

Haciendas del Conde Association

Architectural Change Approval Procedure

Construction or modification of any structure in Haciendas del Conde must be approved by the Board of Directors of the Association before any work can commence, as set forth in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Haciendas del Conde Association (the “CC&R’s”).

“Structure” includes buildings, roofs, ramadas, walls, fences, swimming pools, landscaping, lighting, or any other permanent installations on a lot.

Most of us who chose to live in Haciendas del Conde were attracted by the wonderful views. From many locations, we have 360-degree vistas of the mountains, the city, the sky, and the lush Sonoran Desert. Add to that the convenience of supermarkets, retail, banking, medical care, dining, recreation – all within minutes from home. This is what makes the Haciendas del Conde a unique place. One of the Association’s responsibilities is the preservation of this setting. Retaining “the views” is one of the criteria on which all construction projects are evaluated.

Maintaining the distinctive desert setting within Haciendas del Conde is another of the Association’s responsibilities. The Association reviews all construction projects to ensure that structural style and landscaping are in harmony with the setting – in design, scale, materials, and colors.

The Association is given the responsibility in the CC&R’s to ensure that any construction project meets these and the other aesthetic and legal conditions described in the document, as well as established Board policy. To ensure consistency in meeting these criteria, and to help owners provide all the information required for efficient review and approval of a project, the Board of Directors has established this Architectural Change Approval Procedure. The following pages provide the procedure to be followed, instructions for completing the Request for Approval form, and detailed requirements for drawings to be submitted. For your reference, pertinent excerpts from the CC&R’s are included on pages 5 – 6.

Procedure for Requesting Approval for Construction or Modification

Following are the steps required to obtain approval for new construction, an exterior addition, or alteration or improvement of existing structures.

Applicants are encouraged to familiarize themselves with Pima County and Association requirements during the planning phase. Applicants are welcome to discuss proposed plans with the Board during the planning phase, to gain complete understanding of the objectives, requirements, and limitations.

1. The owner must submit a **Request for Approval Package** to the Board of Directors at least 60 days prior to the commencement of any work. This package consists of:
 - A completed **Request for Approval** form, available at: <https://www.haciendasdelcondehoa.com/construction--landscaping> or from the Association Secretary.
 - Page 1 of the form requires basic information about the project, such as location, description, construction dates, and contractor.
 - Page 2 of the form requires signed statements of concurrence from the owners of adjacent lots (plus any other properties that may be affected by the proposed construction, such as where views might be impaired). If an affected neighbor has a strong objection, approval will generally not be granted until the issue is satisfactorily resolved.

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- A set of plans sufficient to thoroughly define the project, prepared in accordance with the drawing requirements. Detailed instructions for preparing this information begin below.

The Request should be submitted to the Board prior to submission to Pima County (if necessary) to allow for changes requested by the Board.

2. The Board will review the Request at a regularly scheduled Board meeting. The requesting owner is encouraged to attend to clarify questions that may arise, but attendance is not required. The Board may request additional information, especially if there appears to be potential impact on neighbors. The Board may choose to visit the construction site at a mutually acceptable time to gain more complete understanding. For larger projects, the Board will request a review of the plans by an architect if they deem necessary.
3. The Board, after approving the Request, will advise the owner in writing. If the Board rejects the plans as presented, their reasoning will be provided to the owner in writing.

The Board may reject any plans submitted if:

- The plans are not in accordance with the provisions of the CC&R's and this Procedure.
- The plans submitted are incomplete or not in sufficient detail.

4. After satisfying the reasons for denial, the owner may resubmit the Request. The owner may appeal a denied Request, in writing, within 30 days of receipt of the decision, and must include reasons why the owner believes the decision should be reviewed.
5. After approval by the Board, the owner may submit plans to Pima County, if necessary, for their approval. After County approval, owners must provide approved copies of plans to the Board to ensure consistency with Association guidelines.
6. No changes or deviations from approved plans may be made without written approval of the Board.
7. Construction must begin within 6 months after Board approval and be completed within 6 months after commencement. Extensions may be granted for good cause when requested in writing by the owner.
8. Changes made during construction must be approved by the Board, in writing, to ensure continuing adherence to the CC&R's and established Board policy.
9. The Board may review the completed project, at its discretion.

Oral requests will not be considered, and oral approvals are not valid. Discussions held with Board members or Association officers outside the formal approval process are not to be taken as decisions or authorizations.

Approval of a project by the Board does not waive the requirement for the owner to obtain all required governmental permits. Conversely, obtaining governmental permits does not waive the requirement to obtain approval of the Board prior to construction.

Plans and specifications are approved by the Board of Directors as to style, exterior design, appearance, and location, and are not approved regarding engineering design or for compliance with zoning and building ordinances or governmental requirements. By approving plans and specifications, the President and the Board of Directors assume no liability or responsibility therefor, or for any defect in any structure constructed from the plans and specifications.

Failure to obtain the necessary approval prior to construction constitutes a violation of the CC&R's and may require modification or removal of unauthorized work at the expense of the owner. The Association may also require payment of the Association's legal fees by the owner if legal action is undertaken to seek compliance.

Detailed Requirements for the Request for Approval Package

Forms

A two-page **Request for Approval** form, accompanied by satisfactory drawings, must be completed in sufficient detail to provide the Board of Directors with adequate information to evaluate the proposed project and issue a determination. Copies of the form may be downloaded from [Architectural Change Form](#) or obtained from the Board Secretary.

In "Description of Project," summarize the objective of the work and briefly describe the elements of it. For example:

- "Construct a 10' x 25' swimming pool and spa, a fireplace, a cooking center, and concrete deck inside currently walled-in backyard."
- "Construct a 30' x 15' covered patio on existing concrete deck in back of house."
- "Construct a 1,250 sq. ft. casita in SW corner of lot, behind existing house."

Any unusual or significant aspects should be noted. For example, temporary access routes should have the approval of affected neighbors or the Association; maintenance responsibilities for walls or fences constructed along property lines should be clarified in writing.

The Board will explicitly consider the effect of the project on the views from neighboring properties. Therefore, the owners of lots on either side of the lot, and any others whose views may be affected, must be made aware of your project and asked to concur with it via signature on Page 2 of the form. A serious objection from a neighbor must be resolved before the Board will approve the project.

Drawings

A set of drawings sufficient to completely describe the project will allow the Board to understand the scope of the project and the effect on its surroundings. Anything you can provide to help the Board grasp the essence of your plans, such as artist's conceptions or photographs, will help expedite approval.

- Provide an overall plan view of the project, showing how it relates to property lines, setbacks, existing structures, etc.

This site plan must show:

- Relevant portion of lot with proportionate dimensions
- Setback lines
- Land elevations (if pertinent to the project)
- North direction arrow
- Labeled streets and easements (access, utility, etc.)
- Access (i.e. driveway) and parking (if applicable)
- All existing and proposed structures with accurate dimensions
- Distances from structures to property lines
- Distances between structures
- Labeled property lines including "front" property line
- Date prepared

Note: Only drawings based on the legal descriptions of the property and the subdivision are acceptable. A survey may be required to precisely define property lines and the boundaries of structures. Orthophoto

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*imagery overlaid with property lot lines, such as Pima County Geographic Information Systems' PimaMaps or MapGuide, is subject to registration errors and is **not** suitable for site-specific decision making: see Disclaimer and Use Restrictions on the Pima County GIS website.*

- Provide detailed views of all structures, with key dimensions, to describe the appearance of the finished work.
Note: *“Structure” includes buildings, roofs, ramadas, walls, fences, swimming pools, landscaping, lighting, or any other permanent installation on a lot.*
- Artists' conceptions of completed structures must be provided to describe consistency with existing design and architecture.
- Exterior elevations must be shown indicating building profile, door and window openings, materials, finishes, textures, and colors.
- Floor plans must be fully dimensioned and clearly delineate existing improvements and proposed new work.
- All drawings must be to scale, which must be defined on each drawing (for example, ¼" = 1'0")
- Projects must conform to Pima County and Association requirements. It is the owner's responsibility to be familiar with County requirements and to obtain required County permits.
- Walls and fences must conform to Pima County height requirements.
- If the existing drainage pattern is affected, modifications to address the issue must be shown.
- Provisions for preservation of native growth must be described.
- Photos of the affected areas should be attached if they would improve understanding.

Summary of CC&R Requirements Pertinent to Construction / Modification

The following excerpts from the CC&R's pertain to construction or modification restrictions for lots within Haciendas del Conde. This is supplied as a convenience only; current CC&R's remain the final authority.

Paragraphs specifically pertaining to construction, alteration, or modification

21(k) No building, fence, wall, swimming pool, roof, or other structure of any kind or nature, and no landscaping visible from another lot or from any street shall be commenced, erected, or maintained until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, and such other information as is reasonably deemed relevant, including but not limited to the location and approximate cost of such structure or landscaping, shall have been submitted to and approved by the Board of Directors of the Association. Any subsequent addition to or change or alteration in any such building, structure, or landscaping shall also be subject to prior approval of the Board. Each applicant shall submit to the Board the plans plus any and all other information for the use of the Board in such form as the Board may determine, and any such plans and information may at the discretion of the Board be maintained in a permanent file. In its consideration of any such application for approval, the Board shall consider among other matters, the suitability of the proposed building, structure, or landscaping and of the materials of which it is to be built; the harmony of the proposed building, structure, or landscaping with the surroundings; and the effect the proposed building, structure, or landscaping (as it is to be installed or as it may mature) upon the views of adjacent or neighboring lots. The Board may deny any application which it reasonably deems to be incomplete due to the insufficiency of or inadequacy of the plans submitted. The Board may not unreasonably withhold its consent to any such application; however, the Board is intended to have wide discretion implementing and enforcing the intent of this Declaration and so long as rational basis exists for its action, the Board may refuse to approve an application for any reason.

21(m) Notwithstanding anything else set forth in the Covenants, Conditions and Restrictions, as amended, or otherwise permitted under applicable zoning or other laws, no building, roof, ramada, gazebo or any other structure of any kind or nature, except a patio wall, will be permitted within ten (10) feet of any side or back property line on Lots 13-37 and 58-114 or within forty (40) feet of any side or back property line on Lots 1-12, Haciendas Catalina del Rey, a subdivision of Pima County, Arizona.

Paragraphs pertaining to property use in general

3. All buildings and structures erected on said lots shall be of new construction, and no building or structure shall be moved from other locations onto said lots.

5. No unsightly object or nuisance shall be erected, placed or permitted to remain on any lot. ... Included within the meaning of such annoyance or nuisance are any lights constructed or maintained by a lot owner which reasonably disturb any of the holders of other lots.

6. All clothes lines, equipment, garbage cans, incinerators, service yards, woodpiles or storage piles shall be kept screened by adequate planting or fencing so as to conceal them from view of neighboring lots, common areas and streets. ...

7. No vehicle or structure such as a trailer, basement, tent, shack, garage, barn, mobile home, or other outbuilding of a temporary nature shall at any time be used as a residence regardless of the duration of such use. In addition, no such vehicle or structure shall be placed upon a lot without advance written permission of the Board of Directors.

8. No trees or other plants which would grow to such size as to extend outside the boundary of a lot shall be planted by a homeowner without the advance written permission of the Board of Directors.

10. Long term storage containers must receive prior written approval from the Board of Directors if such storage exceeds ninety (90) days. If storage exceeds ninety (90) days, renew is possible upon another written approval from the Board of Directors.

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- 11.** No white, near-white, glaring, or reflective ground cover, roof, or roofing material shall be used on any lot if visible from the street or adjacent lot without the prior written approval of the Board of Directors as provided in Paragraph 21(k).
- 12.** No planting or gardening shall be done, and no fences, hedges, or walls shall be erected or maintained upon any individual lots contained in townhouse area 3 [the Placitas] except (1) such as are installed in accordance with the initial construction of the improvements located thereon, or (2) as approved by the Board of Directors or its designated representatives, or (3) within the areas entirely enclosed by patio walls and/or dwelling units.
- 13.** Easements to permit the placing of sewer lines, electrical and television cables and natural gas pipelines along, under, around, adjacent to, and across the common areas which are subject to these restrictions are hereby granted and established; this shall include the right to excavate said sewer line or lines, electrical and television cables and natural gas pipelines in a workmanlike manner. This right shall be exercised in such manner as to preserve the greatest amount of the then existing landscaping. The location of this easement upon any common area shall be determined by the Board of Directors, provided the location meets the approval of any public agency requesting such easements.
- 15.** The native growth on each ranchette [Lots 1 – 12], if any, including but not limited to cacti, mesquite trees, palo verde trees, shall not be destroyed or removed by any of the lot owners, except such native growth as may be necessary for the construction and maintenance of roads, driveways, residences, garages and other outbuildings and/or walled in service yards and patios, which native growth shall not be removed prior to commencement or construction, and unless written permission be first had and obtained from the Board of Directors. In the event such growth is removed, except as stated above, the Association may require the replanting or replacement of same, the cost thereof to be borne by the lot owner. Anything which is dead, unhealthy, detrimental to the remaining growth, or otherwise undesirable for the maintenance of a healthy and attractive desert growth shall be removed at the owner's expense. However, nothing shall be done which will change the general character of those areas where natural growth is required to be maintained.
- 16.** No native growth nor other landscaping upon any common area shall be permitted to be destroyed or removed except as approved by the Association. In the event that such growth is removed, except as stated above, the Association may require the replacing or replanting of same, the cost thereof to be borne by the one who removed it.
- 17.** All electrical service and telephone lines shall be placed underground and no outside electrical lines shall be placed overhead.
- 18.** No personal planting or growing of any type of vegetation is permitted on common areas without the prior written approval of the Board of Directors.
- 19.** Private swimming pools are allowed provided written approval is first obtained from the Board of Directors, subject to all local, state and federal government regulations. Construction or maintenance of the private swimming pool shall not relieve an owner from liability for his pro rata share of the assessments on common swimming pools, and for all other common areas. In the event construction of such a swimming pool requires an extension or other alterations of any common patio wall, prior written consent shall also be required from the adjoining owners as provided in paragraph 25(d) hereof.
- 20.** No chain-link, woven metal, wood or other similar fencing material or wall shall be permitted or installed on any lot without the prior written approval of the Board of Directors.
- 25.** The rights and duties of the owners of lots with respect to party walls shall be governed by the following: ...
- 25(d)** In addition to meeting the other requirement of these restrictive covenants and of any building code or similar regulations or ordinances, any owner proposing to modify, make additions to, or rebuild his residence in any manner which requires the extension or other alteration of any party wall shall first obtain the written consent of the adjoining owner and of the Board of Directors, which consent shall not be unreasonably withheld.