



# Oakbrook Hills Home Owners Association Architectural Control Committee

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- ✿ The Oakbrook Hills Home Owners Association's officers and board of directors have developed standards to govern the architectural activities in the neighborhood.
  - ✿ Purpose:
    - ✿ To establish a set of standards and a process for management of ACC issues as outlined in the Covenants, Conditions, and Restrictions (CC&Rs) for Oakbrook Hills
    - ✿ To ensure enforcement of the specific provisions of the CC&Rs
    - ✿ **NOT** designed to establish a mechanism that puts the ACC, the board, or any officers in a position of "policing" the neighborhood.
- ✿ As outlined in the CC&Rs, the ACC is appointed to use its reasonable best efforts to promote and ensure a high level of taste, design, quality, harmony, and conformity in the neighborhood.

## **Oakbrook Hills Architectural Standards - the following principles and guidelines will be used by the ACC in its review process:**

- ✿ Specific requirements and restrictions, as outlined in the CC&Rs:
  - ✿ Includes items such as: lot use, structural material type, set backs, fences & walls, landscaping, etc. (see CC&Rs for full listing)
  - ✿ For violations, ACC will recommend that the element be prohibited and that enforcement actions may be taken against violators
- ✿ Elements that are **NOT SPECIFICALLY** covered as a requirement or restriction in the CC&Rs:
  - ✿ More difficult to define as home owners have widely varying views of what is proper and permissible
  - ✿ ACC will use "reasonable person" guidelines in making recommendations and serve as a mediation forum to seek voluntary adoption of recommendations
  - ✿ Recommendations will be fully documented and recorded
  - ✿ Recommendations by ACC are **NOT** binding - individual legal actions may be taken



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## Reasonable Person Guidelines

### 🌿 Factors to be Weighed by the Committee

- 🌿 **Local convention** - what is reasonable based on current trends for similarly situated homes in comparable neighborhoods? Is the proposed element a readily available product, or a highly customized structure?
- 🌿 **Adjacent owner concerns** - what specific complaints and opposition is brought forward, and what alternative resolutions might be accepted? In the alternative, assent of adjacent neighbors is one indicator of reasonableness
- 🌿 **Prior mediated solutions** - if the same issue was previously mediated between historical owners, the historical solution may be deemed reasonable unless other factors have changed. Similar situations might also benefit from the precedent.
- 🌿 **Surveys** - efforts to capture the qualitative views of the members as a whole

### 🌿 Opportunities for Compromise

- 🌿 Screening
- 🌿 Set-back
- 🌿 Height limitation
- 🌿 Blending of coloration and materials
- 🌿 Restricted hours of use or activity

- 🌿 While the Committee will recommend compromise in these areas, such recommendations are not binding. Individuals may choose not to comply, and individual legal action might follow.

### 🌿 Extreme Cases

In extreme cases, non-compliance with the Committees recommendations may give rise to enforcement action. In such cases, the Committee and the Board must determine that:

- 🌿 The proposed element fails the reasonable person review, and that no compromise is available or implemented
- 🌿 The nature of the element is such that it merits explicit treatment in the CC&Rs (i.e.; modification of the CC&Rs to make enforceable in future)
- 🌿 At least two-thirds of Association members object to the structure
- 🌿 In these cases, the Board, at the recommendation of the Committee, may take enforcement action.



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## Approval and Complaint Process

- ✿ Basic process fairly clearly documented in CC&R document, however, bounds on acceptability were left open to the discretion of the ACC and board.
- ✿ Process for approval (documented in CC&Rs)
  - ✿ Final plans for construction and landscaping must be submitted to the ACC in duplicate for approval
  - ✿ ACC has 30 days to APPROVE or DISAPPROVE the plans. If no response within 30 days, the plans will be deemed to be approved
  - ✿ If the plans are approved, a copy of the plans marked APPROVED will be returned to the submitter
  - ✿ If the plans are disapproved, a copy of the plans mark DISAPPROVED will be returned to the submitter with a reasonable statement of why they were disapproved.
  - ✿ Any modifications to the plans must again be submitted for approval.
- ✿ What needs to be submitted for approval? While complex, BASICS are:
  - ✿ Any structural element that can be viewed from the street or a neighbors yard.
  - ✿ Any structural element over 6' in height
  - ✿ **TO BE SAFE, SUBMIT ANY MODIFICATIONS TO YOUR PROPERTY ...**
- ✿ Process for complaints (new to these standards)
  - ✿ Any home owner wishing to complain regarding an ACC issue must submit a complaint in writing to the president of the association (email accepted).
  - ✿ The president will then bring the issue up at the next HOA officer & board meeting, or call a special meeting if required.
  - ✿ Complaints will follow same standards test put upon requests for approval.