

Kirkhaven/Rhapsody at Bailey's Arbor (KBA)

Architectural Review Committee (ARC) Quick Reference

Overview This document serves to clarify the role of the ARC while providing some guidance, clarification and further definitions relative to the guidelines in the governing documents of the association. Moreover, this document serves as an addendum to the KBA Homeowner's Association Guidebook. Its intended purpose is to help you understand what changes to your property require an approved ARC application. When in doubt, please contact Community Development:

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ARC The ARC shall consist of three KBA residents appointed by the Kirkhaven/Rhapsody Board. Each member will serve a two-year term. The ARC has the responsibility to all KBA residents to provide oversight to the general appearance of the neighborhood as outlined in the associations governing documents.

What Requires ARC Approval All alterations, changes, modifications or additions to the exterior of your home and/or the landscaping structures must be approved in writing by the ARC **before anyone performs any work**. The plans and specifications for the work must be reviewed and approved in writing by the ARC.

Please note that failure to receive approval from the ARC prior to making such alterations, changes, modifications or additions is a violation of the Associations governing declarations. Violations may result in fines, administrative fees, legal fees and legal actions to correct the violations.

Quick Reference Chart

The following chart provides some examples and guidance as to what requires or does not require ARC approval. More specific guidelines regarding many of these items are more completely defined in the Association Guidebook.

ARC is Required	ARC is Not Required
<ul style="list-style-type: none"> • Landscape bed redesign, edging (of any material) greater than 1" above grade, garden structures or terraces. • Installation or modifications to decks, patios, covered porches, four-season rooms etc. • Retaining walls or rock gardens. • Changing any aspect of the exterior color, material or design of the home in any way, including painting or staining concrete porches. • Storage sheds, garages or other buildings. • Yard gyms, swing sets, basketball goals, trampolines or sport courts. • All swimming pools; above and below ground. • Permanent fire pits, heating or cooking apparatus (External use). • Replacement or redesign of driveways, or parking areas. • Mailbox, newspaper box, and supporting posts. • External installation of hot tubs, saunas, or steam baths. • Permanent exterior lighting and/or lamp posts. • Yard art, sculptures bird baths, windmills, whirligigs, fountains or any other exterior structure. • Any exterior antenna or satellite dish. • Re-grading of the lot. • Installation or replacement of screen or storm doors, guttering, shutters, awnings or any other improvement that attaches to the structure of your home. 	<ul style="list-style-type: none"> • Edging (of any material) not greater than 1" above grade. • Planting trees, shrubs and bedding plants or replacement of dead plant material and trees. • Replacing sod or re-mulching beds. • Repainting the home, decks, porches with the exact same color combinations. • Changing interior design or color of the home. • Seasonal or temporary & removable furniture. • Temporary (24 hour) use of kiddie pools (those designed to be emptied on a daily basis), slides or other yard toys. • Portable or seasonal fire pits, patio torches, grills, or other homeowner designed heating devices. • Re-sealing driveways.

**ARC
Application
Lead Time**

At least 30 days before any work is to commence, the Owner of the Lot, *not the subcontractor*, shall submit to the ARC:

- A fully completed K.B.A. ARC Application form
- A complete set of plans and specifications including:
 - full site, grading & drainage plans
 - building elevations
 - Roof pitches where applicable
 - Landscaping plans
 - Exterior colors (actual samples or paint chips) and
 - Specific materials to be used

These plans must provide a comprehensive view of the work to be performed.

**Approval
Process**

Within 30 days after receipt of plans and specifications, the ARC shall approve or disapprove them in writing. If the ARC disapproves the plans and specifications, it shall state in writing the reason for such disapproval and the deficiencies which must be cured to obtain approval. The ARC shall retain, for a period of three years, all plans and specifications submitted to it and a record of all actions taken with regard to them.

The ARC may disapprove plans and specifications only for one or more of the following reasons:

- Noncompliance with this Kirkhaven/Rhapsody Declaration, municipal ordinances or other governmental regulations;
- Failure of the proposed work to be compatible with the Lot, in terms of topography, soils and existing vegetation;
- Failure of the proposed work to be compatible with most of the houses (in the case of a house) or most of the comparable structures (in the case of structures other than houses) in that Neighborhood built or to be built, in terms of style, general appearance, size, height and width, and other characteristics; and/or
- Failure of the plans and specifications to show all information necessary to evaluate the foregoing characteristics.

The ARC's determinations concerning the plans and specifications shall be conclusive.

**Post
Approval**

After the work is completed, the ARC will review the work performed to ensure that it meets within the "guidelines" of the originally approved ARC application.

Where Do I get an ARC Application? The Architectural and Landscape Improvement Application is made available each spring to all the homeowners via the website, www.BaileysArborKBA.org (Resources page). You may contact the Community Manager to have an Application e-mailed to you as well.

Violations Please note that failure to receive approval from the ARC prior to making such alterations, changes, modifications or additions is a violation of the Declaration. You may be subject to fines, administrative fees, legal fees and legal actions to correct the violations.

Limitation of Liability The ARC's approval of plans and specifications shall not constitute any representation, warranty or assurance that they comply with applicable municipal codes and ordinances.

Remedies Against the ARC If the ARC and/or the members of the ARC shall fail to discharge their respective obligations under this Article IV, then any Owner may appeal to the Board within sixty (60) days after the ARC has failed to discharge its obligations. If the appeal to the Board is unsuccessful, the Owner may bring an action to compel the discharge of said obligations. Any such action must be commenced within 90 days after the date on which the certificate of occupancy is issued by the appropriate municipal authority, in the case of the initial construction of a house, or within 90 days after the date of completion, in the case of any other work. Such an action shall be the exclusive remedy of any Owner for failure of the ARC and/or its members to discharge such obligations. Under no circumstances shall the Developer, the ARC or members of the ARC be liable to any person for damages (direct, consequential or otherwise).
