

What needs Review?

So what kinds of things will need ARC review? Basically, if you want to do anything that alters the appearance of your house or property, you should contact us for advice.

Examples of the kinds of things you should ask about are;

Repainting anything on the outside of your house in a different color.

Changing any of the components of any outside door or window.

Replacing any siding.

Adding or changing any kind of structure (for example, any additions, any building, shed, patio, fountain, pool, tree, shrubbery, paving, curbing, landscaping, fence or wall, sign or signboard).

Any kind of masonry repair or repointing of brick.

Altering the appearance of your roof, such as changing the type or color of any of the roofing material and adding vents or satellite dishes.

Any new landscaping, including removal of any trees or large shrubs or laying out new flowerbeds or terracing.

Digging any large holes or doing anything else that could affect or alter the natural flow of surface water on or across your property.

Architectural Review Procedures

Homeowner Submits Application.

All applications will be forwarded to American Community Management (ACM) at 9198 Red Branch Road, Columbia, MD 21045. They may be faxed (410-997-8876) or emailed (see www.oellahoa.com for contact information). Each Architectural Change Request will be reviewed to verify completion. If information pertinent to the review of the Architectural Change Request is missing, the application will be marked "incomplete" and returned. If the application is complete, the form will be forwarded to the ARC and the review process will begin.

The ARC is required to respond to the homeowner requesting the change within thirty (30) days from receipt of the application by ACM. The ARC review decision will be sent by email or regular mail to the address of the homeowner listed on the Architectural Change Request. Any decisions not made by the end of 30 days will be considered approved. ARC decisions may be summarized online.

ARC reviews the Application.

The ARC will meet monthly. If the ARC determines that the request could adversely affect neighbors they may choose to "Disapprove with Comments" and hold a meeting to gather homeowner comments. This shall occur as soon as possible, but no later than 45 days from date of denial.

In some cases the ARC may feel that it is not qualified to make a judgment call on an application (such as architectural consistency with the community, historical authenticity, overall esthetic concerns, etc...). In that case the ARC may "Disapprove with Comments" and bring in a paid consultant to review. After which, the ARC may make a determination not to exceed 60 days.

ARC Determination Options:

Approved changes must be made within 1 year from the approval date.

Approved. Homeowner may begin the project.

Approved with Comments. The project is approved with minor changes.

Disapproved with Comments. Insufficient information was available to make a reasonable determination, a special meeting needs to be called, or a consulting specialist needs to be involved, or other complications.

Disapproved. Homeowner may not begin the project as currently submitted.

4. Appeal Process:

A homeowner whose request is disapproved for a proposed architectural change has the right to appeal the decision. The homeowner appeal process is through the Board of Directors. The Board of Directors must receive the appeal in writing from the homeowner within thirty (30) days of the disapproval letter. Appeal letters should be sent to ACM. The homeowner is entitled to a hearing before the Board of Directors within 45 days of receipt of the appeal. Two-thirds (2/3) of the entire Board of Directors must vote in favor of the homeowner to reverse the decision of the ARC. Notice of the outcome is sent to the homeowner either by email or regular mail.

Appeal Determination Options:

Approved. ARC decision overruled.

Approved with Comments. ARC decision overruled as long as certain conditions are met by Appealing Owner.

Disapproved. ARC decision upheld.

Appeal decisions are final. Disapproved homeowners must change plans and re-submit if they wish to make a change.

Enforcement:

ACM or members of the ARC may conduct periodic inspections of the project while it is under construction to insure compliance with the approved application. Any unapproved deviations from the Architectural Change Request will be dealt with by the ARC. Final approval requires compliance with the stated specifications of the approved Architectural Change Request.

If the homeowner proceeds with any exterior changes disapproved by the ARC, the Homeowners Association has the right to initiate legal action by the authority of the covenants.

If a homeowner fails to complete an Architectural Change Request and does not receive ARC approval for an architectural change and has proceeded with the architectural change anyway, then the Homeowners Association has the right to initiate legal action by the authority of the covenants.

Unapproved Actions

According to section 4.7.1 of the Covenants, Conditions and Restrictions, if "...any Structure is altered, erected, placed or maintained, or any new use commenced..." without prior approval of a Plan by the process described above, it is considered a violation of the provisions of the Declaration. When such a violation is discovered, the Owner will be notified promptly in writing and given fifteen days to take reasonable steps to terminate the violation. Owners may be told to remove or restore the structure to its prior condition or cease the prohibited use. Often, the Owner is asked to seek approval retroactively by submitting a complete plan within the fifteen days. If no action has been taken by the Owner to correct the violation or seek approval within the fifteen day period, the ARC or its agents may enter the Lot and, "...take such steps as are reasonably necessary to terminate such violation" at the Owner's expense or the ARC, "...may bring such action at law or in equity as is necessary to cure such condition." It should also be noted that under Article XV of the 1988 Declaration, both the Oella Homeowner's Association and *any Owner* also has the right to, "...enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration."