

ACC Frequently Asked Questions V1.3

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We offer the following information to assist all homeowners, applicants, architects, and contractors planning new construction in the Foothills Clusters.

The ACC Guidelines have been created to balance the interests of applicants with the interests of the Foothills Clusters Community and to provide clear information to homeowners, their architects and their contractors and to avoid “re-inventing the wheel” with each application. Applications which follow ACC Guidelines are the most efficient for the ACC to review and easiest to approve and return promptly. Applications which require departure from the Guidelines to approve may require ACC discussions, meetings, conversations with applicants, and/or additional information requests often require more time for the ACC to fully consider and reply. We thank you in advance for following the ACC Guidelines and for providing complete applications whenever possible.

The ACC reserves the right to update information here as necessary.

Q: Can the ACC application be submitted without a PIMA COUNTY PERMIT?

A: *Yes. Applicants contemplating Major Work are encouraged to submit preliminary plans to the ACC first and obtain a Preliminary Approval from the ACC prior to Pima County Permitting. Refer to the Major Work Application for preliminary requirements.*

Q: As the ACC is, per the CC&Rs, concerned with "harmony of external design and location..." can an applicant request the ACC provide a PRELIMINARY APPROVAL for my project based on exterior characteristics such as wall materials and roof color?

A: *Yes. If the complete Major Work application is received, reviewed by the ACC, and deemed to be in harmony per the CC&R's and the Architectural Guidelines a Conditional Approval may be granted. Separate paint and roof applications may follow as separate applications however the Major Work application should lead.*

Q: Our existing house does not presently comply with the ACC Guidelines published in March of 2021. Is our existing structure “GRANDFATHERED” and exempt from being required to be modified to meet the ACC Guidelines?

A: *Yes. Existing homes are “GRANDFATHERED” and are not required to be modified to meet ACC Guidelines. ACC Guidelines apply to proposed new construction only. To determine existing property and structure compliance requirements please refer to the Enforcement Committee and Enforcement Committee policies and procedures available at the FCHOA website.*

Q: Our existing home presently lies partly within an ACC Guideline setback. We propose to improve this portion of the home within the setback. Is this portion of my home still protected and “grandfathered”?

A: Yes. If your home or garage lies partly or fully within the Guideline setback you may improve it or replace it entirely as long as you apply, meet CC&R's, meet Guidelines, and do not expand the footprint area or coverage area of the structure that is within the setback, or, propose new additional square footage within the setback. For example: homeowners that wish to enclose a garage that is located within a Guideline defined setback to turn it into habitable space may be approved by the ACC. Homeowners that propose to demolish and rebuild their homes or portions of their homes that are located within Guideline defined setbacks may be ACC approved. However, enlarging a home, adding a garage or storage rooms, or constructing a shade cover or similar new structure within the setback is not likely to be approved as it is not consistent with the ACC Guidelines.

Q: When ACC approval is granted how long does approval last before it expires?

A: We recognize that the construction industry at times can require extensive periods of time to design, permit, bid and construct. As of 2021 the US Census reports that residential home construction in the West requires approximately 14 months to complete. The ACC expects that applicants, following ACC approval, will proceed with County permitting and construction and will complete construction within a reasonable time frame. For minor work such as painting, driveways, and solar installations 12 months is considered by the ACC as a reasonable time frame. For added structure, additions, rooms, or outbuildings 18 months is considered by the ACC as a reasonable time frame. For very extensive work such as to demolish a home and construct a replacement home 24 months is considered a reasonable time frame and may be extended another 12 months by the ACC provided the County permit has been granted, final permitted plans meet CC&R's and ACC Guidelines, and work has begun on site. Extension shall not be reasonably denied by the ACC providing these conditions have been met. If at the end of the reasonable time frame listed no County permit has been granted and no work has begun on site for any of the categories of work, ACC approval shall have been considered expired and reapplication to the ACC shall be required. The new Major Work application has a timeline entry on the approval page and the ACC will write the time allowed in months to complete the work before approval expires.

Q: Can I apply for construction which will be constructed in consecutive phases?

A: Yes. See preceding section for reasonable time frames supported by the ACC.

Q: I am considering proposing a structure which is taller than the 15' listed in the Guidelines. Can I get a taller structure approved?

A: It is unlikely that the ACC would approve a structure taller than 15'. If the new proposed structure shares the same finished floor as the existing home then 15' AFF would likely be the maximum height allowed. If the new proposed structure has a finished floor lower than the existing home then the 15' maximum height would be measured from the new lower finished floor. If the new proposed structure has a finished floor above the existing home then the 15' maximum height would be measured from the existing home's finished floor and the new structure would then be somewhat lower than 15'. In no scenario we envision should the top of a new structure be higher than 15' AFF.