

Triangle Home Owners' Association, Inc.
Architectural Review Committee
Frequently Asked Questions About Property Improvements

This Frequently Asked Questions ("FAQ") document lists questions Architectural Review Committee ("ARC") members have been asked frequently, and the answer is shown below each question. For your convenience, an index of keywords referenced in this FAQ is shown on the next page.

If you have a question that isn't listed in this FAQ, please send it in an email to Architectural Review Committee Chairperson Karl King at karlking@att.net. Karl will put your question on the agenda for the next scheduled meeting of the Architectural Review Committee.

This FAQ applies only to review and approval of proposed improvements on a property in the Triangle where a house is already built and occupied. Procedures and forms for requesting approval of the design for a new house to be constructed are available online at the [Triangle](http://sbheritage.org/find-home/new-construction-homes-for-sale/the-triangle/) page of South Bend Heritage Foundation's website (<http://sbheritage.org/find-home/new-construction-homes-for-sale/the-triangle/>).

The answers provided in this FAQ are for informational purposes only and should not be used or relied upon for any other purpose. These answers are not intended, nor should they be construed as, in any way modifying provisions of the Declaration of Protective Covenants and Restrictions for the Triangle P.U.D. (the "Covenants"), a copy of which has been previously provided to you. If there is a conflict between an answer provided in this FAQ and provisions of the Covenants, the provisions of the Covenants will prevail.

Please keep this FAQ for future reference and watch for updates.

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QUESTIONS AND ANSWERS

1. **How do I apply for ARC approval for a change to an existing house or yard?**
 - a. Complete an "Application for Approval of a Property Improvement" form by filling it in on your computer and printing it or printing the blank form and filling it in by hand.
 - b. Send the completed Application along with the required attachments indicated on the form to Marco Mariani, who processes Applications and maintains records for the ARC, at:

Marco Mariani
South Bend Heritage Foundation
803 Lincolnway West
South Bend, IN 46616

If you want to send your Application and required attachments to Marco in digital form via email, Marco's email address is marcomariani@sbheritage.org

If you want to speak with Marco by telephone, his number is (574) 289-1066, extension 216.

2. **What are the steps and timeline for ARC approvals?**
 - a. The ARC meets on the second and fourth Friday of each month, except when that day is a holiday, Good Friday, the day after Thanksgiving, or the day after Christmas. To be considered in an ARC meeting, a complete Application for Approval of a Property Improvement must be received by Marco Mariani at least two weeks before the meeting date.
 - b. At least one week before taking action on an Application for Property Improvement it has received, the ARC will send via email a notification and a copy of the Application to the following parties and invite those parties to submit via an email reply any comments they might wish to offer:
 - (1) owners of the nearest adjacent Triangle P.U.D. properties, if any, to the north, east, south, and west of the property for which the Application has been submitted; and
 - (2) all members of the Triangle Home Owners Association Board of Directors.
 - c. The ARC will inform the applicant of its decision on an Application as soon as possible, but no later than the next Friday after the ARC meeting, by an email from Marco Mariani.
 - d. The ARC will, in accordance with Section 3.3 (C) of the Declaration of Protective Covenants and Restrictions for the Triangle P.U.D., submit in

writing to the Triangle Home Owners Association Board of Directors documentation of its decision on each Application for Property Improvement.

3. **What criteria does ARC use** in making its decisions?

The ARC's decisions regarding Applications are based on evaluation of the proposed project's compliance with the Declaration of Protective Covenants and Restrictions for the Triangle P.U.D. and the Triangle Neighborhood Architectural Guidelines. We also invite and consider comments on the proposed project by members of the Triangle H.O.A. Board and owners of the nearest adjacent Triangle properties, if any, to the north, east, south, and west of the property for which the Application has been submitted.

4. Where can I see the **Triangle Neighborhood Architectural Guidelines**?

You can view and download a copy of the Triangle Neighborhood Architectural Guidelines at:

http://sbheritage.org/wp-content/uploads/2013/06/Triangle-Architectural-Guidelines_Final.pdf

5. Is there a way to **appeal an ARC decision**?

Yes. According to Covenants Section 3.3 "Any party aggrieved by a decision of the ARC shall have the right to make a written request to the Board of Directors of the Association, within thirty (30) days of such decision, for a review thereof."

6. If I want to **make a change that I know is against the Covenants**, how do I go about seeking approval?

The ARC has no power to grant exceptions from the provisions in the Covenants. Its sole power is to make a determination if a plan submitted to the ARC is either in compliance with or not in compliance with the Covenants. Accordingly, the ARC is duty bound to deny a proposed change that is contrary to a Covenant provision. The HOA Board of Directors also does not have the power to grant an exception from the provisions in the Covenants.

So, the only way to allow a change that is against the Covenants is amending the Covenants. And, as provided in Section 11.3 of the Covenants, amending the Covenants requires the written consent of the owners of 67% percent of the lots in The Triangle.

The HOA has the following procedure by which a property owner can circulate a petition proposing an amendment to the Covenants:

- a. A petition must be complete with a detailed description of the proposed addition/deletion/change including drawing(s) or illustration(s).

- b. The petition must be submitted to the Secretary of the HOA.
 - c. The petition will be reviewed by the Board to assure that it is complete and correct.
 - d. The petition will be distributed to the HOA membership.
 - e. Homeowners will have a 4-week period to ask a question(s) or request clarification.
 - f. There will be a vote by the HOA membership at the annual or a special meeting.
 - g. The vote will be conducted by written ballot.
7. Is there an **expiration date on approved Applications** for Property Improvement?

Yes. The ARC will state in its communication to a property owner that it has approved an Application for Property Improvement that the property improvement must be completed within one year from the approval date, unless the property owner applies for and is granted an extension of a specified number of days.

8. Do I have to **notify the ARC when my project is completed**?

Yes. The ARC requires each home owner for whom it has approved an Application for Property Improvement to report completion of the improvement project to the ARC by an email to Marco Mariani. Marco's email address is marcomariani@sbheritage.org

9. Is **inspection of my completed project** required?

Yes. The ARC, or an agent appointed by the ARC, must inspect each completed property improvement to assure the improvement complies with the plans and specifications originally approved by the ARC. If the improvement does not so comply, the ARC will require correction in accordance with the provisions of Section 3.3 (D) of the Declaration of Protective Covenants and Restrictions for the Triangle P.U.D.

10. Do I need ARC approval to build an **addition to my house or garage**?

Yes. See Covenants Section 4.2 - ARC Approval.

11. Do I need ARC approval to **install awnings** above some of my windows?

Yes. See Covenants Section 4.2 - ARC Approval.

12. Do I need ARC approval to **install an antenna or satellite dish** on my roof?

No, but an Owner who installs an antenna or satellite dish should place it as inconspicuously as is feasible without impairing its installation, maintenance, or use. Preferably, this placement would be in a location not visible from the street the Owner's house faces.

13. Do I need ARC approval to **add an arbor, gazebo, pergola, or trellis** anywhere on my property?

Yes. See Covenants Section 4.2 - ARC Approval.

14. Do I need ARC approval to **add a deck or porch** to my house?

Yes. See Covenants Section 4.2 - ARC Approval.

15. Do I need ARC approval to **install or replace a storm door** on my front/side/garage person door?

No. The Covenants provide in Section 4.2 that no "Structure" shall be erected, placed, painted, altered or externally modified or improved without ARC approval and a storm door might technically be considered a "Structure". However, the ARC considers a storm door to be below the threshold of significance for which ARC approval is required.

16. Do I need ARC approval to **build a new fence** or add to an existing fence?

Yes. See Covenants Section 4.13 - Fences.

17. Do I need ARC approval to **build permanent planters** on a patio or in the garden?

No. The Covenants provide in Section 4.2 that no "Structure" shall be erected, placed, painted, altered or externally modified or improved without ARC approval and a permanent planter might technically be considered a "Structure". However, the ARC considers planters on a patio or in a garden to be below the threshold of significance for which ARC approval is required.

18. Do I need ARC approval to **convert my patio into a covered back porch**?
- Yes. See *Covenants Section 4.2 - ARC Approval*.
19. Do I need ARC approval to **convert my covered back porch to a screened porch or three-season space**?
- Yes. See *Covenants Section 4.2 - ARC Approval*.
20. Do I need ARC approval to **install curtains/screens on my front porch**?
- Yes. See *Covenants Section 4.2 - ARC Approval*.
21. Do I need ARC approval to **install shutters next to some of my windows**?
- Yes. See *Covenants Section 4.2 - ARC Approval*.
22. Do I need ARC approval to **install window boxes** for flowers and plants?
- The ARC cannot approve the installation of window boxes because Covenants Section 4.21 provides "No window boxes containing flowers or any other vegetation shall be erected or attached to any Dwelling Unit."*
23. Do I need ARC approval to **paint the front/patio/person door/garage doors/house trim a different color**?
- Yes. See *Covenants Section 4.2 - ARC Approval and Covenants Section 4.11-Painting*.
24. Do I need ARC approval to **paint any part of the house**, including doors, trim, deck railings or skirts?
- Yes. See *Covenants Section 4.2 - ARC Approval and Covenants Section 4.11-Painting*.
25. What extent of **landscaping** changes will require approval?
- Covenants Section 4.2 includes trees, hedges, shrubbery among the items requiring ARC approval. However, the ARC considers the planting of hedges, shrubbery or trees in the Front Yard and Side Yard to be the only changes in landscaping above the threshold of significance for which ARC approval is required.*

26. Do I need ARC approval to **install solar panels** on my roof?

Yes. See Covenants Section 4.2 - ARC Approval.

27. Do I need ARC approval to **build a stone wall surround for the barbecue grill in my Back Yard?**

Yes. See Covenants Section 4.2 - ARC Approval.

28. Do I need ARC approval to **place a piece of sculpture as a lawn ornament** in my yard?

Yes, if the sculpture is to be placed in the Front Yard or Side Yard.

No, if the sculpture is in the Back Yard and no more than four feet high. The Covenants provide in Section 4.2 that no "lawn ornaments" shall be erected without ARC approval, but the ARC considers a sculpture or other lawn ornament that is in the Back Yard and no more than four feet high to be below the threshold of significance for which ARC approval is required.

29. Do I need ARC approval before **placing landscape lighting?**

No, but the Covenants require that lighting must not be directed outside the boundaries of the Lot. See Covenants Section 4.6 – Nuisance.

30. Do I need ARC approval to **stain my driveway?**

Yes. See Covenants Section 4.2 - ARC Approval and Covenants Section 4.11- Painting.

31. Are **motion lights** allowed outside?

The Covenants require only that lighting must not be directed outside the boundaries of the Lot. (See Covenants Section 4.6 – Nuisance.) However, please note that the City of South Bend Zoning Ordinance Section 21-06.03 - Northeast Neighborhood Overlay District requires "motion-sensored flood lights and security lights shall be limited to rear door entries, side door entries or garages only".

32. Are **colored lights** allowed outside?

The Covenants require only that lighting must not be directed outside the boundaries of the Lot. (See Covenants Section 4.6 – Nuisance). However, please note that the City of South Bend Zoning Ordinance Section 21-06.03 - Northeast Neighborhood Overlay District prohibits colored lights "unless for appropriate seasonal decoration".

33. Do I really have to **store my garbage and recycling bins in my garage?**

Yes. Covenants Section 4.9 - Trash requires "Trash and garbage receptacles shall not be permitted to remain in public view and shall remain inside of each Owner's garage except on days of trash collection."

34. Do I need ARC approval to **finish an unfinished space in my house?**

Yes, unless the space you want to finish:

- *was already included in the square footage of your house design that was originally approved by the ARC, or*
- *is in the basement.*

See Covenants Section 4.2 - ARC Approval (B).

35. Do I need ARC approval to **finish an unfinished space over my attached garage?**

Yes, unless the space was already included in the square footage of your house design that was originally approved by the ARC. See Covenants Section 4.2 - ARC Approval (B) I and Section 4.18 - Garage Usage.

36. Do I need ARC approval to **finish an unfinished space over my detached garage?**

Yes. See Covenants Section 4.2 - ARC Approval and Section 4.18 - Garage Usage.

37. Do I need ARC approval to **finish an unfinished space inside my garage?**

Yes. See Covenants Section 4.2 - ARC Approval and Section 4.18 - Garage Usage.

38. Do I need ARC approval to **build an addition to my garage** to provide space to store items such as my lawnmower and trash bin?

Yes. See Covenants Section 4.2 - ARC Approval.

39. Do I need ARC approval to **install play equipment**, such as a swing set or trampoline, for my kids in my backyard?

No. Please be careful, though, to be sure the play equipment is completely in the Back Yard because the Triangle Covenants state: "No basketball goal or other play equipment shall be erected or placed on any Lot except in the Back Yard. As used in this document, "Back Yard" means the area extending from one side of the Lot to the opposite side of the Lot between the rear edge of the house and

the Rear Lot Line, where: (i) "Rear Lot Line" means the Lot line opposite and most distant from the Front Lot Line, and (2) "Front Lot Line" means the Lot line separating a Lot from the primary street right of way line."

40. What types of property improvements that are permitted by the Covenants and approved by the ARC also **require a Building Permit** from the City of South Bend?
- a. *New house*
 - b. *Addition to house or garage*
 - c. *Deck or porch*
 - (i) *if a roof or trellis is over the deck*
 - (ii) *if the floor of the deck will be over 30" above grade*
 - (iii) *if an existing porch will be enclosed*
 - d. *Fence*
 - e. *Garage*
 - f. *Renovations such as new roofing, cladding (siding), windows and doors*

The Building Department is located at 125 S. Lafayette Blvd., Suite 100, South Bend, Indiana 46601. You can download the application form for a Building Permit from the Building Department's website at:

<https://www.southbendin.gov/residents/content/building-permits>