

# THE SANCTUARY COMMUNITY ASSOCIATION, INC.

## ARC APPEAL POLICY AND PROCEDURES

### BACKGROUND

The following policy has been adopted by the Board of Directors (Board) of The Sanctuary Community Association, Inc. (Association). The Architectural Review Committee (ARC) is empowered by the Association's Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs). From time to time Owners may wish to appeal an ARC decision. This policy will be used by the Association, pursuant to the CC&Rs and applicable statutes, for the hearing of ARC appeals.

### GENERAL GUIDELIENS AND INSTRUCTIONS

- CC&R Article 4.2(b) describes the Board's ability to establish an ARC appeal procedure.
- CC&R Article 4.2(b) describes the ARC's decisions as final.
- CC&R Article 4.3 describe that the ARC Guidelines are not the exclusive basis for decisions of the ARC and compliance with the Architectural Guidelines does not guarantee approval of any application.
  
- Therefore, the Board expressly does not wish to assume the role of the ARC, and appeals based on aesthetics, harmony, or disagreement of the interpretation a guideline will ***not*** be considered on appeal. The only path to approval for aesthetics is a subsequent similar application modified with the ARC's guidance.
- The Board is ***not*** empowered to create/extend/or modify conditions outside of what is specifically located inside the denied ARC application. It is an up/down vote on the appeal for the overturn. The Board may not redesign projects during board meetings.
- The Board will ***only*** accept a request for appeal under the following conditions:
  - Proper procedures were not followed during the administration and review process, or
  - The Owner believes that the variance requested is one that should be made to the rules (as it impacts all owners and constitutes a request for an amendment). Additionally, with respect to variances:
    - The request for variance ***must*** have gone through the normal ARC Process, and must have been denied.
    - The request for variance ***must*** have been included as a specific request inside the denied ARC Application.
    - The Board may overturn an ARC decision and grant an ARC-denied variance only if both the reversal and the variance conform to the governing documents and ARC Guidelines.
    - The Board is ***not*** empowered to grant a variance that is in conflict with the CC&Rs, or is in conflict with the ARC Guidelines.

### APPEAL POLICY

1. Requests for appeal are made, in writing, to the management company using the ARC Appeal Form. The Owner ***must*** fill out the ARC Appeal Form completely, and submit it to the management company no later than one (1) week before the next regularly scheduled Board meeting.
2. The Owner ***must*** attend or be available for the Board meeting, either in person or by phone to answer questions regarding the appeal.
3. If all of the conditions above are met, the appeal will be added to the next regular meeting of the Board. "Walk-in" appeals are not accepted, as the Board shall be afforded time to review the appeal.
4. The Board will review the appeal, and either make a decision, or, may require more review time after discussion. If this is the case, the appeal will automatically be added to the agenda of the next regular meeting – the Owner ***must*** again either attend or be available by phone.

ARC Appeal Form  
The Sanctuary Community Association



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*Resident/Owner Name*

*Account Number*

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*Owner Address, City, State, Zip*

*ARC Meeting Date*

Please list the **detailed** Appeal request (additional pages may be attached): Be specific on how Proper procedures were not followed during the administration and review process, or how the variance impacts all owners and constitutes a request for an amendment.

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*(Owner Signature)*

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*(Date)*

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*(Printed Name)*

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*(Evening Telephone – important)*

Please mail this form and information package to:  
Nexus Community Management, LLC  
1809 E. Broadway St., Suite 408  
Oviedo, FL 32765