

## **POLICY FOR DECK REFURBISHMENT AND DECK CHANGES**

**(Adopted 8/23/11)**

The GBVHOA Board of Directors has adopted the following Policy in order to streamline and clarify when architectural change approval is need or optional, and where applicable, certain specific procedures relating to refurbishment or construction of decks within the community:

The following are preapproved materials and colors for use in construction or refurbishment of decks:

Pressure Treated Wood, unstained, clear stained or stained with a color on the attached palette is preapproved for all elements except railings. Trex (saddle color) is also preapproved for decking, fascia and stair treads and risers.

The only preapproved material and color for railings shall be preservation or exact replacement of existing black wrought iron railings. **Because of the HOA's strong interest in maintaining uniformity of deck appearance throughout the community and because the existing black wrought iron railings are a particularly obvious design feature of the builder supplied and existing HOA approved decks in the community, any change to the design, color or materials used in refurbishment of a deck railing shall be considered an architectural change that must be approved in advance by the HOA.**

**Because of the HOA's strong interest in maintaining uniformity of deck appearance throughout the community and because the decking, fascia, structural members, stair treads and stair risers used in each deck in the community have historically been a single color, use of more than one color for any decking, fascia, structural member, stair tread or stair riser within a deck, including the use of any pattern of multiple preapproved colors, is not preapproved and shall be considered an architectural change that must be approved in advance by the HOA.**

The HOA adopts the following rules and procedures relating to refurbishment of existing decks, modification of existing decks or construction of new decks:

1. A homeowner may refurbish their existing builder supplied or HOA approved deck as an ordinary and necessary repair of their dwelling unit's existing exterior elements and without requirement for any architectural change application or approval, **IF** the project involves no change to the deck other than exact replacement existing decking, fascia, structural elements, railings, and if applicable, stair treads and risers, using only preapproved materials and a preapproved color as described above.
2. If there is to be **ANY** change in physical size, height or location of a deck or if a deck will be constructed or refurbished where a builder supplied (or previously approved) deck does not presently exist, the homeowner must file an architectural change application and receive approval for the entire project in the manner specified in the HOA's governing documents.
3. If a homeowner desires to refurbish their existing builder supplied or HOA approved deck without changing the physical size or location of the deck, but proposes to incorporate a railing other than a black wrought iron railing **EXACTLY** matching the original design, a homeowner must file an architectural change application that details the specifications of the proposed new railing. In such case, the HOA will accept an architectural change application that includes a representation that no change will be made to the size or physical location of the existing deck in place of a plan or plat.

4. If a homeowner desires to refurbish their existing builder supplied or HOA approved deck without changing the physical size or location of the deck and without change to the existing black wrought iron railing, but proposes to incorporate replacement of decking, fascia, structural elements, or if applicable, stair treads using any materials or color that has not been preapproved, the homeowner may elect to proceed in either of the following ways:
  - (a) The homeowner may treat the refurbishment as a repair of an existing exterior element of their dwelling unit without obtaining an architectural change application or HOA approval, provided that HOA shall have the right to object to the non-preapproved materials or color pursuant to the HOA's governing documents by implementing a Violation procedure to the extent the HOA's Board of Directors (or Architectural Control Committee if any) finds probable cause to believe that the non-preapproved materials or color are materially inconsistent with the character and quality of the community. If no Violation procedure is brought within one year of the date on which the refurbishment in question was substantially completed, the non-approved materials or color shall be deemed approved by the HOA.
  - (b) Alternatively, the homeowner may seek approval of the non-approved materials or color the homeowner proposes to incorporate into the refurbishment project by submitting an architectural change application that includes sufficient information for the HOA to evaluate the proposed non-preapproved material and color. In such case, the HOA will accept an architectural change application that includes a representation that no change will be made to the size or physical location of the existing deck in place of a plan or plat.
5. If Subparts 3 and 4 both apply, the homeowner must proceed under Subpart 3 with respect to the railing and under either alternative under Subpart 4 with respect to decking, fascia, structural elements, stair treads and stair risers, as applicable.
6. In permitting deck refurbishments as outlined in this policy, the HOA shall have no responsibility to review the structural integrity of any homeowner's deck or its compliance with applicable building code requirements. Each homeowner shall have and retain sole risk and responsibility for the structural integrity of such homeowner's deck, for compliance with applicable building code requirements and to obtain any construction permits as may be required.
7. Any homeowner may submit materials or a color to the Board of Directors (or Architectural Control Committee, if any) for inclusion as preapproved color or material for incorporation into decks in the community without submitting an architectural change application. If the Board of Directors (or Architectural Control Committee) adopts a new color or material as preapproved, it will be added as such in this Policy.