

WILDHORSE AT PROSPECT HOA CONSTRUCTION REQUEST FORM

I. IDENTIFICATION

Proposed Work Site at: _____

Name of Owner: _____

Address (if different from Work Site): _____

Tel.: _____ Email: _____

Principal Contractor: _____

Address: _____

Tel.: _____ Email: _____

Local Contact once Work has Begun: _____

Address: _____

Tel.: _____ Email: _____

II. PROPOSED WORK

Minor Work Renovation Repair Alteration

Describe work in detail: _____

(Attach copy of bid, estimate or plans)

III. REASON FOR PROPOSED WORK

IV. INSURANCE

Owner has confirmed that all contractors and subcontractors maintain and have provided general liability insurance in amounts not less than the minimum required by State law.

V. RESPONSIBILITY FOR WORK

Owner acknowledges that Owner assumes responsibility for the work done on the Work Site, the condition of the Work Site prior to, during, and after any work performed, and for the performance of the contractors and subcontractors hired, employed, or utilized by Owner to perform the work.

Owner Name: _____

Submission Date: _____

FOR HOA USE ONLY

Date Request Received: _____

HOA Action:

Approved

Approved with following condition:

Denied

Date of HOA Decision: _____

Notes: _____

Attest: _____
HOA Secretary

**REQUEST FOR APPROVAL – ARCHITECTURAL CONTROL COMMITTEE
Wildhorse at Prospect Association, Inc.**

Send this form to: Wildhorse at Prospect Association, Inc.
c/o Toad Property Management
318 Elk Ave., Suite 24, Crested Butte, CO 81224
Fax: (970) 349-2773

Name: _____
Address: _____
Home Phone: _____ Work Phone: _____
Email Address: _____

My request refers to the following types of improvements(s): (check all that apply)

Landscaping Sauna/Hot Tub Deck/Patio Slab
 Painting Deck/Patio Cover Walls/Driveway/Sidewalk
 Room Addition Fencing Other: _____

ATTACH PLANS AND SPECIFICATIONS – include height, width, depth, types of materials, color, location, relation to property line/fencing/neighbor, paint sample, and other information pertinent to the request. Also provide complete contact information on primary contractor

Approval is based on conformance with the Declaration of Covenants, and aesthetic concerns.
No representation is made of approval of structural integrity. Drainage issues and existing slopes are crucial elements of exterior changes and should be strongly considered in the installation of any materials.

I understand the approval of the Architectural Control Committee must be obtained before I can proceed with my project. I understand that approval by the ACC does not constitute approval by the local building department or any other agency which may require prior approvals. I understand I may be required to obtain permits, licenses, pay fees or obtain other professional opinions and/or certifications. I agree to complete all improvements as they are submitted and understand that I must submit my request if modifications to these plans become necessary. I agree to complete the improvements promptly and in a good workmanlike manner. I agree to confirm that primary contractor and subcontractors maintain general liability insurance in amounts not less than the minimum required by State law.

Homeowner's Signature: _____ Date: _____

THIS AREA TO BE FILLED OUT BY ARCHITECTURAL REVIEW COMMITTEE

Date received by ACC: _____ Date approved or denied by ACC: _____

	Approved as Submitted	Approved with Conditions	Denied as Submitted
Signature	_____	_____	_____
Signature	_____	_____	_____
Signature	_____	_____	_____

Conditions for Approval (use reverse side if necessary):

Reasons for Denial: (use reverse side if necessary): _____

VARIANCE REQUEST PROCESS

Wildhorse at Prospect Homeowners Association

Information and Application Form

The Wildhorse at Prospect Declaration of Covenants, Conditions and Restrictions dated December 13, 2006 (“Declaration”) provides rules and restrictions for the exterior alteration or erection of improvements of a residence in Wildhorse (a “Variance”). To facilitate your preparation of a request for a Variance, the Board has developed and adopted a uniform variance application which is included for your use. All requests for Variances must use this Board-approved form that must be completed and submitted to Toad Property Management to begin the consideration process. Your application for a Variance will be considered by the Architectural Control Committee, which have been established by the Board pursuant to the provisions of the Declaration to consider requests for Variances beginning January 1, 2019.

As you prepare an application for a Variance, please consider the following rules and restrictions from the Declaration which are excerpted as follows:

Article 11(A) - No Owner, tenant, occupant, or any other person may make any improvement to or encroachment onto the Limited Special or Common Areas. Except as permitted by the Act, no Owner, tenant, occupant or any other person may make any exterior modification, alteration, or construction (including painting and landscaping) or erect, place or post any object, sign, antenna, clothesline, playground equipment, storm door or window, door knob or knocker, artificial vegetation, exterior sculpture, fountains, flags, or thing on the exterior of a Dwelling Unit, in any windows, or upon any Limited, Special or General Common Areas without first obtaining the prior written approval of the Executive Board. The standard for approval of such improvements shall include, but not be limited to, aesthetic consideration, materials to be used, harmony with the external design of the Dwelling Units and structures and the location in relation to surrounding structures and topography. The Executive Board may promulgate specific rules relating to the permissible installation, location and size of satellite dishes or other exterior antennae or communications apparatus.

Applications for approval of any such architectural modification shall be in writing and shall provide such information as the Executive Board may reasonably require. The Executive Board shall be the sole arbiter of such application and may withhold approval for any reason, including purely aesthetic considerations. The Executive Board shall be entitled to stop any construction which is not in conformance with approved plans. The Executive Board may publish written architectural standards for exterior alterations or additions. Any requested change must be in harmony with the external design of the Dwelling Units and the location in relation to surrounding structures and topography.

In the event that the Executive Board or its designated representative fails to approve or to disapprove such application within forty-five (45) days after the application and such information as the Executive Board may reasonably require shall have been delivered to and received by the Executive Board, its approval will not be required and this subparagraph will be deemed complied with; provided, however, even if the requirements of this subparagraph are satisfied, nothing herein shall authorize anyone to construct or maintain any structure or improvement that is otherwise in violation of the Declaration, the By-Laws, or the Rules and Regulations.

Article 11(B) - The Executive Board shall have jurisdiction over all architectural control and design issues unless the Executive Board delegates to other Dwelling Unit Owners the authority to serve on an architectural control committee. The chairperson of any such committee shall be a member of the Executive Board.

Article 11(C) - As a condition of approval for a requested architectural change, modification, addition or alteration, an Owner, on behalf of himself or herself and his or her successors-in-interest, shall assume all responsibilities for maintenance, repair, replacement and insurance to and on such change, modification, addition or alteration. In the discretion of the Executive Board, an Owner may be made to verify such condition of approval by written instrument in recordable form acknowledged by such Owner on behalf of himself or herself and all successors-in-interest.

Article 11(D) - Review and approval of any application pursuant to this paragraph is made on the basis of aesthetic considerations only, and the Executive Board shall bear no responsibility for ensuring the structural integrity or soundness of approved construction or modifications. In addition, the Executive Board shall bear no responsibility for ensuring compliance with building codes and other governmental requirements. Neither the Association, the Executive Board, the Architectural Control Committee nor any member of any of the foregoing, shall be held liable for any injury, damages or loss arising out of the manner or quality of approved construction or modifications to any Dwelling Unit, Limited, Special or General Common Area.

Article 11(E) - Each Owner acknowledges that the members of the Executive Board will change from time to time, and that interpretation, application and enforcement of the architectural standards may vary accordingly. The approval of the Executive Board of any proposals, plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of the Executive Board shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings, or matters whatever subsequently or additionally submitted for approval or consent.

Article 11(F) - Any construction, alteration, or other work done in violation of this Article shall be deemed to be nonconforming. Upon written request from the Executive Board, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the property to substantially the same condition as existed prior to the construction, alteration, or other work. Should an Owner fail to remove and restore as required hereunder, the Executive Board or its designees shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs thereof, including reasonable attorney's fees, may be specifically assessed against the Dwelling Unit and collected as an assessment pursuant to this Declaration.

In addition to the foregoing, the Executive Board shall have the authority and standing, on behalf of the Association, to impose reasonable fines and to pursue all legal and equitable remedies available to enforce the provisions of this Section and its decisions.

If any Owner or occupant makes any exterior change, alteration, or construction (including landscaping) upon the Common Area or the Limited, Special or General Common Areas or upon a Dwelling Unit in violation of this Section, he or she does so at his or her sole risk and expense. The Executive Board may require that the change, alteration or construction be disturbed in order to facilitate the repair or maintenance of underlying utility or other common services and General Common Areas within the Project without reimbursement to the Owner or occupant for any expense he or she may have incurred in making the change, alteration or construction.