

**PROCEDURES AND POLICIES RELATED TO THE ACC  
PROCESS IN THE OAK BLUFF ESTATES PHASE II  
SUBDIVISION**

**Round Rock, Texas**

Reviewed and Approved by the Board for Posting

JULY 14, 2014

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The Oak Bluff HOA Phase II is governed by Bylaws adopted in 1996 and DCCRs adopted in 1988 and amended through the early 1990s. Over the years, federal, state, and local agencies have promulgated regulations that replace several of the DCCR requirements. Additionally, routine variances granted by previous boards or ACC chairs, or non-enforcement of certain requirements in the past, have resulted in exceptions becoming commonplace, making enforcement of certain restrictions unrealistic.

The primary purpose of this document is defining the ACC process from the point of submission of paperwork through requesting reconsideration through the HOA board if there is a denial.

This document also identifies ACC requests that are most common that can be reasonably enforced or where variances will continue to be granted unless there is a change in the DCCRs, such as metal fencing of fences less than 6 feet in height. The list of requests contained in this document is not exhaustive. The DCCRs list other requirements which may be less common, and any questions or discussions on other restrictions should include references to the DCCRs.

The primary reason for DCCRs is to ensure a community that reflects the values of quality and beauty that its original and current homeowners expect. Decisions made through the ACC process should not be capricious. For that reason, these guidelines help all partners understand their roles, while focusing on the expectations expressed in the DCCRs.

## ACC PROCESS PARTNERS

There are four partners in the ACC process:

**Homeowner:** When purchasing a home in Oak Bluff, two documents were provided. One was a document called Declaration of Covenants, Conditions and Restrictions (DCCRs), dated between 1988 and 1992, and Bylaws, dated 1996. These documents specify certain expectations of all homeowners when changing the house, independent structures, and grounds.

**Association Management Company:** Though not stated in the legal documents, an HOA may contract certain functions to a property or association management company. As of 2013, that association management firm is RealManage. As part of the ACC process, RealManage manages the ACC approval process and is the primary point of contact for the homeowner, providing guidance on when to submit documentation to the ACC. From time to time, the association *manager* for the property may be involved in the discussion among all partners.

**Architectural Control Committee:** This committee is appointed by the board and consists of no fewer than two members according to the DCCRs. The members may or may not be members of the board. The committee is contacted by RealManage to approve changes to property beyond normal maintenance.

**HOA Board:** The HOA board approves or denies variances to the DCCRs and provides the homeowner the opportunity to ask the board to reconsider an ACC request denial. The HOA board may delegate the ability to grant variances to the ACC.

## WHEN TO REQUEST ACC CONSIDERATION

### ACC REQUESTS ARE NOT NEEDED FOR THE FOLLOWING SITUATIONS:

Decks: Replacing decks with similar materials and maintaining existing design.

Exterior façade: Replacing porches and other parts of the exterior's façade with like materials and style.

Exterior painting: Repainting the house in the exact same color(s)

Fences: Replacing fences with the exact same material and colors, same location.

Landscaping: Replacing dead plants with similar types of plantings; standard maintenance of existing front yard landscaping.

Roofing: Replacing the roof with the exact same materials and color. However, if the roof is not currently 22 year or better non-reflective architectural shingles, file a request. Follow current DCCR requirements.

Satellite dishes: Federal law protects the use of satellite dishes. However, the HOA board hopes that the homeowner will work with the ACC in identifying a location that maintains the home's front exterior appearance as much as possible.

Sidewalks, driveways: Replacing sidewalks and driveways with similar materials, e.g., smooth concrete with smooth concrete, aggregate with aggregate, and same foot print.

Trees: If more than three trees are on the front lawn, other trees may be removed. A minimum of three trees on the front lawn is required (original construction requirements). Review the city of Round Rock's Tree Protection ordinance for additional restrictions.

Trees, other locations: Trees should not be planted within easements and setbacks. Consideration should also be made in terms of tree overhang and invasive roots around swimming pools, house foundations, driveways, etc. City officials and others using public utility easements may remove your trees if they are planted within those easements.

In most other cases, an ACC request will be required. Not all will require a *variance*, however. For example, the DCCRs allow wood fences. You have a white wood picket fence with a gothic point that you want to replace with a solid dog-eared style picket fence. Both are permitted by the DCCRs, but there is a style change, so an ACC request is required. However, a change from wood to metal would require a *variance* as the 1992 DCCRs do not permit metal fences.

#### **ACC REQUESTS THAT WILL NOT BE CONSIDERED:**

1. Documentation discussed in a following section is not provided.
2. Requests for fencing other than wood, masonry, or architectural metal. No farm fences, chicken wire, chain link, or mesh, etc. will be considered, even through the *variance* process.
3. Requests that failed to obtain written signatures from all adjacent neighbors, including but not limited to: sheds that are built in a style similar to the house, including masonry and shingles; fence changes; children playscapes; swimming pool structures that extend above fence lines (particularly important when adjacent homes have four foot high fence lines).
4. Requests where permanent structures (pools, housing, garages) extend beyond setback lines.
5. Xeriscaping that does not meet the minimum xeriscaping guidelines.

#### **CONSEQUENCES OF MAKING CHANGES WITHOUT ACC APPROVAL OR MAKING CHANGES THAT ARE NOT PART OF THE APPLICATION:**

The following consequences may occur for not submitting an ACC request when required:

1. Fines up to \$100 a day.
2. Collection of fines through a collection agency.
3. Liens placed on the property.

## ACC PROCESS

If you are making changes to your property and find that you need to file a request, please follow the processes below:

### COMPLETE THE APPLICATION FORM AND COMPILE SUPPORTING DOCUMENTS

1. Obtain an ACC request form from the oakbluffstates.com website.
2. Fill in the form in black ink. Please consider printing rather than cursive, which is often hard to read. The scanned image (if scanned) must be clear. Colored ink and light writing may not scan well, and will not copy well if mailed to RealManage.
3. Fill in the form completely, verifying email address and phone number. At times we are given a wrong email address.
  - a. If you are adding a fence, changing a fence, adding height to a pool area, putting up a shed or garage, or putting up a child's playscape, obtain permission from all adjacent homeowners in writing PRIOR TO submitting the form. Indicate the addresses of the adjacent homeowners as well.
4. Add illustrations showing exact location of structures. Ensure that setback lines, building lines, and easements are stated on the submission. Also, ensure that existing structures also show on the diagram.
  - a. You received an illustration of your property with all easements and setbacks when you closed on your house. You may wish to make copies of this and draw or annotate changes on the copies.
  - b. If you feel you need to go into easements, discuss if you received permission from the utilities or city that owns that easement. Submit letters or emails of permission from the utility or city.
5. Add narrative that discusses the types of material you are using and any pictures you may have that illustrate what the final structure may look like.
6. Add photos of any brick, stone, rock, or concrete that is DIFFERENT THAN what you are replacing or adding to, e.g., a split rock veneer replacing part of a brick veneer, for example.
7. Add a date on the document just before you submit the document to RealManage.
8. Blind email copy to yourself to provide a date stamp if you do not routinely save your "sent" mail.

### SUBMIT THE FORM AND SUPPORTING DOCUMENTS ELECTRONICALLY TO REALMANAGE

Send all documentation to RealManage. If faxing, you may wish to print a sheet reflecting the date and time you faxed the document. If you are sending an email, you may want to save the email reflecting date and time when you sent the email or blindcopy to your email submission to yourself. Contact information includes:

Fax: 866-919-5696  
Email: oakbluff@ciramail.com  
Mailing: 9601 Amberglen Ste 150, Austin, 78729  
Questions: 866-473-2573

## APPROVAL PROCESS

1. Allow RealManage 3 business days to respond to you. Business days are defined as Monday through Friday, excluding holidays. You have up to 15 calendar days to hear from a RealManage representative. If you do not hear from anyone by that time, as stated in the DCCRS you may proceed with your project.
  - a. Contacting an ACC member without following the process will not accelerate the process.
  - b. It is the responsibility of the homeowner to allow enough time for the process, as described in the DCCRs, to take place. Please do not guarantee work or sign contracts with contractors until you receive approval. YOU MAY LOSE SECURITY DEPOSITS GIVEN TO CONTRACTORS IF THE ACC DISAPPROVES OF A PROJECT, OR REQUESTED CHANGES RECEIVED FROM YOU AS REQUESTED BY REALMANAGE EXTEND PAST DATES STATED IN YOUR CONTRACTUAL AGREEMENTS. The HOA is not responsible for this loss when the process is not followed by the homeowner.
  - c. Contact RealManage at the phone number above if you have not heard anything within 3 BUSINESS (not calendar) days. Holidays and weekends are not business days.
2. If RealManage contacts you with a request for a change or more information, the 15 day period begins again **AFTER** they receive all requested supporting documentation.
3. Once all of the information is received, RealManage will share the information with the ACC Committee along with any other questions or guidance. If the request is not a variance, the committee may agree to the recommendation or ask for more information *through RealManage*.
4. If a variance is required, the Board may review the documentation to determine if a variance is warranted OR may delegate to the ACC the power to grant variances for routine changes such as architectural metal fences or fencing between 4 and 6 feet, specifically not stated as allowed in the section on fencing types and heights, for example.

## APPEALING A DENIAL

As stated in the DCCR document, you may appeal a denial of an ACC request at a board meeting. Contact the HOA president, ACC Chair, or RealManage if you would like the board to reconsider the denial of an ACC request.

- a. The board generally meets once a month as of summer 2014. According to the Bylaws, it must meet at least quarterly.
- b. Consider this timing when doing major construction.

## COMMON AREAS REQUIRING APPROVAL

In contrast to the areas that do not require approval, particularly replacing like with like, the following are areas that often come up for ACC approval of variance.

**Fence replacement:** Changes in types of wood fencing requires approval. The DCCRs specify redwood or cedar. Masonry is also permitted. Use of wrought iron style fences and fences under 6 feet in height require a *variance* from the existing DCCRs as neither are currently permitted in that document, yet there is a preponderance of these styles already in this community. Under no condition will a fence with steel mesh, with or without wood framing, be permitted. Other “ranch style” fencing or chain link fences will not be permitted, even through variance.

Property owners who share the fence or the property where a fence will be placed must sign the ACC request demonstrating support for an alternative fence type. Be sure to include the addresses of those approving these changes.

**Garages:** Generally, second garages are not approved in Oak Bluff unless they share the same or similar construction as the house, e.g., brick veneer and architectural 22 year shingled roofs. Approval is needed when adding any garage. Written approval from all adjacent homeowners is required before submitting an ACC request. No garage will be approved if it extends into the property’s setback. A second or primary garage with a street facing entrance is a DCCR *variance* and requires HOA board approval. In most cases, such street facing garages must be hidden in some way to mask the front facing features.

**Landscaping changes:** The DCCRs provide general language about the expectations of grass cover and sprinkler systems. It does not specify what % of the property is covered in lawn, the types of ground cover acceptable, etc. However, changes in landscaping that reduces ground cover and introduces species not normally found in the subdivision requires approval through the ACC process. All xeriscaping plans require approval by the ACC at this time. See the document *Xeriscape Standards for Oak Bluff Estates (Phase 2) HOA* for guidelines on what is acceptable for xeriscaping.

**Painting:** Changing paint color on structures requires approval. Changing paint color that is not represented in the community in some way may require a *variance*.

**Playscapes:** Playscapes are not specifically prohibited in the DCCRs but they are considered structures. All playscapes that exceed fence lines in height require written approval by all homeowners adjacent to the property that will house the playscape. Be sure to include the addresses of the affected neighbors. Approval is required by the HOA. It does not require a *variance*.

**Roofing:** Replacing roofing with a minimum non-reflective, 22 year, architectural asphalt shingle in a color similar to that currently on the roof does not require approval. However, changing the shingle type or color will require approval. Placing a shingle that is not asphalt or is a reflective asphalt or other reflective material would require a *variance* as only asphalt shingles are currently allowed in the DCCRs.

**Sheds:** Generally, sheds are not approved in Oak Bluff unless they share the same or similar construction as the house, e.g., brick veneer and architectural 22 year shingled roofs. Approval is needed in adding any shed. Written approval from all adjacent homeowners, along with their addresses, is required before submitting an ACC request. No shed will be approved if it extends into the property's setback.

**Solar panels:** State legislation allows the use of solar collecting devices on homes. However, an ACC request is required. This does not constitute a variance as such systems were not addressed in the DCCRs and such systems are protected by legislation, but does require approval and appropriate documentation.

**Swimming pools:** All inground pool installations require approval. No above ground pools are approved or provided a variance. Swimming pools should not encroach on the property's setback. Placement of raised structures, such as diving boards, may require approval. Swimming pools may also require changes in fencing, or placement of fencing, which will require written approval from surrounding neighbors. It is expected that other city approvals will be received before submitting an ACC request. During this period of drought (2014), the city of Round Rock is limiting the number of swimming pool approvals.

**Water storage systems (rain barrels, water retention systems):** Such systems are allowed under state law. However, placement and screening of such systems, e.g., shrubbery, that are visible from the street require ACC approval. This does not constitute a variance as such systems were not addressed in the DCCRs and such systems are protected by legislation, but does require approval and appropriate documentation.

**Structures, other:** All other structures, such as mail boxes, awnings, pergolas, etc. require ACC approval. Most will not be *variances* from the DCCRs which remain silent on the styles of many of these items.



# Oak Bluff Estates, Phase 2 Subdivision, Homeowners Association, Inc.

## Architectural Control Committee Approval Request Form

NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

PHONE NUMBER (S): \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

The Declaration of Covenants, Conditions and Restrictions (the "Deed Restrictions") for the Oak Bluff Estates, Phase 2 Subdivision, Homeowners Association, Inc. specifies that all improvements as defined in the Deed Restrictions must be approved in writing by the Architectural Control Committee before the improvement begins. To assist in your compliance with this restriction, please complete the following form and submit it with your plans and specifications for the proposed improvement. Allow 15 days for review.

**The plans and specifications to be so submitted will not be considered complete without all of the following items (unless waived by the Committee).**

- A plot plan or survey showing the location and dimensions (including elevation) of all existing and proposed Improvements.
- Existing and finished grades shall be shown at Lot corners and at corners of proposed Improvements. Lot drainage provisions shall be indicated, as well as cut and fill details, if any appreciable change in the Lot contour is contemplated.
- The structural design, exterior elevations, exterior materials, colors, textures and shapes of all improvements shall be described, along with any diagrams or representations necessary to depict all proposed exterior illumination (including location and method), utility connections and fire protection systems.
- Estimated time frame for completion of project: \_\_\_\_\_

**APPROVAL REQUESTED** (check all that apply):

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> BASKETBALL GOAL          | <input type="checkbox"/> SATELLITE DISH     | <input type="checkbox"/> FENCE              |
| <input type="checkbox"/> IRRIGATION SYSTEM        | <input type="checkbox"/> SWIMMING POOL      | <input type="checkbox"/> DECK/PATIO         |
| <input type="checkbox"/> OUTBUILDING/STORAGE SHED | <input type="checkbox"/> PLAYSCAPE          | <input type="checkbox"/> LANDSCAPING        |
| <input type="checkbox"/> HOME REMODELING          | <input type="checkbox"/> TENNIS/SPORT COURT | <input type="checkbox"/> DRIVEWAY EXTENSION |
| <input type="checkbox"/> OTHER (specify) _____    |   |   |

**DESCRIPTION OF IMPROVEMENT (continue onto additional pages, if necessary):**

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**FENCE (include diagram showing position of fence relative to streets and houses):**

Fence material (i.e., cedar picket, wrought iron etc.) \_\_\_\_\_

For wood pickets, do the pickets face public streets (check one)     Yes     No

**SATELLITE DISHES (include diagram showing location of dish):**

Diameter of satellite dish \_\_\_\_\_

Will not be visible from nearby streets (check one)     Yes     No

Will not be visible from adjoining lots (check one)     Yes     No

**TEMPORARY STRUCTURES, OUTBUILDINGS OR STORAGE SHEDS:**

Dimensions of the outbuilding's pad \_\_\_\_\_

Height of outbuilding and support structure (measured from ground to peak) \_\_\_\_\_

Height of privacy fence enclosing outbuilding \_\_\_\_\_

Exterior and roofing materials consistent with residence (check one)     Yes     No

Outbuilding will observe setback lines and easements (check one)     Yes     No

Submit your request to:

Oak Bluff Estates, Phase 2 Subdivision, Homeowners Association, Inc.  
c/o RealManage  
9601 Amberglen Blvd. Ste. 150  
Austin, TX 78729  
FAX: 866-919-5696 (please include plans and specifications)  
EMAIL: OAKBLUFF@ciramail.com

NOTE – Inclusion of an e-mail address authorizes the Architectural Control Committee to use electronic mail for official responses on this request.

**PROPERTY OWNER SIGNATURE** \_\_\_\_\_