

**THE SANCTUARY ON SPRUCE CREEK
HOMEOWNERS ASSOCIATION
ARCHITECTURAL REVIEW COMMITTEE
GRANDFATHERING POLICY**

Board-Adopted: 4/9/2026

Effective Date: 4/9/2026

I. PURPOSE

This policy protects homeowners from unfair retroactive application of architectural standards that were adopted after their structures were installed.

II. AUTHORITY

This policy is adopted pursuant to Article VIII of the Declaration of Covenants and Restrictions.

III. STRUCTURES CONSIDERED "GRANDFATHERED"

Structures and improvements that meet any of the following criteria are considered conforming "grandfathered" structures and are NOT required to be modified to meet subsequently adopted standards:

- Approved by the ARC under the standards in effect at the time of approval; OR
- Compliant with published standards in effect at the time of installation

The ARC shall make initial determinations regarding grandfathered status in connection with application review or enforcement matters, subject to appeal to the Board as provided in the ARC Meeting and Decision Procedures.

A determination that a structure is grandfathered is based on the specific facts presented and does not establish precedent for other properties or future determinations.

The mere passage of time, or the failure of the Association to identify a violation, does not grant "grandfathered" status to a structure that was never approved and was non-compliant with the standards in effect at the time of installation. Such structures remain subject to the Association's Enforcement Procedure.

IV. EXCEPTIONS: WHEN COMPLIANCE IS REQUIRED

Grandfathered status ends and current standards apply when any of the following events occur:

- **Substantial Renovation:** Owner replaces or modifies more than fifty percent (50%) of the structure's surface area, volume, or functional components, as reasonably determined by the ARC.
- **Complete Replacement:** Structure is demolished and rebuilt.
- **Significant Modification:** A change in size, height, location, or visual prominence that materially alters the structure's appearance as viewed from neighboring properties or common areas.
- **Safety Issues:** The structure creates a documented and material safety hazard or drainage problem affecting other lots or common areas, as reasonably determined by the ARC or Board.

Note: Routine maintenance and minor repairs do NOT trigger a compliance requirement.

A grandfathered structure may not be expanded, intensified, or modified in a manner that increases its degree of nonconformity with current standards.

V. APPLICATION FOR UNAPPROVED STRUCTURES

A. Structures That Would Have Been Compliant

If a structure was installed without ARC approval BUT would have been compliant under standards in effect at the time of installation:

- Consider retroactive approval if the structure meets current aesthetic standards
- Minor modifications may be required for consistency
- Use discretion: Is requiring removal genuinely beneficial to the community?

B. Structures That Were Never Compliant

If a structure was never compliant under any published standards:

- Follow the standard Enforcement Procedure
- Provide a reasonable timeline (60–90 days minimum)
- Consider whether conditions of approval (modifications) are appropriate

VI. DOCUMENTATION REQUIREMENTS

When evaluating a grandfathering claim, the ARC or Board shall document:

1. What standards were in effect at the time of installation
2. Whether the structure was compliant at that time
3. Whether any triggering event (replacement, substantial modification) has occurred

VII. SEVERABILITY

If any provision of this procedure is held invalid or unenforceable, such determination shall not affect the remaining provisions, which shall continue in full force and effect.