

Indian Springs Homeowners' Association
Architectural Review Board
Principles, Procedures and Purview

Effective: Date 16-Sep-2022

It is intended that the provisions set forth in this document shall be in compliance with the ISHOA AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS approved May 1, 2019 (CCRs). In the event of any conflict between the provisions hereof and said CCRs, or any ambiguity in the provisions hereof, said CCRs shall control.

Principles:

- 1) The ARB seeks to preserve and enhance property values and to maintain harmonious relationships among structures and the natural vegetation and topography (7.02)¹.
- 2) The CCRs specify the full range of ARB responsibilities.
 - a. The ARB will limit itself to duties and responsibilities specified in the CCRs.
 - b. The ARB will generally prefer the less intrusive, less invasive or less strict interpretation so as to favor lot owners' control of their own property, though within the guidelines set out by the CCRs and balancing the long-term interests of all neighbors.
- 3) Lot Owners will be treated as neighbors.
 - a. Lot Owners are entitled to the enjoyment of their property unless what they are doing or not doing will noticeably have an impact on their other neighbors.
 - b. The ARB will seek to work in partnership with Lot Owners.
 - c. Lot Owners will be treated the same whether or not they reside in the neighborhood.
- 4) The ARB welcomes inquiries from Lot Owners. Disputes between or concerns among neighbors that do not fall under the ARB's purview should be resolved among the neighbors.
- 5) Standards that the ARB enforces shall be published on the ISHOA web site and readily available to all lot owners (such standards would come from 6.02, 7.02, 7.03, 7.04, 7.09, 8.04).
- 6) The ARB prefers electronic submissions for approval requests to facilitate the review process and better enable the ARB to accommodate long term retention of ISHOA records.
- 7) The ARB does not try to be experts on the code of Virginia or the building regulations of Albemarle County. The ARB will endeavor to learn what is possible or legal as needed, but its only responsibility is to apply the CCRs to new improvements.
- 8) The ARB works for the Association and the current lot owners, prospective Lot Owners can make inquiries of the ARB through the current Lot Owner.

Procedures (7.02):

- 1) Actions taken or decisions made by the ARB shall be by majority consent of its members. (7.01)
- 2) ARB vacancies are filled by the Board. ARB members may be removed by the Board. (7.01)
- 3) The quorum for ARB meetings is a majority of its members.
- 4) To protect lot owner privacy, ARB meetings are usually not open (VA Code § 55.1-1815.C.9). ARB meetings on topics of concern to all lot owners (e.g., mailbox standards) will be open to lot owners. ARB meetings on open and private topics will have an open session first, followed by a closed session with only the ARB in attendance.
- 5) ARB meetings may be conducted by electronic means such as Zoom and decisions may be reached through e-mail among the ARB members.
- 6) ARB meetings require at least 24 hours prior meeting notice, unless consent to waive this requirement is received from all ARB members. Such notice and/or waivers can be provided via e-mail to the ARB members. For meetings that may be open, notice is provided through the ISHOA website calendar.
- 7) The ARB will select one member to serve as its Chair.
 - a. The Chair is responsible for calling meetings when requested to do so by an ARB member (including themselves) and chairing the meetings. In the absence of the Chair, any ARB member may call or chair a meeting of the ARB. The Chair may pass the gavel to any other member or members to serve as co-Chair(s).
 - b. The Chair will be elected by the ARB at least annually, more frequently if the ARB chooses.
 - c. If necessary, the Chair may affix a signature to documents at the request of the ARB for the majority of the ARB.
 - d. The Chair has no authority or responsibility beyond any other ARB member except as noted above.
- 8) The ARB is committed to timely and consistent communication with all lot owners, the ISHOA Board, and other stakeholders (e.g., contractors, etc.).
 - a. As a best practice, ARB members will circulate draft versions of written ARB communications of more than a trivial length to the other ARB members for review, and will allow 24 hours for feedback before sending the written communication.
 - b. In the event the ARB must deliver negative, controversial, or unpleasant news, an ARB member will first try communicate with the lot owner by voice (i.e., either in person or by phone) to address the issue and follow up as required with written or other communication.
 - c. The ARB considers requests for approval to fall into two general categories, **typical** projects with a short duration (e.g., tree removal) and **prolonged** projects with a longer duration (e.g., new construction). For typical projects, the ARB will seek to provide written responses to requests for approval within three business days of receipt of the request, provided the lot owner has furnished all required information for the ARB to render a decision. In the event the ARB requires more

than three business days to respond (e.g., the ARB needs additional time to meet to review the request), the ARB will acknowledge receipt of the request and provide an estimated timeframe for the formal response. For prolonged projects, the ARB will seek to follow the process above within a 10-day timeframe.

- 9) For prolonged projects, the ARB will assign one of its members to coordinate the project within the ARB. In general, the *project coordinator* will not be an adjacent neighbor of the project Lot Owner. The project coordinator will manage communication between the ARB and the Lot Owner, and will shepherd the project through the ARB approval process. In the event the project coordinator will be unavailable for a long time (e.g., vacation), they will appoint another ARB member as their backup. When possible, project coordinators will be selected who have sufficient time remaining in their ARB term to coincide with the project term. The project coordinator may call a meeting between the ARB, the Lot Owner and other parties as seems useful for the purpose of improving communication and resolving questions.
 - a. Written or e-mail communications from the ARB to a lot owner's contractor will always be copied to the lot owner, even if the lot owner has designated the contractor as their agent in the matter.
 - b. All e-mail communication from the project coordinator to the Lot Owner or their designees will be through the ARB@IndianSpringsHOA.net account.
- 10) The ARB will select one member to act as a scribe to handle routine communication with Lot Owners for the ARB not covered by project coordinators.
- 11) When a lot owner brings a concern to the ARB about another neighbor's lot, the ARB will determine if the matter falls under the ARB's purview and requires ARB action.
- 12) ARB decisions will be recorded in minutes sent to the Secretary of the ISHOA or in e-mails that are sent or CC'd to the ARB mailing list for archive in e-mail (7.02). The Secretary shall have access to the ARB e-mail archive to control the records of the HOA. The President of the ISHOA may elect to have the President's email added to the ARB distribution list to monitor all official ARB communications sent and received.

Purview from the CCRs:

- 2.18 Work performed in use easements.
- 2.19 Work performed in view easements.
- 6.02 Driveway entrance standards
- Section 7 – external design and appearance of properties.
- 8.03 Signs need to be approved.
- 8.04 Mailbox standards.
- 8.08 Rebuilding approval if different from original.
- 8.09 Some tree cutting.
- 8.10 Above ground portions of underground utilities.
- 8.11 Antenna approval.
- 8.12 Equipment and storage tank location and screening.
- 8.13 Certain vehicle restrictions.

1. Unless otherwise indicated, references in parentheses, e.g. (7.01), are from the CCRs.

Approved by ARB: 16-Sep-2022

Approved by Board: Date 27-Jul-2022