

Ashcroft Architectural Review Committee

Policies and Procedures

Approved 5/15/00

This document contains written policies and procedures pertaining to architectural and design control in Ashcroft. It includes regulations described in the By-Laws and Covenants documents as well as procedures for review and approval.

This document is intended to help you understand the policies and procedures of the Architectural Review Committee and to assist you in working with the ARC. There are two major sections. The first section presents text from the By-Laws and Covenants describing architectural control, the ARC, and its purview. You are urged to read this section. The second section describes the **Procedures** used by the ARC when reviewing a homeowner's request and the kinds of variables considered by the ARC. It also describes what you, the homeowner are required to do in the review process. This document is the result of many years of experience with architectural review in Ashcroft and is designed to assist the ARC and homeowners.

The Procedures section of this document is must-reading for any homeowner considering new construction, additions, or modifications and landscaping that require ARC review. If you are considering a project and have any questions whatsoever about the need for ARC approval or how to best prepare plans for ARC approval, you are strongly urged to contact an ARC member for assistance.

A. COVENANTS and BY-LAWS

COVENANT: ARTICLE VI. ARCHITECTURAL CONTROL

Section 6.03. Conditions. No building, fence, wall, structure, improvement, excavation, change in grade, major landscaping (e.g. multiple plantings, tree-cutting, adding flower beds), or other work which in any way alters the exterior of any Lot or the improvements located thereon from their existing state shall be commenced, constructed, erected, made or done without the prior approval of the Architectural Review Committee.

Section 7.05. Maintenance of Property. Consistent with the conditions of Section 6.03, each Owner shall keep his or her Lot and improvements free of debris and in good order and repair, including, but not limited to, the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery, and the painting (or other appropriate external care) of all structures and other improvements, all in a manner and with such frequency as is consistent with good property management and so as not to detract from the overall beauty of the Properties and the common good and general welfare of Ashcroft residents. Any structure or improvement once commenced on any Lot must be completed within twelve (12) months from the date of commencement of construction. In the event an Owner of any Lot shall fail to maintain the premises and improvements situated thereon or to complete any structures as provided herein, the Association, after reasonable notice to the Owner, shall have the right to enter upon the Lot to correct any violation of this section. All costs related to the correction, repair, restoration or completion of construction may become a Special Assessment upon such Lot in the discretion of the Board of Directors, which shall notify the Owner of such Lot in writing in the event of the imposition of any such Special Assessment.

BY LAWS: ARTICLE VII. ARCHITECTURAL REVIEW COMMITTEE

Section 7.01. Purpose. The Architectural Review Committee (ARC) shall regulate the external design, size, appearance, use, location, and maintenance of structures and improvements in Ashcroft so as to preserve and enhance values, to maintain a harmonious relationship among structures and the natural vegetation and topography, and to conserve existing natural amenities and ecological areas.

Section 7.02. Powers. The Architectural Review Committee shall have the rights and powers as provided for in the Declaration and these By-laws, and as are necessary or convenient to give effect to its purposes as provided for in Section 7.01.

Section 7.03. Appointment, Number of Members and Qualifications. The Architectural Review Committee shall consist of five to six members who shall be appointed by the Board. At the expiration of each member's three-year term the Board of Directors will review the member's appointment to the ARC and decide to re-appoint or solicit applications for membership from the neighborhood. No member of the ARC shall be eligible to be selected for

more than two consecutive terms on the ARC.

Members of the Board of Directors may also serve on the Architectural Review Committee. The Board of Directors will also identify a Board member who will function as liaison to the ARC. Under circumstances in which an appeal of an ARC decision is heard by the Board, a Board member also serving on the ARC cannot act on the appeal in the capacity of a member of the Board.

For the purposes of voting, a quorum of the ARC is defined as three (3) members of the ARC in attendance.

Section 7.04. Policy Statement. The Architectural Review Committee shall publish, and may from time to time revise and update, a statement of the general policies and criteria which will be followed by it in considering plans submitted by members, and such other rules and regulations as it shall deem necessary or convenient to accomplish its purposes. The document "Ashcroft Architectural Review Committee Policies and Procedures" shall serve as this statement. As this document is updated, the most recent version will be applied.

Section 7.05. Organization. The Architectural Review Committee may adopt such rules and regulations as it may deem proper for the conduct of its business and the formalization of its determinations. A formal record of its proceedings shall be kept.

Section 7.06. Procedure. The Architectural Review Committee will operate within the scope of procedures outlined in the document "Ashcroft Architectural Review Committee: Policies and Procedures."

B. PROCEDURES

DESIGN REVIEW PROCEDURE

As noted in Covenant Section 6.03, no building, fence, structure, improvement, excavation, change in grade, major landscaping, or other work that **in any way alters the exterior** of any Lot or the improvements thereon from their existing state shall be commenced, constructed, erected, made, or done, without prior approval of the ARC. Applications for ARC review cover new construction, improvements, replacements, and other alterations.

Prior to any action required by above, there shall be submitted to the Architectural Review Committee for approval plans and specifications showing the nature, kind, shape, size, height, materials, color and location of the work.

The ARC meets as needed to review applications by the Developer and homeowners. The review process is initiated when the Developer or homeowner completes an "Application for ARC Review" form and submits two (2) copies of this form, with relevant plans, to the Chair of

the ARC or their designee.

With the application form the applicant is required to provide plans that describe the plans for the work to be conducted, using drawings with sufficient detail to specify the nature, extent, dimensions, location, and materials to be used in the work proposed. Plans must be submitted at the time the Application is submitted and must include all elevations, site plans, and architectural-quality drawings or their close approximation.

Written acknowledgement of receipt of the Application is made within 7 days by the chair of the ARC or their designee, and a proposed date for review is set. The ARC will review these plans and query the applicant when necessary for clarification. A site visit with preliminary staking of the proposed construction or additions or other preliminary inspection by the ARC may be required, especially for new construction or additions. Site visits will be scheduled and conducted with permission of the homeowner.

Prospective "owners" and current members are encouraged to attend the ARC meeting when their plans are being reviewed.

The Chair of the ARC or its designee will return one copy of the application form and plans, indicating in writing the approval or disapproval, in the latter case noting the reason(s) for disapproval. When the ARC review process leads to modifications of the plans submitted by the homeowner, the homeowner's signature or initials on the modifications noted, will indicate agreement. In the event the Architectural Review Committee fails to approve, modify or disapprove in writing a request for approval of plans and specifications within sixty (60) days after plans, specifications, or other appropriate materials have been submitted to it for review in accordance with adopted procedures, the plans and specifications shall be deemed approved.

All decisions made by the ARC pertaining to reviews will be communicated to the applicant in writing using the Application form. Also, all applications for review or modifications to approved plans must be made using the Application form. Verbal requests for review or verbal approval/disapproval will not be recognized as constituting either.

Any member (applicant) may appeal an adverse decision of the Architectural Review Committee to the Board of Directors, who may reverse or modify such decision by a two-thirds (2/3) vote of the directors. Such appeals must be made in writing and received by the President of the Board or their designee, one-hundred-eighty (180) days after the applicant receives results of the ARC review. The President (or designee) will place the item on the agenda of the next scheduled Board meeting and both the homeowner and a member of the ARC must be present for the Board to hear the appeal.

Actual construction must comply exactly with approved plans and specifications. For more detailed information relating to the construction process, see below "Construction Rules." A final inspection and approval by the ARC may be required prior to occupancy or completion,

particularly for new construction or additions. In accordance with Covenants Section 6.05 the project must be completed within 12 months of its beginning.

Any additions or alterations to approved plans must be submitted in writing to the ARC for approval using a new or revised Application for ARC Review form before changes are executed. Such modification to approved plans must not be executed until written approval is given. Requests for additions or alterations to approved plans will be treated as requests for a new review.

Any subsequent owner will be advised of ARC decisions by the previous owner via the required disclosure packet. ARC decisions will be binding on subsequent owners. If an owner is in doubt, he/she should request information on previous ARC decisions from the ARC.

Consequences for failure to comply with procedures outlined in this document.

The Board of Directors may follow one or both of the following courses of action in circumstances in which the homeowner fails to comply with procedures in this document.

1. For projects completed without ARC review. Projects completed without ARC review are in violation of these policies and procedures. By Commonwealth of Virginia law (55-512 effective 7/1/98) the Association must notify prospective purchasers of existing violations at the time of transfer of the disclosure package.
2. If the project, by a 2/3 vote of the Board of Directors, is deemed to violate the intent of Section 7.05 of the Covenants, the Board will pursue the course of action outlined in that section (e.g., special assessment, lien).

RECOMMENDATIONS ON PLANS AND MATERIALS TO BE SUBMITTED WITH "APPLICATION FOR ARC REVIEW" FORM.

The following describes the nature of materials and plans to be attached to the review form for particular kinds of projects (Items A and B are to be in duplicate).

- A. Drawings of proposed project showing all dimensions and materials. Show all four elevations (sides) and provide scale drawings if the project is a structure.
- B. Copy of property plat with location of project drawn in appropriate relation to existing home.
- C. Samples of materials to be used including manufacturer.
- D. Samples of all paint colors to be used including manufacturer and code number.

The ARC has a file for your home which contains all original specifications and information about later modifications. This may be useful in planning your project.

The following are a LIMITED set of examples of projects requiring ARC review and the materials and plans that are needed when submitting an application for review. THIS LIST IS ILLUSTRATIVE ONLY.

- C Any changes or additions to the exterior of an existing residence such as: roofing, siding, room additions, decks, porches, skylights, windows and doors. (Submit ABCD)
- C Changes or additions of freestanding garages, storage buildings and gazebos. (ABCD)
- C Changes or additions of swings, swing sets, play sets, playhouses or tree forts. (ABCD)
- C Changes of existing house or trim colors. (D) An application is not required for repainting with the same colors.
- C Changing siding or roofing material on existing structures. (CD)
- C Changes in landscape design including all plants with a mature height of more than 8 ft. (AB)
- C An application is not required for plantings of flowers and shrubs of mature height less than 8 ft.
- C Change in driveway or walkway configuration. (AB)
- C Installation or change of location of basketball backboards. (ABC)
- C Changes or additions of a fence or a wall. (ABC) An application is not required for an invisible fence for dog containment.
- C Cutting of live trees over 4 inches in diameter. (B) An application is not required for cutting dead, or dying, trees.
- C Installation or change of location of satellite dishes. (AB)
- C Installation or change of outdoor lighting. (AB) An application is not required for lights mounted on the exterior of a house or for landscape lighting at ground level.
- C Addition or movement of earth that will change the drainage on a lot.

Particular attention will be paid to the extent that the proposed project can be seen from the road and from your neighbors' properties during all seasons of the year, now and with future growth of landscape plants. An ARC visit may be necessary before final approval can be given and work can begin. The following should be done in preparation for a ARC visit:

- A. Staking of proposed work area.
- B. Marking of all trees over 4 inches in diameter that are to be removed.

DESIGN GUIDELINES

The following section describes major concerns important to homeowners that are part of the review by the Architectural Review Committee. This section provides the member with an overview of the goals of the ARC as they pertain to the member's request or Application. Members are advised to use these descriptions when making plans for work that falls under the purview of the ARC (see Covenant section 6.03).

Members are urged to seek the advice of an ARC member prior to initiating plans or Application for ARC Review in order to maximize the extent to which plans will be consistent with the goals of the ARC.

In conducting its review, particular attention will be given by the ARC to structures on main thoroughfares or areas with high visibility. The committee's paramount concern in these areas will be landscaping, curb appeal of the structure, size, materials, and architectural design to enhance Ashcroft property values.

A. SITING

This refers to the relationship of structure to the topography, vegetation, existing or future nearby structures, streets, property lines, etc..

Generally, the relationship of a house to the street and existing homes will not be controlling to other parameters such as topography, trees, views, etc. In other words, it is unimportant that the house be parallel to the street; the siting instead should be determined by the slope of the land, location of trees and desired views.

Siting the house parallel to the contours will result in less damage to the site and contribute to the appearance of a house "fitted" into its environment. Remember that in mountainous terrain, all sides of a house as well as the roof and underside, often are visible from adjacent roads and lots.

Curved driveways are encouraged whenever possible to avoid straight view lines of houses. Standard CMP (corrugated metal pipes) with a minimum size of 12" x 24' must be installed where needed at driveway entrance before site excavation begins. Flared metal, concrete, brick, or stone ends are required to protect the CMP opening from crimping and thus impeding the flow of water. The diameter of the CMP must be sufficient to maintain water flow.

B. HARMONY OF EXTERIOR

Proportions of the overall structure and its parts, exterior materials and colors, porch and deck railings, doors and windows, roof pitch, etc. are considered by the ARC in its review.

All exterior materials and colors must be specified and approved unless they are exact replacements of existing materials and colors. Exterior color samples, brick samples, shingle samples (not necessary for wood shakes) may be submitted with plans or at a later date, but all selections must be approved prior to installing, painting or staining, etc. Replacements should be made using materials of the same or better quality.

Few lots lend themselves to slab on grade construction, although this is permitted when site conditions dictate the needs. Exposed foundation walls should be held to a minimum. Pier foundations are not recommended. Blending of the foundation with the superstructure is essential.

Because of the mountainous terrain, roofs are considered among the most important visual elements. Roofs should be designed to reflect the character and slope of the land. Steep pitches

(8/12 and above) are encouraged. Wood shingles or shake shingles are appropriate roof coverings due to color and textures. Sheet metal roofs and fiberglass shingles are permitted provided they are 300 lb. weight (minimum) and multidimensional in design.

Newspaper delivery boxes should be mounted on the same post as the mailbox or next to the mailbox. Wooden posts shall be encouraged, but other alternatives will be considered.

Garage door openings facing the street will be strongly discouraged; however, exceptions will be considered for terrain and when landscaping screening is possible.

The top of a metal flue should not be extended more than 11" above the chimney chase.

C. LANDSCAPING

Preservation of existing and supplemental vegetation desired by owner, driveways and parking locations, walkways, and paths are considered in the ARC review.

Driveways will be considered from the standpoint of safety of access to the main road, ease of grade and minimizing the destruction of growth and disturbance of the natural landscape. On street parking by Ashcroft residents is not permitted. Ground level landscape lighting is encouraged. If overhead lighting is desired, other than post lamps and flood lights mounted on the exterior of homes, it must be submitted for review by the ARC.

It is recommended that the existing terrain be left undisturbed whenever possible to preserve natural vegetation. Particular care should be taken to preserve ground cover so that the likelihood of soil erosion is minimized. General clearing of the site is not permitted. In all cases the use of natural plant material is encouraged. All disturbed areas must be restored with bark mulch, grass or ground cover. Site clearing must be labeled on the site plan and landscaping plans indicated in writing.

Roof peaks should be below tree lines. To expand views, undercutting or "window" trimming of trees is preferred. Clear cutting of lots is not accepted. Cutting of live trees over 4" in diameter (other than those in a construction site) must have approval of the ARC.

To avoid multiple approvals of landscaping projects, residents may submit an overall landscaping plan, either at the time of submitting house plans, before landscaping actually begins, or when making modifications to existing landscaping. This plan can be implemented over a 12-month period of time convenient to the resident, but once approved by the ARC, no further approvals for landscaping are required unless there are major revisions.

Planting trees in a straight row will generally not be approved.

It is not the intent of the ARC to approve each and every planting, but anything which could effect a neighbor's view, either now or in the future, must have ARC approval. In general, any

planting that could reach the height of 8 feet should be reviewed.

D. OTHER

Fuel Tanks or similar storage receptacles may be installed only within a main building, accessory building or buried underground. Exceptions must be submitted to the ARC for consideration.

Outdoor receptacles for ashes, trash, rubbish or garbage shall be screened, installed underground, or placed so as not to be visible from any lot or street within the development at any time except during refuse collection. Garbage cans must not be at streetside longer than from the evening before collection to the evening of the day of collection.

No free standing television antenna shall be installed on any lot, roof, or chimney of any dwelling while the development is being served by TV Cable. No radio receiving or transmitting antenna shall be constructed or permitted on any lot or exterior of any dwelling without prior approval of the Committee. Satellite dishes mounted on the dwelling are permitted, although the member must request the approval of the ARC for placement of the dish to minimize visual impact on others members.

Recreational Vehicles, campers, trailers, boats, and other outdoor power equipment are not allowed to be parked on the back or front of any lot so as to be visible from the street or from other homes. An approved facility and/or proper screening must be provided for these vehicles.

E. CONSTRUCTION RULES

In order to protect the investment of owners and minimize inconvenience to families already living in Ashcroft, the following regulations apply to all new constructions or additions and improvements:

A gravel surface to the construction area must be maintained at all times to keep mud from being tracked onto hard surface roads.

All equipment must be loaded and unloaded on the lot. No tracked vehicles or equipment are allowed on hard surfaced roads for any reason.

When parking is not possible on the lot due to inclement weather, parking will be allowed on the hard surface along the lot under construction, except during periods of snow removal. Any damage to the grass area is the responsibility of the owner or builder.

Construction sites must be kept free of trash, paper products, drink containers, and all other waste products. Dumpsters are permitted.

Utilities: Before any excavation begins, power, telephone, cable and water utility companies and the developer should be contacted to mark the location of the underground utility lines. Electric, telephone, water, and TV cable are located on one of the front corners of each lot. All disturbed areas must be reseeded.

Clean-up: Construction and landscaping debris must be cleared off the lot prior to the issuance of the final approval by the ARC.

It is the responsibility of the lot owner and his general contractor to make sure that the foregoing procedures are followed by all subcontractors, employees, and suppliers.

F. Other Considerations:

1. No chain-link fences may be erected on private property.
2. No cars may be routinely parked on streets; cars must remain in driveways or garages.
3. Garage doors must not be left open.
4. No piles of cut trees are to remain in front yards.
5. No laundry may be hung outside in view of neighbors.
6. Siding material on new or added chimneys should be of brick, stone or stucco.
7. Play equipment should be only in back yards.
8. Basketball backboards should be of clear material or painted the house color.
9. Play equipment should be of wood.
10. Fences for containment of dogs should be the invisible type.
11. Large piles of dirt, compost and mulch should not remain in view of neighbors.
12. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other common household pets may be kept on individual lots. However, should pets become a nuisance or threat to the safety of the public, strict measures or control will be taken by the Committee. Exceptions may be considered and granted by the Board of Directors.