

Architectural Design Review

Most community associations have a set of guidelines that spell out its architectural design standards and review processes. These guidelines should reflect a balance between individual rights and the good of the entire association. They generally explain:

- The association's authority to review designs.
- Changes that must be approved.
- The design review process.
- The compliance process.
- Specific design considerations and practices.

Guidelines should be reviewed periodically and amended as needed because appropriate materials and styles change with time.

Design considerations: Associations judge design changes by three criteria: requirements, principles and practices. The following are common, although not universal, definitions.

Design requirements are basic objectives comprising the most important element of an association's design review criteria. They are stated in the association's governing documents and list what requires approval.

Design principles determine whether a proposed design meets the design requirements and provide some flexibility. The principles might include brief, broad, objective statements about compatibility, scale, color, materials, quality, etc.

Design practices are specific methods for achieving the requirements and principles in common design situations. Though design practices are not a requisite part of the guidelines, they can be helpful because they outline what is acceptable.

The design review committee: Large associations usually have a design review committee. Some operate independent of the board, but follow their guidelines. Common duties include:

- Drafting policy guidelines and amendments, advising applicants and educating members about the design review process.
- Processing routine applications, reviewing applications before work begins, examining property improvements and monitoring changes.
- Monitoring construction for conformance to approved proposals and specified conditions.
- Touring the community periodically to verify and identify design violations.

Many associations create a manual that contains both design principles and acceptable practices that address specific types of improvements, such as fences and decks. The manual is useful for homeowners and the design review committee.

Enforcement: Most associations use a moderate, problem-solving, results-oriented approach to find reasonable solutions to common problems and encourage members to cooperate.

Design review committees inspect, verify and photograph alleged violations before sending a friendly letter to the owner—and a courtesy copy to tenants if the property is leased—asking for correction. The letter should identify the violation and the deadline for correcting it. If a simple solution is available, the committee may offer suggestions. If an owner can't correct the violation within the prescribed time frame, most committees will work with the homeowner to develop a mutually-acceptable schedule.

When homeowners fail to comply or respond to notices, they can expect a friendly personal visit from a committee member and a second or third letter. If owners still don't comply, the association may revoke non-essential privileges or refer the matter to an attorney for appropriate legal action, including mediation, arbitration or injunctive relief in court to correct the violation.