

# Bosque Encantado de C' de Baca Lot Modification Application

Bosque Encantado Homeowners Association – Architectural Control Committee

Approved by the BEHOA Board of Directors on January 24, 2020

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## 1.0 Lot Modification Application Overview:

The Bosque Encantado Architectural Control Committee (ACC) represents the Bosque Encantado Homeowners Association (BEHOA) and is responsible for ensuring that all modification projects maintain the unique and refined southwestern ambiance of the community as described in the Bosque Encantado Covenants, Conditions & Restrictions (CC&R's).

Any projects undertaken by homeowners that alter the exterior appearance of existing structures or landscaping or add new structures are required to submit this application and receive written approval from the ACC before any work commences. A duration of six (6) months is allowed for Modification Projects. Please plan your project so that it adheres to this time frame. If it cannot be completed in this time, please submit a Variance Request per Section 4.0.

## 2.0 Example Projects that need approval:

A non-exhaustive list of typical projects needing approval follows.

- Exterior paint or stain (Stucco, Trim, Wood) if of a different color than current
- Modifications to existing structures (main house, casita, courtyard walls, ...)
- Building new structures not containing living spaces (pergola, shed, ...)
- Driveway material if of a different color or material than current
- Additional walls or fences
- Significant changes to visible landscaping (more than 3 shrubs or trees)
- Live tree removal – greater than 10" diameter

If you plan to build a new structure with "living space" as described in section 7.3 of the BEHOA CC&R's (e.g. a Casita), approval must be requested via the "New Construction Process" document.

If your project is not in the list of examples above, but will be visible to neighbors or from the street, it likely needs approval. If you're unsure, please request advice from the ACC.

## 3.0 Review / Approval Process:

Submit all of the following items to the ACC either via email to [acc@bosqueencantado.org](mailto:acc@bosqueencantado.org) or via personal contact with a member of the ACC.

- 1) Fill out this application
  - a. Section 7 – provide lot, owner, and project information
  - b. Any known variances required using Appendix A
  - c. Sign Section 8 indicating agreement to comply with CC&R's and this document
- 2) Provide a diagram (Lot survey or similar) showing:
  - a. The requested improvement with dimensions to scale in the context of the lot
  - b. Distances from any nearby lot boundaries (setbacks) or other structures
  - c. Landscaping modifications, if applicable
  - d. Elevation view, if applicable
- 3) List of plant materials to be included with the improvement. Please ensure any visible plants are included in the approved list at:

<https://bosqueencantado.org.files.wordpress.com/2018/07/approved-plant-palette.pdf>

The ACC will review this request and respond in writing or via email within 30 days. This response will either be approval, approval with conditions, a request for more information, or disapproval. If the request is of an urgent matter, or needs immediate attention, the ACC will expedite their decision and endeavor to meet the timing needs of the Lot Owner.

You may not proceed with your project until it is approved by the ACC. Any change made without ACC approval is subject to removal at homeowner's cost.

As a courtesy and in the interest of cultivating good relationships with your neighbors, it is recommended that you inform neighbors that have line-of-sight to your house about your project.

After this application is approved, the ACC Chair will appoint a member of the ACC as the primary liaison for the project. They will use the ACC Project Records Form (Appendix C) to document the progress of the project which will then be filed electronically and in the Gatehouse along with the approved plans when the project is complete.

#### 4.0 Variances:

If variance(s) to the CC&R's or other BEHOA requirements are required, the Lot Owner must submit them using the attached Variance Request Form (Appendix A) and the variance(s) must not be implemented until approved by the ACC.

A variance request must also be submitted if changes are desired to an already approved Modification Project plan.

If it becomes clear that you will require more than the 6 months allowed for completion of Modification Projects, you will need to submit a variance request for a target completion date change to the ACC prior to the documented target completion date.

The ACC will review each variance request, considering the specific circumstances that apply to your project. Past variances granted to other projects may or may not have an impact on the ACC's decision. This will be at the sole discretion of the ACC and considered in the context of the specific lot and modification project. Each variance request will then be returned within a reasonable period of time as either approved, approved with conditions, a request for more information or disapproved.

#### 5.0 Project Requirements:

##### 5.1 Plan Changes:

- Any changes desired to the approved Modification Project plan must be approved in writing by the ACC via a Variance Request prior to implementing those changes.

##### 5.2 Start and Finish Dates:

- You are required to notify the ACC via email of the actual project start date and of the date that the project is completed.

##### 5.3 Debris:

- Construction debris may not be piled up on the lot. If you expect debris to accumulate at any time, you will need to arrange for a dumpster or other waste container. This also applies to modifications performed inside the home or courtyard if debris is placed outside.

#### 5.4 Toilet:

- If no restrooms are available in the house for workers, the owner must provide and maintain a portable toilet at the job site, positioned as far as possible from any adjacent homes. This also applies to modifications performed inside the home or courtyard.

#### 5.5 Necessary permits and inspections:

- The lot owner is responsible for ensuring that all applicable laws and building codes are followed and that any necessary permits and inspections are obtained.

### 6.0 Violation Process:

The ACC desires that improvement projects proceed efficiently in a coordinated fashion with the Owner. Early resolution of potential violations will help achieve this end.

If in the course of a project, any activity that does not comply with the requirements of this document or directions from the ACC will be considered a violation.

The ACC will take the following steps in order to remedy a violation:

1. **Informal:** If a potential violation is observed or brought to the attention of the ACC, the ACC liaison for the project, or the ACC Chair, will notify the Owner either verbally or by email of the observed violation and ask that it be remedied in a reasonable time period as determined by the ACC in consultation with the Owner. It is anticipated that most violations will be readily corrected and the violations process will stop there.
2. **Formal:** If the above informal approach is not successful, the ACC will prepare a Formal Violation Notification form (Appendix B) and submit it to the Owner. The form describes the violation, the requested remedy and the deadline. The Owner must provide a written response on the response portion of that form describing their intended action and the schedule to remedy the violation. If there is no reply or no remedy is performed by the Owner, fines will be considered.
3. **Fines:** The ACC shall determine if a fine is appropriate and determine the amount of the fine based on the applicable facts and circumstances. The owner shall be notified and this amount will be charged to the owner by the BEHOA management company.

The Lot Owner may appeal any decision of the ACC with respect to fines by requesting, in writing, a review by the Board of Directors of BEHOA. The Board shall consider the appeal at the next regularly scheduled Board meeting and shall inform the Lot owner of its decision relative to the appeal as soon as practicable thereafter. All decisions of the Board shall be final.

## 7.0 Project Information:

### Lot:

Lot Number: \_\_\_\_\_ Home Phone #: \_\_\_\_\_

Street Address: \_\_\_\_\_

### Owners:

Name #1: \_\_\_\_\_

email Address: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_

Name #2: \_\_\_\_\_

email Address: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_

**Project Title (short):** \_\_\_\_\_

### Description of Improvement (detailed):

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**Target Start / Completion Date:** \_\_\_\_\_ / \_\_\_\_\_

**Party(s) performing the work:** \_\_\_\_\_

### Materials / Colors:

List all visible materials & colors used in this project, including but not limited to: Exterior, Roof, Walls, Driveway/Curbs/Edgings, Trim, Window Cladding, Garage Doors, Pergola posts/beams. Please also provide color samples. Attach a separate sheet if more space is required.

Component	Material	Color
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

## 8.0 Project Signature Sheet:

The Owner(s) by signing this document assert and agree:

- That their modification application complies with Bosque Encantado CC&R's and other BEHOA requirements, accounting for any approved variances
- To submit any plan changes to the ACC and receive approval prior to implementing said changes
- That all known variances will be requested when submitting this application
- That the proposed improvement will be in harmony with surrounding structures and topography and that workmanship and materials used will conform with the existing structure
- That the proposed improvement conforms with all applicable legal codes and requirements
- To not commence construction until this form is approved in writing by the ACC

My/our signature(s) below indicate agreement to adhere to all requirements in this document and we hereby submit a request for modifications on Lot # \_\_\_\_\_.

Owner #1: \_\_\_\_\_

Owner #2: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

## 8.1 ACC Response to Improvement Request:

Date Responded: \_\_\_\_\_

Approved: \_\_\_\_\_ Approved with Conditions \_\_\_\_\_ More information Requested: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Conditions (if applicable): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ACC Chair Approval Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

# Bosque Encantado de C' de Baca

## Appendix A – Variance Request

(1 form per request)

Lot #: \_\_\_\_\_ Requester: \_\_\_\_\_

Project Title: \_\_\_\_\_

Date: \_\_\_\_\_

Variance from which Requirement: \_\_\_\_\_

Reason for Variance Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Requester: \_\_\_\_\_

### ACC Response:

Date: \_\_\_\_\_

Response (check one): Approved: \_\_\_\_\_ Approved with Conditions (see below for details): \_\_\_\_\_

Require more information: \_\_\_\_\_ Disapproved: \_\_\_\_\_

Detailed Response (if needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signature of ACC Representative: \_\_\_\_\_

# Bosque Encantado de C' de Baca

## Appendix B – Formal Violation Notification

Lot# \_\_\_\_\_ Owner/Builder \_\_\_\_\_

Project Title: \_\_\_\_\_

Description of Violation: \_\_\_\_\_

\_\_\_\_\_

Description of Requested Remedy: \_\_\_\_\_

\_\_\_\_\_

### **Informal Notification History:**

Date Architectural Control Committee (ACC) verbal notification given: \_\_\_\_\_

ACC Verbal completion date to remedy violation: \_\_\_\_\_

Remarks: \_\_\_\_\_

\_\_\_\_\_

### **Formal Notification by the ACC:**

To Owner/Builder,

In accordance with the Violations Process contained in Section 6.0 of the BEHOA Lot Modification Application, which you agreed to, you are hereby notified that after informal verbal requests by the ACC, the violation described above has not been remedied to the satisfaction of the ACC.

While the ACC tried to work in a cooperative and informal fashion to resolve the violation, it has not been successful.

You are hereby directed to inform the ACC how you intend to remedy the violation by using the bottom section of this form and returning it to the ACC within seven days of the date of this notification. You are invited to discuss this matter with the ACC during that period to seek an acceptable solution.

If this violation is not resolved to the ACC's satisfaction, it may result in a fine levied against the Owner.

Signature of ACC Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

## Response by Owner/Builder

General Comment (optional): \_\_\_\_\_

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We will apply the following remedy to correct the violation: \_\_\_\_\_

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Date remedy to be completed: \_\_\_\_\_

Signature of Owner/Builder: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date Signed: \_\_\_\_\_

### **Confirmation by ACC:**

Date that the violation was resolved: \_\_\_\_\_

Signature of ACC Representative: \_\_\_\_\_

--- OR ---

Fine amount imposed by the ACC: \$ \_\_\_\_\_

Date fine was imposed: \_\_\_\_\_

Signature of ACC Chair: \_\_\_\_\_

