



**THORNHILL COMMUNITY ASSOCIATION, INC.<sup>sm</sup>**  
**c/o Brawley Management, LLC**

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10610 Independence Pointe Pkwy • Suite B • Charlotte, N. C. 28105 • 704-364-2139 • Fax 704-364-5812

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**Community Guidelines**

Adopted October 20, 2004

Amendments: October 17, 2005; January 3, 2007; February 23, 2009

**Overview**

This 2009 guideline incorporates changes approved by the Board of Directors since the last published update in 2007. The Architectural Control Committee ("ACC") oversees architectural, maintenance and use restrictions for the Thornhill Community Association, Inc. ("TCA" or "Association") as described in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Thornhill Community Association, Inc. ("CC&R's"), and is responsible to the TCA Board of Directors for the enforcement of those restrictions.

**Section 1: Areas Subject to ACC Approval**

The following section describes improvements to residential lots that require ACC review and approval prior to commencing the project. If you would like to improve your property and are unsure of what is allowed, contact the property management company or ACC chair for direction before making any commitments or purchases. Practices and Procedures for Approval are described in section 2.

**Section 1 (A) Exterior Modification to Dwelling**

All exterior construction, reconstruction, remodeling, alterations or additions to the existing dwelling shall be approved by the ACC. In general, this covers but is not limited to room additions, decks, screened porches, sunrooms, roofing replacements, window replacements, window mounted air conditioning units, siding replacements, driveways, walkways, pools and replacement of builder installed retaining walls, etc. The recommended guideline to follow, when considering any project that will alter the appearance of the dwelling, is to obtain ACC approval.

**Section 1 (B) Exterior Painting**

One of the most often requested items are changes to the exterior house color. Any change or modification to the exterior color of the home including siding, trim, doors, shutters, etc. shall be approved by the ACC. The only exception not requiring ACC approval are routine maintenance involving touching up of the paint and/or repaint using the same colors. Generally, the colors used by the original builders in the community can easily be approved given minor adjustments for variances in coloring. It is also realized, that over time, changes in home paint color can "date" a community. With this in mind, the ACC will stay open to optional paint color selections beyond that which was originally used by the builders. The ACC will strive to be fair in reviewing requests to change color even if they are different from those commonly used by the original builders, however, color changes must be compatible with the overall look of the community.

**Section 1 (C) Fencing**

A fence is any structure placed on a property for the purpose of enclosing an area and/or providing a solid visual barrier related to landscape design or privacy. A wide range of designs and materials can be



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proposed. Post and rail, with or without heavy wire mesh, open spaced picket, open slotted board fences with a one inch or greater spacing between boards, designer or decorative metal fences are readily approved. Chain link, wire and metal mesh fencing basket weave or solid board fencing are not allowed in Thornhill. All fences are limited to 5 feet in height from the ground, with the exception of properties with rear yards along Ballantyne Commons Parkway or Elm Lane right-of-ways where 6-foot stockade type fence may be proposed. All fences must be approved by the ACC prior to construction.

All fences shall be constructed on or within the property owner's property. Most perimeter fences start at the front or rear line of the dwelling structure. Property owners having corner lots must set the fence back from the side property line at least 10 feet back from the edge of the right of way to provide a line-of-sight for vehicles making turns.

**Section 1 (D) Outbuildings, Storage Buildings, Sheds, Doghouses, Playhouses and Similar Structures**

No sheds, storage buildings, carports, tree houses or any type of outbuilding structures, including playhouses that are of a design and size to replicate a storage building or shed, are allowed.

In general, the following types of construction or play equipment are acceptable for the community.

- Playground type swing sets, slides, and gym sets that may include elevated decking and/or a loft playhouse within its design.
- Doghouse structure of a kind sold in stores and/or site built are permitted providing those site built are property finished with stain and/or painted an approved color and have a finished or shingled roof.
- Smaller kiddy type playhouses of a semi-temporary nature similar to those commonly sold by toy stores, department stores, warehouse merchandisers, etc.

The following types of construction generally require ACC approval prior to construction.

- All other playhouses shall be approved prior to construction and in general shall be miniature in size, shall serve as a playhouse structure only and shall not be used as storage sheds. ACC approval must be obtained before purchasing or building this type of structure. (Requires ACC Approval - See Section 2)
- Trellis and gazebo type enclosures that are incorporated into the side or back yard landscaping or are added to existing decks. (Requires ACC Approval - See Section 2).
- Permanent storage additions to a dwelling which are directly attached and fully integrated with the structure and are of a design compatible with the dwelling and the community (Requires ACC approval See Section 2).
- Small screening structures intended to keep trash receptacles out of sight. (Requires ACC Approval - See Section 2)



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**Section 1 (E) Aerials and Antennas**

No exterior television, radio or other aerial transmitting or receiving device, antenna, dish or tower is permitted except for the FCC permitted one (1) meter or less diameter satellite dish.

The guidelines for dish placement are as follows and must be approved by the ACC:

- The dish must be placed in the least noticeable location on the property from which an acceptable quality signal can be received.
- No dish will be placed forward of the front setback line of the dwelling.
- When placed along the property line, the dish shall be placed as close to the dwelling as possible.
- All dishes placed at ground level will be screened from view to a height acceptable for reception.
- All dish placements require approval by the ACC – See Section 2.

**Section 1(F) Swimming Pools / Hot Tubs**

Only "in ground swimming pools" are allowed in the community. No "above ground swimming pools" are permitted. Hot tubs are permitted but must be screened from street view and kept covered when not in use. (Requires ACC Approval - See Section 2).

**Section 1 (G) Basketball Goals and Street Right-of Way**

There are two types of basketball goals approved for use in Thornhill: The fixed variety embedded in cement next to a home's driveway and portable free-standing goals.

All basketball goals shall be placed no closer to the street than half the distance between the garage to the end of the driveway. Backboards may not be attached to the house. They must be oriented so that play occurs on the concrete pad used to park vehicles on the owner's private property.

Basketball goals and similar obstructions within the city's street right-of-way are not permitted, as they are safety and liability hazards and violate City code section 19-25. The management company actively cooperates with Charlotte Department of Transportation's basketball removal program. CDOT will remove these hazards without notice.

## **Section 2: Practices and Procedures for Approval**

**Section 2 (A) General Guidelines and Requirements**

While TCA's CC&R's provide for a 30-day review period once the request from has been received by our property management company and duly recorded, the ACC tries to review your request within a few days. However, or if for some reason the ACC fails to respond to your request after 30 days from the date of receipt by the property management company further approval will not be required.

The first step in obtaining approval is to fill out the attached "Thornhill Request for Approval Form" and be prepared, depending on the request, to submit a detailed plan showing the nature, kind, shape, height, color, material, location, contractor information and other pertinent factors related to your project.



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The second step is to contact our property management company representative and advise them of your request. Depending on the specifics of the request, they either will have you mail or fax it to them or may have you contact an ACC member directly to review it. The ACC representative will go over all the information to be sure it is complete and depending on the nature of the request (fence, painting etc.) may give immediate approval. Those requests of a more detailed nature or which may require permits (room additions, decks etc.) may take a little longer to approve.

All projects being submitted for approval will be conditional on meeting any city / county zoning, setback, and building codes. If required, all permits must be obtained and displayed in accordance with those requirements. (Note: Failure to obtain the necessary approval and/or permits may result in the approval being rescinded and/or the county inspection department being notified).

All requests will be evaluated on factors related to what is reasonable, customary and commonly acceptable to the overall harmony of the community in color, design, material, location, topography etc. and to the preservation of community property values.

Should your request be denied, you will be provided with feedback. You may modify and re-submit your request as needed to obtain ACC approval. If for some reason you are dissatisfied with the ACC decision, you may file an appeal with our property management company. They will schedule an appeal meeting with the ACC, the TCA Board of Directors and a representative of the property management company.

Once approved, the construction or activity shall be completed promptly and in strict conformity with the approved application. Improvements to any Thornhill property started without ACC approval will be viewed as a violation of the CC&R's and the ACC may impose fines and require removal of the improvements.

### **Section 3: Community Guidelines**

#### **Section 3 (A) General**

Thornhill is a planned community and the Thornhill Community Association, Inc. is legally required to manage, maintain, operate, care for and administer the Covenants, Conditions and Restrictions (CC&R's) for the community. The CC&R's and the Community Guidelines can be found on [www.thornhillnc.net](http://www.thornhillnc.net) or by contacting the management company.

Property in Thornhill will be used only for residential, recreational (pool and common grounds), and related purposes as established in our CC&R's. The CC&R's North Carolina General Statutes establish the authority and right of the Thornhill Community Association, Inc. Board of Directors, and our property management company as authorized by the Board, to make and enforce standards and restrictions governing the use of the units (dwellings), and the common grounds and to impose fines for violations to the CC&R's. The amount of the fine will be determined at the formal hearing and will be based on the specific nature of the violation and / or the frequency of the violation.

#### **Section 3 (B) Use of Dwellings**



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- All dwellings shall be used only as a residence for a single family. defined as no more than three (3) individuals unrelated by blood, marriage or legal action (see Article3, Section 6 of the CC&R's)
- No dwelling shall be used to provide rooms for rent or in a multifamily boarding arrangement and / or as a Fraternal or Sorority dwelling.
- The lease or rental of dwellings for residential use is permitted and subject to the single-family requirements.
- No activity constituting a noxious, destructive, illegal, offensive or unreasonable source of annoyance to the community is allowed.

**Section 3 (C) Common Ground / Thornhill Community Association Property**

No homeowners and or renters shall encroach on or take possession of any common ground owned by the TCA.

- No plantings, gardening, fencing, construction, or dumping of rubbish and / or debris of any type is permitted on TCA property.
- All use of the TCA common ground and all Association amenities are at the risk of the user.

**Section 3 (D) Pets**

- No livestock or poultry is permitted.
- No breeding for commercial purposes is permitted.
- No chain link or wire mesh animal or containment fences are permitted.
- Household pets are not permitted to be left outside of the dwelling over night.
- Residents are reminded and encouraged to adhere to all city / county animal control requirements and must keep pets on a leash when being walked off of the owners property, and must pick up after their pets.

**Section 3 (E) Signs**

All signs shall not exceed 2 feet by 3 feet, unless approved in advance by the ACC.

- Only one "For Sale" or "For Rent" sign and one information box sized to hold 8 ½" x 11" sheets may be placed on a Property.
- No signs that advertise goods or services shall be displayed at any dwelling.
- Small directional and/or open house signs may be placed to promote and provide directions to a dwelling provided they are placed no earlier than Friday evening and must be removed by noon on Monday.
- One small sign associated with notification of a home alarm system as a warning may be placed at a dwelling.
- Contractors who are performing work at a dwelling may place a sign to provide community notification of their activity and for the purpose of displaying the necessary permits. This sign must be removed when the work is completed.

**Section 3 (F) Lake, Stream, Island, and Dam**



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These are aesthetic amenities for viewing only. No swimming, playing, boating or walking across the dam is allowed. While fishing from the shore is currently permitted, the TCA discourages this practice for safety and health reasons and will assume no responsibility for any harm of illness associated with this activity.

**Section 3 (G) Association Common Areas and Amenities**

All Parking Lot, Pool, Play Areas, Tennis Courts, Lake, Dam, Landscaping and all Structures on Common Grounds are Private Property that is owned and maintained by the TCA. Use of these facilities is governed by the Thornhill Recreation Facility Regulations Adopted: October 20, 2004. Owners are responsible for misuse or intentional damage to Association property and the TCA reserves the right to make Special Assessments, and take legal action to collect the cost of repairs. The ACC is committed to reducing these costs for the Association and has provided some specific areas for you attention.

- Tennis Courts are for "Tennis Only". No other activity is permitted on the courts. While on the courts players are required to wear tennis type footwear/sneakers. Anyone found using the tennis courts for any other activity but tennis is subject to a \$100 fine.
- The parking lot is for the use of residents, invited guests and contractors working for the TCA. Vehicles in the parking lot during the day or at night in violation of this guideline and/or the posted rules and hours of operation are subject to being towed at the owner's expense.
- Damaging or altering landscaped entries and common areas including planting areas, flower, shrubs, trees, pine needle beds, irrigation systems, lighting, etc. is prohibited.
- Damaging or defacing community property including, but not limited to, structures, play equipment, the pool, bathrooms, stonework, signs, pavement, tables, fans, fencing, lighting, etc. is prohibited.
- Go-carts power scooters, dirt bikes, ATV's, and vehicles of a similar nature are prohibited on Association property. Skateboards, scooters, bicycles and roller blades are governed by the Thornhill Recreation Facility Regulations
- Activity that creates a disturbance or safety issue is prohibited.
- Big Rock Park is county property and is subject to County Park Regulations which are enforced by County Watch Officers and the Charlotte Mecklenburg Police Department. The county park rules and regulations prohibit access to the park after dusk. These rules also prohibit the use of alcoholic beverages, drugs, firearms, or vehicles in the park among other things. The county park closes at dusk and Thornhill members are encouraged to be observant of activities in the park and to notify the police of any violation.
- TCA has authorized the Charlotte Mecklenburg Police Department to act as our agent. This provides that anyone found on community property between 10pm and 6am can be arrested. It is important that every resident of Thornhill be alert for suspicious activity in and around our common ground areas and the county Park.

**Section 3 (H) Unsightly, Unkempt Property or Dwelling Conditions**



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No trash, stored materials, inoperable, unlicensed, un-inspected vehicles, boats, trailers, recreational vehicles, business related or commercial vehicles or other unsightly items shall be allowed to remain on any property outside an enclosed area. For the purpose of our community rules and regulations, any utility vehicle, truck or van which, by its design and features, is intended for the conduction of a trade or transit for the furtherance of a commercial enterprise, is considered to be a commercial type vehicle. In the event any owner fails or refuses to keep the property free of unsightly objects, the ACC may have the unsightly objects removed at the owner's expense.

**Section 3 (I) Trash Receptacles, Woodpiles, Clothing Lines, Etc.**

- All trash receptacles and woodpiles are to be located or screened so that they cannot be viewed from the street.
- Trash receptacles should not be placed on the street for collection any earlier than the evening before the scheduled collection day and should be removed from the street no later than the evening of the scheduled collection day, as provided in the city ordinance.
- No lines for drying clothes, cloths or linens are permitted.

**Section 3 (J) Nuisance and Maintenance**

No activity or condition shall be allowed that will cause embarrassment, discomfort, or annoyance to other residents. Every Owner and renter in Thornhill shall prevent any unclean, unhealthy, unsightly, or unkempt condition to develop on his or her property. Areas of common community concern relate to the maintenance of paint, siding, trim, doors, decks, windows, fences, roofs, and other improvements, and the failure to maintain the grass, yard and landscaping to a reasonable community standard. The TCA Board of Directors, ACC, and property Management Company have the right and responsibility to give notice of nuisances and inadequately maintained properties and to enter the property to correct the conditions.

**Section 3 (K) Vehicle Parking, Cul-de-sac, Commercial Type Vehicles**

While enforcement of parking ordinances is outside the authority of the Association, parking of vehicles along the curbing of cul-de-sacs and islands can result in a parking ticket if the vehicle is illegally parked and/or prevents vehicle access along the length of the street or around the cul-de-sac. It is recommended that vehicles only be parked along the curbing closest to the dwellings to avoid any problems or conflicts.

Except for the purpose of temporary activities at a property, no commercial type business or repair service type vehicle shall be parked on the lawn or in the yard area of any property or shall remain parked on a property outside of an enclosed area. All vehicles shall be parked on a paved area associated with the property driveway.

**Section 3 (L) Dwellings and Related Home Based Business Activities**

Activities that are commonly referred to as a "home based business" are conditionally approved at any residence, provided they meet the following requirements:

- All home based businesses must comply with all city zoning regulations and ordinances.



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- The home-based business activity shall not be visible to the community and shall be conducted in such a manner that residents or visitors to the community would have no reason to suspect that a home-based business was being conducted from the dwelling.
- From the exterior, the dwelling shall remain completely residential in character.
- No homeowner or renter shall conduct any business that requires employees to work at the dwelling. This includes employees reporting to and/or from the dwelling as a condition of their employment.
- No vehicles of a business, commercial or promotional nature shall be parked at the dwelling except in an enclosed area approved by the ACC.
- The dwelling may not be used for a home-based business by anyone other than the property owner and/or renter of record.
- No business activity shall be permitted that is illegal, immoral or creates a hazard, nuisance or annoyance to the community.
- The business activity shall not cause and odor, dust, smoke, vibration, noise, glare, heat or electromagnetic interference, which can be detected at or beyond the property line.
- There shall be no outside storage of inventory nor shall there be any storage of hazardous materials.
- There shall be a reasonable limit to the traffic associated with the business being conducted and client visits shall not exceed six visits per day.
- In general, traffic shall not create an annoyance, hazard, discomfort or nuisance to the community in volume and / or parking.
- The permission for a home-based business is conditional on these requirements being met.
- A failure to meet the listed requirements will be considered a violation and the ACC or TCA may choose to rescind or limit the above described conditional approval.

**Section 3 (M) Property Owners Responsibilities**

- All property owners are responsible for understanding and complying with the Thornhill Community Guidelines.
- It is advised that they file this information where it can be easily located, perhaps in their Thornhill community phone directory.
- When renting or selling their Thornhill property, an Owner shall disclose to the buyer or renter the Thornhill CC&R's and Association Guidelines and provide them with a current copy.

**Section 3 (N) Rental of Dwelling**

When renting or leasing their Thornhill property, an Owner or their rental management company, or real estate agent, or anyone acting as their agent shall disclose to the renter or lessee the Thornhill CC&R's and these Community Guidelines and provide them with a current copy. All rental and lease contracts shall conform to Section 3 (B) of these guidelines and a copy of the rental or lease agreement shall be submitted to the Association's property management company along with the number(s), name(s) and telephone numbers of renter(s) who will be occupying the property. Failure to comply with this requirement will be considered a violation of our CC&R's.



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**Section 3 (O) TCA Board of Directors & ACC Responsibilities**

TCA Board of Directors ensures that the common property for the community is managed for the benefit of the entire community, and enforces the CC&R's. The TCA may also establish reasonable regulations concerning the use of the common area, facilities, lots and dwellings. The ACC assists with review of improvements and enforcement of CC&R's and these Community Guidelines.

**Summary**

The CC&R's and Community Guidelines are part of the deed of every property in Thornhill, the ACC recognizes that as a community matures and homes are sold or rented, the new owners or tenants are occasionally not informed of the requirements of the CC&R's and the Community Guideline. The enforcement of these guidelines is intended to allow Thornhill to remain a beautiful and comfortable place to live for all its residents while helping to increase our community property values.



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**Thornhill Request for Approval Form**

<b>Property Owner Name:</b>	
<b>Property Address:</b>	
<b>Home Phone</b>	
<b>Work Phone</b>	
<b>Email Address:</b>	

Description of Project: Please provide as much description and details as possible about the project. As necessary, include any drawings, pictures, dimensions, elevations, location on property, materials, contractor details including name and contact numbers, the intended start and completion dates and all other information that is appropriate to the project.

If you are making a paint color change, please provide paint chips or color samples and identify as to siding, trim, shutters and doors. You also have the option of referring to an existing community home by address if your color selection will be similar. **Please remember to allow enough time for the approval process before contracting a start date to avoid any problems.**




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**Please Read Below Before Signing**

All approvals are conditional where city/county codes and permitting is a requirement. The property owner must obtain all the permits as necessary for zoning, setback and construction. Failure to comply with city/county requirements and or any alteration to the project as permitted here will void this approval and the property owner will be subject to ARDC action including removal and/or fine.



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**Acknowledgement of Adjacent Owners**

We recommend that you advise your adjoining neighbors who will be most affected by the project about your plans. This should include the adjoining side, front and rear property owners. This will help to avoid any problems or disputes related to activities on or near property lines.

Adjacent Owners: Your signature shows that you are aware of this application. It does not mean to imply that you must approve, only that you have been made aware. If for some reason you have concerns about the proposal please contact the property management company so they can direct you to the members of the Architectural Review Committee.

Adjacent Owner Name:	
Address:	
Phone Number:	
Signature:	

Adjacent Owner Name:	
Address:	
Phone Number:	
Signature:	

Adjacent Owner Name:	
Address:	
Phone Number:	
Signature:	



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Adjacent Owner Name:	
Address:	
Phone Number:	
Signature:	

Adjacent Owner Name:	
Address:	
Phone Number:	
Signature:	



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**Owner's Agreement**

**I have completed this application in good faith and it accurately represents the project I propose to undertake.**

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

Please contact Brawley Management at 704-364-2139 and advise the "Thornhill Property Manager" of this request. They will direct you to either mail and/or fax documentation or make arrangements to have a member of the Architectural Review Committee contact you directly. At that time be prepared to discuss your project in detail so that a full evaluation can be made. As necessary, minor adjustments or recommendations may need to be incorporated into your request. Once agreement is reached you will receive an approval letter and our property management company will be notified so they can update our community records.

If, for some reason, an acceptable agreement cannot be reached and the request is denied, you will also be notified by letter. If you feel it is necessary, you may request an appeal hearing by contacting the property management company. It is strongly advised that **no work be started** until approval is given as you may be subject to Architectural Review Committee action.

Action	Reviewed / Approved By	Date
ACC Receipt of Homeowner Request		
Approved		
Revised and Approved		
Not Approved		