

**ARCHITECTURAL REVIEW COMMITTEE (ARC) POLICIES AND PROCEDURES**  
**Effective July 12, 2021**

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## **ARTICLE 1: INTRODUCTION**

### **1.1 PURPOSE**

All Owners of residential lots and all residents of Timber's Edge Homes Association ("Association") are legally bound and shall abide by the Homes Association Declaration, and amendments to, ("Declaration"), Declaration of Restrictions, and amendments to, ("Restrictions") and, along with the Declaration, collectively the "Covenants", the Articles of Incorporation and Bylaws, these "Policies and Procedures", and other applicable legal documents related to the Association. All aforementioned documents collectively referred to hereinafter as the "Governing Documents". These Policies and Procedures were adopted to facilitate the Architectural Review Committee ("ARC") and their review of applications for exterior improvements within the Association.

These Policies and Procedures, in accordance with the Governing Documents, is the basis by which the ARC maintains the high standards of the Association from initial home design and construction, through home additions, remodels, and maintenance. Through systematic, uniform review procedures, the goal of the ARC is to encourage design excellence, preserve and enhance property values, and foster owner pride and satisfaction. The intent of these Policies and Procedures is to protect overall appearance, maintain the values of the community, and retain a good neighbor relationship.

To the extent not otherwise defined herein, capitalized terms shall have the meaning set forth in the Covenants. Non-resident Owners are responsible for ensuring that their tenants and guests follow these Policies and Procedures and the Governing Documents.

### **1.2 AUTHORITY**

The Restrictions provide that no improvements, alterations, repairs, change of paint colors, building, fence, wall, or other work which in any way alters the exterior of any property or the improvements located thereon shall be made or commence without the prior approval of the Association, except as otherwise expressly provided in the Restrictions. Accordingly, the Board of Directors of the Association and the ARC adopted the following Policies and Procedures to facilitate the ARC's review of applications. Owners are cautioned that these Policies and Procedures are guidelines only, and, subject to the terms and provisions of the Declaration, the ARC may exercise its sole discretion in determining whether to approve or disapprove any applications.

### **1.3 GOVERNING DOCUMENTS**

These Policies and Procedures should be reviewed together with the Governing Documents. If any provisions of these Policies and Procedures conflict with the terms or provisions of any Governing Documents, the terms and provisions of the applicable Governing Documents shall control. Owners contemplating the submission of an application to the ARC are urged to take special notice of Section 11 of the Restrictions and Section 3 of the Declaration for the Association which may contain additional requirements and restrictions.

**1.4 PREVIOUSLY APPROVED IMPROVEMENTS**

If an Owner has previously obtained ARC approval for improvements on such Owner's Lot, which improvements would be rendered non-conforming under these Policies and Procedures, such prior ARC approval will continue in full force and effect as to those improvements previously approved to the full extent of such previous approval; provided, however, that the requirements of these Policies and Procedures must be met at the time, if any, that such non-conforming improvements are replaced unless the Owner of such Lot obtains a variance pursuant to Section 2.7 of these Policies and Procedures.

**ARTICLE 2: ARC DESIGN REVIEW PROCEDURES**

**2.1 OWNER RESPONSIBILITY**

Each Lot Owner and resident within the Association is responsible for complying with the Governing Documents. Any application for a Lot that is not current with assessments, has violations, or is not in compliance with the Governing Documents will not be considered. **Any proposed improvements/changes/enhancements to be made to an Owner's Lot require the Owner to receive written ARC approval prior to making the improvements.** The Owner is responsible for all work done to his or her property, whether the Owner or Owner's contractor (or subcontractor) is performing the work.

**2.2 OWNER RESPONSIBILITY – COMPLIANCE WITH OTHER APPLICABLE LAWS**

In addition to ARC approval, each Lot Owner is responsible for obtaining all applicable approvals and permits as required, including but not limited to City/County Building permits, and approval from City/County Engineering, etc., and for constructing any changes to the Lot in a manner that complies with all applicable regulations.

**2.3 ARC MEETINGS AND DEADLINE INFORMATION**

The ARC meetings take place as part of the meetings of the Board of Directors. During these meetings, the ARC reviews the approved and denied applications that were submitted on the appropriate forms, including, supporting drawings, and required information. ARC applications may be found on the Association's website or by emailing the ARC at [arc@timbersedge.org](mailto:arc@timbersedge.org). The ARC reserves the right to cancel and/or reschedule meetings if necessary, without notice.

**2.4 PREPARATION OF SUBMITTALS**

**The Lot Owner is required to submit an ARC application and obtain approval for ALL exterior changes prior to the commencement of work on the property.**

If a Lot Owner or his or her contractor or subcontractor are not familiar with the Association's procedures and design standards, supplying them with a copy of the Declaration, Restrictions, and these Policy and Procedures is highly recommended. This can prevent misunderstandings and costly delays. Any questions should be directed to the ARC at [arc@timbersedge.org](mailto:arc@timbersedge.org).

## 2.5 ARC REVIEW BASIS

The ARC reviews each application based on:

- (a) Compliance with the Governing Documents and any restrictions and notes on the relevant plats;
- (b) These Policies and Procedures and any other policies that may be adopted by the Board of Directors from time to time;
- (c) Aesthetic consistency within the Association (precedent within the Association does not establish grounds for approval and each submission will be considered on a case-by-case basis); and
- (d) The impact to the community.

The ARC reserves the right to require modifications to proposed designs, including deletion, addition, or relocation of design elements, in order to achieve compliance with these policies.

## 2.6 ARC DECISIONS

An application is approved when notice of approval is given to the applicant in writing by the ARC.

Following the ARC review, the Association will communicate with the applicant within 3 days with one of the following decisions:

- (a) **Approved as submitted.**
- (b) **Approved with changes.** The ARC may provide suggestions for revisions, but it does not provide design solutions. A new application with suggested revisions will be required.
- (c) **Disapproved:** Reasons for disapproval will be given in writing. A disapproved application requires the application to be resubmitted before any approval may be granted.

***Additions and major improvements approvals are good for 180 days from the date of the written notice to applicant; however, if the application is being made to cure a violation on the Lot, the work to cure must be done within 30 days to avoid further due process. This may be extended with prior ARC approval.***

## 2.7 VARIANCES

The ARC shall have the authority to grant variances from the strict application of the Policies and Procedures in circumstances where (a) the strict application of the Policies and Procedures would create a hardship with respect to an Owner's use of his/her Lot and (b) the structure or other proposed architectural feature would comply with the spirit and intent of these Policies and Procedures and would not violate the provisions of the Covenants. Requests for variances will be reviewed on a case-by-case basis and each case will stand on its own facts, regardless of whether similar variances have been previously approved for others under similar facts. Owners are advised that the ARC supports the application and enforcement of the Policies and Procedures and, therefore, variances will not be routinely granted.

## 2.8 APPEAL PROCESS

If an application is disapproved and the applicant feels that the submittal was misinterpreted, the applicant should contact the Association's President at [president@timbersedge.org](mailto:president@timbersedge.org) to discuss the application. If the Association's President agrees that a second review is in order, the application will be placed on the agenda for the next scheduled regular meeting.

If an applicant does not agree with the ARC's decision, the applicant can appeal to the Association's Board of Directors provided the Owner files written notice of such appeal with the Secretary of the Association within ten (10) days of the date on the letter communicating the ARC's decision. Upon the filing of any such appeal, the Board shall schedule a hearing after at least ten (10) days' written notice to the Owner stating the time and place of such hearing. At any such meeting, the Board may reverse or modify such decision by a two-thirds (2/3) vote of the Directors.

## ARTICLE 3: BUILDING POLICIES

### 3.1 OWNER CONSTRUCTION RESPONSIBILITY

During construction, additions or major improvements, the Lot Owner is responsible for the work of his/her builder/contractor. It is the responsibility of the Lot Owner to ensure that any damage to the road, sidewalk, drainage or adjoining Lots caused by his/her contractors is promptly repaired at Owner's sole cost. **If an Owner wishes to make any changes to the initially approved plans, such changes must be submitted to the ARC for approval prior to any work being initiated on the proposed changes. Changes started or completed at the construction site without the prior written consent of the ARC will result in the work being removed and/or replaced at the Owner's expense.** All buildings, drives, walks, landscaping, and other work originally submitted to and approved by the ARC must be completed within 3 months from ARC approval. This may be extended with prior ARC approval. Any approved changes to the original plans will be completed within the same timeframe unless an extension has been granted in writing by the ARC.

### 3.2 CITY/COUNTY COMPLIANCE

All work must be in compliance with the City and County Building Codes and all necessary permits must be obtained in compliance with such Codes. Information regarding these requirements must be obtained from the City and County.

### 3.3 PERMITTED HOURS OF CONSTRUCTION

A sound resulting from the erecting, constructing, excavating, demolishing, altering or repairing of any structure, or operating, or permitting the operation of any tools or equipment used in construction, drilling, or demolition work in such a manner as to cause a sound plainly audible across any property boundary line may occur between the hours of 7:00 a.m. and 9:00 p.m. Between the hours of 9:00 p.m. and 7:00 a.m., this activity shall be subject to the time, area and dB(A) limits set forth in Overland Park Municipal Code 7.08.002 subsection A.