



Samuel's Gate HOA, c/o Murray Realty, Inc., 4519 Brambleton Ave., Suite 200, Roanoke, VA 24018

June 24, 2015

## **Architectural Control Committee Request Guide**

This guide is intended to help homeowners determine when to submit a request to the Architectural Control Committee (ACC). It is provided for informative purposes only and should not be considered a replacement of what is contained in the Declarations for the homeowner's property. The Declarations provide the sole authority and scope of the ACC and nothing in this guide is intended to contradict the Declarations.

Property owners are required to submit a request to the Architectural Control Committee for any improvement, alteration, repair, excavation or other work which in any way alters the exterior appearance of the property or structures within the property. The following provides a list of the most common projects for which a request is to be submitted:

- ( 1) additions to the house
- ( 2) additions of a sunroom
- ( 3) adding a deck or adding to an existing deck
- ( 4) substantially altering or modifying an existing deck
- ( 5) enclosing an existing deck
- ( 6) erecting a storage shed
- ( 7) putting up a fence
- ( 8) replacing an existing fence with a different type of fence
- ( 9) erecting a wall, such as a retaining wall
- (10) grading of property
- (11) landscaping projects
- (12) constructing an above or below ground swimming pool
- (13) replacement of house siding
- (14) altering placement of driveway
- (15) expanding the driveway
- (16) installing exterior lighting

**Questions concerning ACC review requests should be directed to the HOA's manager.**

Requests should be as complete as possible. Most projects involving the property should include a plot map whereupon the location or placement of the project is indicated, for example the location of a proposed fence or storage building. Also, the type of materials being considered including the color scheme and dimensions of the project, in the case of a fence, the height of the fence.

The ACC has no desire to manage or otherwise oversee the homeowner's project, but simply seeks assurance that the project is in harmony with and consistent in appearance with its surroundings and adjacent or neighboring properties. Historically, most requests have been approved "as is" or with only minor changes. For example, curtailing a proposed fence that reaches beyond the boundaries or placement permitted by the Declarations.

Once a completed request has been received by the Architectural Control Committee, the ACC will approve/disapprove a request within 30 days. Deviations from a request, once approved, require a new submittal. All decisions of the ACC are final.

Approval from the ACC shall in no way be considered a substitute for any requirements of local building or zoning codes.

Why you should not ignore this guide: Virginia law (Code of Virginia 55-515) requires every lot owner to comply with all provisions of the Declaration. The Code provides that failure to comply shall be grounds for action by the HOA. The HOA shall be entitled to recover reasonable attorney fees and costs expended in the matter from the property owner. Additionally, the HOA is entitled to impose a charge of up to \$50 for a single offense or \$10 per day for any offense of a continuing nature (Code of Virginia 55-513).

Should you decide to sell your house, Virginia law (Code 55-509.4) requires the seller of a lot within the HOA to provide to the seller an association disclosure packet. Among other things, the packet informs the buyer about architectural review board matters. The purchaser has the right to cancel the contract after receiving the packet. Therefore, property owners should be mindful concerning the submission of required ACC requests.

Requests with attached supporting documents may be submitted to the HOA's manager via email to

**manager@samuelsgathoa.com**

or mailed to the following address:

**Samuel's Gate HOA  
c/o Murray Realty  
4519 Brambleton Ave., Suite 200  
Roanoke, VA 24018**