

**ARCHITECTURAL CONTROL COMMITTEE  
ORGANIZATION, PURPOSE AND PROCEDURES**

**Subject:** Architectural Control Committee; Organization, Purpose and Procedures

**References:**

- (A) Declaration of Covenants and Restrictions dated January 21, 1980 and recorded in Book 435, Page 362 Carteret County Registry and all subsequent amendments thereto
- (B) Brandywine Owners Association By Laws dated September 9, 1980 and all subsequent amendments thereto

**Attachments:**

- 1) Request for Approval of Construction of Residence
- 2) Stamps Affixed to Drawings Submitted by Builder
- 3) Architectural Control Committee Plan Approval Checklist
- 4) Request for Final Inspection/Deposit Refund
- 5) Application to Clear Underbrush to Improve Saleability of Lot
- 6) A Guide to Brandywine Bay Covenants
- 7) Application for Alteration to Property
- 8) Request for Approval of Addition to Residence
- 9) Sample Notice of Violation
- 10) Tree Removal and Replacement Policy

**Purpose/Charge/Objective:**

The purpose of the Architectural Control Committee (ACC) is to assure compliance with all building restrictions and all covenants by all Brandywine owners as spelled out in reference (A) and to assist the owner/builder throughout the construction process.

**Authority:**

Article V, reference (A) establishes the ACC and defines its basic responsibilities. Among other directives, Article V states, "No building, fence or wall, sign or other structure shall be commenced, or erected or maintained upon a portion of the properties to which this Declaration, or amendments hereto, apply, nor shall any addition, change or alteration to any exterior be made until the plans and specifications showing the nature, kind, height, materials, color and locations of the same shall have been submitted to and approved in writing by the committee."

**Composition/Membership and Method of Appointment:**

The ACC consists of five (5) members who are Brandywine Bay property owners and are formally appointed by the Board of Directors of the Brandywine Owners Association (BOA).

**Chair:**

The ACC will elect its own officers that consist of chairperson, vice-chairperson and secretary, as a minimum.

**Meetings:**

A quorum of three (3) members present at any meeting is required and all actions are based on a simple majority vote of the ACC.

**Procedures:**

**1. New Construction of Residence**

The procedure followed by the ACC when reviewing a request for construction of a residence is as follows:

- a. The property owner/builder will submit attachment (1) to the chairperson of the ACC. All plans and specifications must be submitted to the ACC at least ten (10) days prior to application for a building permit,
- b. The ACC chairperson conducts a preliminary review of attachment (1) to determine that the owner/builder has met the minimum requirements of reference (A) and that all requirements spelled out in attachment (1) are met,
- c. If the ACC chairperson is satisfied he/she will affix the stamps depicted in attachment (2) to the plans and schedule a meeting of the full ACC for review of the plans with the owner/builder. The ACC must schedule a meeting with the owner/builder within 30 days from the date of submission of the plans to the ACC,
- d. The ACC will review the plans submitted for full compliance with reference (A). Attachment (3) is used as a guide to insure that the committee overlooks no important consideration. Any additional requirements, discrepancies or deficiencies revealed by this review will be annotated on the drawings,
- e. The chairperson will assign one of the ACC members to monitor the construction process to insure that the home is built in accordance with the approved plans and that the provisions of Articles IV and V of reference (A) are met,
- f. The committee members and the owner/builder sign the plans in the appropriate places as identified by attachment (2) to signify approval and establish an understanding of what is expected by all parties,
- g. The ACC secretary prepares minutes to document the results of the meeting and distributes a copy to all committee members as well as all BOA Board of Directors members,
- h. The owner/builder must use the approved plans to secure a building permit from the Morehead City Planning Office before construction can be started, and
- i. Upon completion of construction the owner/builder will submit a completed attachment (4) to the ACC chairperson. The chairperson of the ACC and the chairperson of the Drainage Committee will conduct an inspection to determine that all requirements are met and if satisfied pass the attachment to the BOA treasurer who will initiate refund of the construction bond. Prior to refund, any costs incurred with the repair of damages caused during the construction process and any assessments associated with non-compliance with portions of references (A) and (B) will be deducted.
- j. Appeals: Any property owner submitting plans to the ACC is entitled to appeal to the BOA Board of Directors any adverse decision. The aggrieved owner must notify the BOA in writing within seven days after receipt of written notification of the adverse decision. The BOA Board of Directors will schedule a hearing within fourteen days, will give the owner written notice of the date of the hearing, and will give the owner the right to appear and state his case. The BOA Board of Directors decision will be

controlling in all appeals and all owners are bound by the BOA Board of Directors' decision.

## **2. Addition to Residence**

The procedure followed by the ACC when reviewing a request for construction of an addition to a residence is as follows:

- a. The property owner/builder will submit attachment (8) to the chairperson of the ACC,
- b. The ACC chairperson conducts a preliminary review of attachment (8) to determine that the owner/builder has met the minimum requirements of reference (A) and that all requirements spelled out in attachment (8) are met,
- c. If the ACC chairperson is satisfied he/she will submit the request to the other members of the ACC for a decision,
- d. The ACC will review the plans submitted for full compliance with reference (A). Attachment (3) (modified as necessary for construction of an addition instead of new residence) is used as a guide to insure that the committee overlooks no important consideration. Any additional requirements, discrepancies or deficiencies revealed by this review will be annotated on the drawings,
- e. The chairperson will assign one of the ACC members to monitor the construction process to insure that the addition is built in accordance with the approved plans and that the provisions of Articles IV and V of reference (A) are met,
- f. The committee members and the owner/builder sign the plans in the appropriate places as identified by attachment (2) to signify approval and establish an understanding of what is expected by all parties,
- g. The owner/builder must use the approved plans to secure a building permit from the Morehead City Planning Office before construction can be started, and
- h. Upon completion of construction the owner/builder will submit a completed attachment (4) to the ACC chairperson. The chairperson of the ACC and the chairperson of the Drainage Committee will conduct an inspection to determine that all requirements are met and if satisfied pass the attachment to the BOA treasurer who will initiate refund of the construction bond. Prior to refund, any costs incurred with the repair of damages caused during the construction process and any assessments associated with non-compliance with portions of references (A) and (B) will be deducted.
- i. **Appeals:** Any property owner submitting plans to the ACC is entitled to appeal to the BOA Board of Directors any adverse decision. The aggrieved owner must notify the BOA in writing within seven days after receipt of written notification of the adverse decision. The BOA Board of Directors will schedule a hearing within fourteen days, will give the owner written notice of the date of the hearing, and will give the owner the right to appear and state his case. The BOA Board of Directors decision will be controlling in all appeals and all owners are bound by the BOA Board of Directors' decision.

**3. Alteration of Property** (for example, tree removal, fencing, drainage/culvert, deck/patio, screened deck/porch, satellite dish, etc.)

The procedure followed by the ACC when reviewing a request for alteration of property is as follows:

- a. The property owner/builder will submit attachment (7) to the chairperson of the ACC,
- b. The ACC chairperson conducts a preliminary review of attachment (7) to determine that the owner/builder/contractor has met the minimum requirements of reference (A),
- c. If the preliminary review by the chairperson is positive, then Attachment (7) will be submitted to the other members of the ACC for a decision. The deliberation will include whether a bond is required, and
- d. The chairperson will assign one of the ACC members to monitor the completion of the alteration to ensure that the alteration follows the approved description of improvements.
- e. Appeals: Any property owner submitting plans to the ACC is entitled to appeal to the BOA Board of Directors any adverse decision. The aggrieved owner must notify the BOA in writing within seven days after receipt of written notification of the adverse decision. The BOA Board of Directors will schedule a hearing within fourteen days, will give the owner written notice of the date of the hearing, and will give the owner the right to appear and state his case. The BOA Board of Directors decision will be controlling in all appeals and all owners are bound by the BOA Board of Directors' decision.

#### **4. Report of Covenants Violation**

The procedure followed by the ACC after discovery of a suspected Covenants violation or after receiving a report of an alleged violation of the Covenants is as follows:

- a. A member of the ACC will investigate to verify whether a covenant violation has occurred. Preferably, a second member of the ACC will assist in the investigation.
- b. If the violation is confirmed by the ACC member(s), the violation will be recorded noting the date, time and identity of the ACC member(s). A photograph of the violation is preferred.
- c. The ACC chairperson sends a warning letter to the property owner with copies provided to all members of the BOA Board of Directors for their information only. The warning letter specifies the following:
  1. Details of the violation.
  2. A request that the violation be corrected immediately.
- d. If the property owner corrects the alleged violation, the ACC closes the investigation, records the correction, and maintains records for possible future use if there is a repeat violation.
- e. If the alleged violation is not corrected, then the ACC chairperson will prepare a Notice of Violation for signature and mailing by the BOA President (Attachment 9). The Notice of Violation will contain the following information:
  - a. Details of the violation including the Article and Section of the applicable Covenant or Covenants.
  - b. Notice that the violation must be corrected immediately.
  - c. Notice that the BOA Board of Directors has scheduled a date, time and place for a hearing where the owner can be heard and present oral or written evidence regarding the alleged violation.
  - d. Notice that if the Board of Directors decides that a fine shall be levied the property owner may be fined up to \$100 per day for the

period of the violation exceeding five (5) days after the decision by the Board.

f. The hearing is normally scheduled within 21 days of the presumed date of receipt of the Notice of Violation. The Board will meet at the scheduled time and place to decide about the validity of the alleged violation and, if valid, whether to impose fines.

f. After hearing from the property owner or without hearing from the owner if the owner does not attend or provide evidence, the Board will decide in executive session whether a violation has occurred and, if so, whether to impose a fine.

g. The Board will provide written notice to the property owner of its decision.

**Reports:**

A written report of the ACC's monthly activities should be provided to the BOA Board prior to the Board's business meeting. An oral report on the ACC's monthly activities is given at the monthly BOA membership meeting. Also, a written report should be given to the BOA Secretary so that it can be accurately recorded in the minutes of both meetings.

**Additional Attachments/Requirements:** Attachment 5 will be used by the owner/builder when sale ability of a lot is a concern and clearing is desired. Attachment 6 is a guide to reference (A) and is intended to aid Brandywine Bay property owners. Attachment 10 is the Tree Removal and Replacement Policy and is intended to aid property owners and the ACC when considering tree removal.

**Approval:** This document reviewed and approved by the BOA Board of Directors on March 27, 2012.