

# **CHASEWOOD ARCHITECTURAL GUIDELINES**

## **I. BACKGROUND**

1.1 Article II (A) Architectural Control Committee. In order to ensure that all houses and other structures are of appropriate size and harmonious design, properly located in relationship to neighboring structures and adapted to the terrain of each lot.

1.2 The Architectural Control Committee shall prepare and, on behalf of the Association, shall promulgate design guidelines and application procedures. The standards and procedures shall be those of the Association, and the Architectural Control Committee shall be responsible for preparing and amending the standards and procedures. It shall make both available to owners, and builders who seek to engage in construction upon any portion of the Development or in making any modifications, additions or alterations to any existing improvements located in the Development who shall conduct their operations strictly in accordance therewith.

## **II. PROCEDURE**

2.1 The Architectural Control Committee's approval or disapproval as required by these covenants shall be in writing and/or email. Such approval shall not be unreasonable withheld and shall be given or denied by the Committee in writing and/or email within thirty days after any such plan and other required information has been properly submitted to the Committee. Denial or approval of the plans, location, specifications, and other matters requiring the approval of the committee may be based by it upon any reasonable grounds, including purely aesthetic considerations. In the event that the ACC fails to approve or disapprove within thirty (30) day after proper plans and specifications and other required information have been properly submitted to it, or in any event, if no suit to enjoin any construction for which the ACC approval is required under this Article II has been commenced prior to the completion thereof, approval will not be required and the provisions of these covenants specifying the manner in which proposed improvements must be approved shall be deemed to have been fully complied with provided that proper plans and specifications and other required information were properly submitted to the ACC at least thirty (30) days prior to the commencement of such construction.

## **III. APPLICATION PROCEDURE**

3.1 Choosing an Architect/Designer. In order to avoid unnecessary expense in planning improvements that may be deemed unacceptable or inappropriate for the community, lot owners are encouraged to meet with the ACC to discuss general building concepts prior to ordering plans to be drawn. This section does not imply that a lot owner cannot work from stock building plans already in existence. Homes that are not acceptable are; log homes, octagon homes and other style homes deemed not fitting by the ACC to blend with our mountain style community.

3.2 Requirement to Obtain ACC Approval. No clearing, grading, construction of improvements of any type, remodeling, existing improvements, or other work of any kind may be commenced on any lot within the community unless and until (a) all plans, including grading and site plan have been submitted by the lot owner to the ACC for its review, and (b) the footprint of the

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improvements have been staked on the lot for the ACC review, and (c) the ACC has issued a written and/or email approval.

**3.3 Plan Review Period.** The ACC shall have thirty (30) days after the receipt of complete plans within which to review such plans and proposed activities. If in the view of the ACC the submission is incomplete and additional materials or clarification is required, this will be requested within fifteen (15) days of original submission, and the ACC shall then have thirty (30) days from receipt of requested materials to review the plans and proposed activities. At the end of said thirty (30) day period, the ACC may approve the plans and/or activities in writing and/or email or reject in writing all or a portion of such plans and/or proposed activities due to failure to comply with the Declaration, the Bylaws of Chasewood, these Guidelines or applicable laws or regulations. If the ACC fails to reject or disapprove any plans or activities with said thirty (30) days after receipt of all plans and other requested information, then such plans shall be deemed to have been approved.

**3.4 Appeal by Owners.** Any lot owner whose proposal for improvements is denied or required to be modified by the ACC may appeal that decision to the Board of Directors. The lot owner will be given adequate opportunity to appear before the Board and present his/her case. The Board may affirm, reverse, or modify the decision of the ACC and the Board's decision will be final and determinative.

**3.5 No Deviation from Approved Plans.** Any deviation from approved plans and specifications requires prior ACC approval, and any deviation not approved shall not be started. Any deviation which has been started or completed on an unauthorized basis must be remedied promptly at the expense of the owner, either by seeking and obtaining ACC approval after the fact or, if approval is denied, by removal at the owner's sole expense. Please note that fines may be imposed by the ACC Committee for non-compliance.

## **IV. PLANS; APPROVAL CRITERIA**

**4.1 Construction Plans.** The plans to be submitted by a lot owner to the ACC pursuant to Article II of the Covenants (CCR's) above shall contain a complete description of the planned improvements and/or activities, including without limitation a site plan; grading plan including proposed tree removal; and building plans to include floor plans, elevations, and identification of all exterior materials and colors.

**4.2 Dwelling Size.** As noted in the CCR's Article I (Please Read) with the exception of those lots which have been designated as mini-farms on the recorded plat hereinabove referred to, no building shall be erected, placed or permitted to remain on any lot other than one (1) detached, single-family dwelling, not to exceed two and one-half (2.5) stories in height, together with a porch, terrace, and either an attached garage or carport for not more than three cars or a detached garage for not more than two cars. Each dwelling constructed, erected or situated on a lot shall have a fully enclosed floor area (exclusive of any roofed or unroofed porch, terrace, garage, carport or other areas not enclosed by the main structure) which shall contain not less than 1,600 square feet of fully enclosed floor area at ground level, and in the case of two or two and one half (2.5) story buildings, shall contain not less than 1,200 square feet of fully enclosed

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floor area on the main floor at ground level. However, the ACC hereinafter provided for in this Declaration may grant variances from these square footage requirements when in its judgment the topography of a lot and the location of setback lines make it impractical or impossible to construct on such lot a building which conforms to minimum square footage requirements set out herein.

4.3 Set Back Lines. All buildings (other than stables on the mini farms) shall be at least: (a) 20 feet from all roads right of way lines; (b) 20 feet from rear lot lines and streams; (c) 15 feet from interior lot lines other than the rear lot lines; and (d) 20 feet from greenways or common areas. Separate provisions are provided for the mini farms are in the CCR's Article IV Building Location.

4.4 Roof Design and Materials. The roof pitch on the main roof of any structure must not be less than six (6) inch in one (1) foot. Shingles are to be architectural grade or better.

4.5 Siding and Block. In no event shall any vinyl or aluminum siding be placed on any building or exposed cement or cinder block be erected on any lot. Stucco will be acceptable on foundations to cover cinder block. Acceptable sidings rather than brick or stucco would be cement board, (James Hardy, Nichiha etc.) wood exterior post, and cedar siding for gable accents. NOTE: We have boring bees here and they raise havoc with wood on the exterior of your home.

4.6 Fences. In no event shall any fence be constructed in front of a house, nor shall any chain link or stockade fence be constructed on any portion of a lot. For other fence types, ACC approval is needed.

4.7 Natural Drainage. Shall not be changed without the approval of the ACC. The ACC shall not be responsible for any drainage problems affecting any lot. Be a good neighbor and don't drain on others lot.

4.8 Landscaping. Please use good judgment when planting trees and flowers. Don't over plant trees, bushes, and flowers, think of your neighbors that have views on their lots, we are all here to live a peaceful life. Landscaping does not need ACC approval.

4.8a Invasive Plant Species. Invasive plant species (both very & moderately invasive) as defined by the Transylvania County Center website, are detrimental to native ecosystem and may not be planted by Association Members on their lots. Any Association Member that has any of the invasives listed on their website <https://transylvania.ces.ncsu.edu/wp-content/uploads/2022/05/Non-Native-Invasives-in-Transylvania-County-5-2022.pdf> (tree/shrub/vine/plants) on their property is grandfathered until the invasive expires. It may not be replaced with an invasive species to protect the mountain environment.

4.8b Please maintain your property, see Article VI of the CCR's

4.8c Driveway Surfaces. The finish surface of your drive can be concrete, asphalt, brick, or stone. If stone is your selected surface, it is the responsibly of the lot owner to keep the stone off the roadway. One suggested way is to install a concrete apron at the entrance to the drive.

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4.9 Clotheslines, Garbage Cans, Tanks, Woodpiles, Etc. Article XIV. All clotheslines, garbage cans, above-ground tanks, woodpiles, and other similar items shall be located or screened so as to be concealed from view of the other lots, streets and areas in the Development outside of the lot on which such items are located.

4.10 Yard Work Article XV of the CCR's. No trees, brush, or shrubs, including, but not limited to, mountain laurel, wild azaleas and rhododendron, shall be trimmed on or removed from any lot prior to proper approval of such trimming or removal by the ACC. Trees less than 4 inches in diameter or in the approved footprint of the proposed house may be removed without ACC approval.

4.11 All must be Approved Before Commencing Work. CCR's Articles XVII-XXIV

- a) All outdoor lighting.
- b) Overhead utility lines, including lines for cable television.
- c) Window air conditioning units
- d) Exterior sculptures, fountains, flags, the American Flag is permitted.
- e) Sprinkler or irrigation systems of any type which draw upon water from wells, creeks, streams, rivers, lakes, ponds, or other water within the Development.
- f) Swimming pools.

4.12 Easements Use of and Maintenance by Owners. The areas of any lots affected by the easements reserved herein shall be maintained continuously by the owners of such lots, but no structures, plantings or other material shall be placed or permitted to remain, or other activities undertaken thereon which may damage or interfere with the use of said easements for the purposes herein set forth. Improvements within such areas shall be maintained by the owners of said improvements except those for which a public authority or utility company is responsible. If you have items or improvements on the easement, the owner is responsible at owner expense for removal if necessary.

## **V. COMMON PROPERTY**

5.1 Requested Improvements to Common Areas. Lot owners who wish to make improvements to common area adjacent to their respective lots, other than the addition of grass seeding or weeding, must obtain prior written approval from the ACC. In seeking approval, the lot owner shall provide the ACC with plans showing in detail the proposed improvements.

5.2 Maintenance of Approved improvements. Any approved improvements on common area must be maintained in an acceptable manner at the expense of the lot owner requesting the improvements and under no circumstances shall become a burden to the Association to maintain. This responsibility to maintain the improvements shall pass to any subsequent owner of the lot in question and therefore must be disclosed to any prospective purchaser of the lot in question.

5.3 Removal of Approved Improvements. If at any time and for any reason, the ACC determines that the improvements should be removed and the common area restored to its condition existing prior to the addition of the improvements, the cost of such work shall be the

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responsibility of the current lot owner, and this requirement, as well as the status of the improvements, must be fully disclosed to any prospective purchaser of the lot in question.

5.4 No Ownership by Lot Owner. The construction or addition by a lot owner of any improvements within the common area shall give such lot owner no ownership or other rights with respect to the improvements or the common area.

5.5 Road Impact Fee. The BOD on 7/19/2022 discussed the issue of the wear & tear on our roads that primarily happens during the construction of homes from heavy equipment and trucks that travel on our roads during this period. A motion was made to add a Road Impact Fee to all new construction moving forward. The motion was seconded and passed unanimously by the BOD. The fee was set and approved by the ACC committee on 7/22/2022 and has been added to the ACC Building Application. Any noticeable damage done to our roads or other common areas during construction is expected to be repaired by the owner or builder.

## **VI. CONSTRUCTION ACTIVITIES**

6.1 Construction Commencement and Completion. Prior to commencement of construction, an estimated start date and completion date must be established, and the improvements must be completed within a year. If longer time is needed because of house size, weather, etc. Please inform the ACC.

6.2 Contractor Licensing & Insurance. All contractors must be properly licensed and insured. Prior to commencing any construction activities on a lot, the owner shall be responsible for providing the ACC with: (a) the name(s) and addresses of the person(s) who will be performing the work; (b) a copy of a valid and current license(s) of the contractors; and (c) evidence of current insurance for the contractors, including a certificate of insurance if required by ACC. Owners, who wish to be your own contractor, please submitted copy of your risk insurance.

6.3 Required Permits and Code Compliance. Building permits from Transylvania County, if required, must be in place before the start of any work. The work itself must meet the appropriate electrical, mechanical, plumbing, and other building codes.

6.4 Mud Mats. During construction, lot owners must see that a gravel mud mat or similar measures are taken to prevent the transfer of mud from contractor's vehicles to adjacent roads within the Development.

6.5 Work Site. The worksite must be kept in a clean and orderly condition to minimize the impact on adjacent lots and maintain the appearance of the Development. Parking of contractors' vehicles and equipment must be on the subject lot unless otherwise arranged through the ACC. Sanitary facilities must be provided on-site throughout the period of construction.

6.6 Construction Hours. The work must be performed between the hours of 7 am and 6pm, Monday through Saturday, to minimize disturbance to other property owners and their guests. Work on Sundays needs to be approved by the ACC.

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6.7 Inspection of Work. The work site may be inspected at any time by the ACC or any member of the ACC to ensure compliance with the approved plans, any special requirements of the ACC, provisions of the Declaration, the Bylaws or laws and regulations of agencies having jurisdiction over the Development.

6.8 Encroachment of Improvements. All improvements must be contained within both the lot lines and applicable setback requirements set forth herein. Any improvements that affect or encroaches into adjacent lots, common property, or setback areas, must immediately be removed and the affected property restored to its original condition, such corrective action to be at the sole expense of the offending owner.

## VII. MISCELLANEOUS

7.1 Mini-Farm Requirements & Exceptions. Except for horses, dogs and cats, or other household pets, no animal of any kind shall be raised or kept on the property. No animals shall be raised for commercial purposes. Horses must be kept in a securely fenced area. Fencing must be approved by the Chasewood Architectural Review Committee. Any animal on the property shall be kept so as not to cause problems with insects or odor.

7.2 Property shall be limited to four horses and grazing will not be allowed on saturated soil. Pastureland must be maintained with a ground cover of pasture grass, such as fescue, bluegrass or other native grasses, with open dirt or muddy areas remediated in timely fashion. Grounds and fencing are to be maintained in neat and orderly condition (including, but not limited to, tools and equipment not stored outdoors, fencing kept repaired and painted, etc.) Development of trails are not permitted for use of motorcycles, ATVs and similar off-road vehicles. Development of pond(s) or lake(s) are subject to state and local regulations as well as the Architectural Review Committee. Blockages in drainage ditches caused by beavers, fallen trees, sediment build-up, etc., must be remediated in timely fashion).

7.3 Pre-existing Improvements. Nothing contained in these Guidelines shall imply that any improvement constructed or commenced to be constructed prior to the effective date of these Guidelines is in compliance with the Declaration or any other guideline in effect prior to such effective date. Without limiting the generality of the foregoing, the clarification or expansion herein of what improvements, or otherwise, are subject to the terms of the Declaration shall not imply that such improvements were not already governed or prohibited by the Declaration or such other guidelines.

7.4 Conflict with Declaration. Should any terms of these Guidelines conflict with any terms of the Declaration, the terms of the Declaration shall govern.

7.5 Address for Correspondence. All correspondence plans and specifications directed to the **Chasewood ACC** shall be forwarded at its official address: **P.O. Box 1536, Brevard, NC 28712**, be hand delivered or emailed to the current chair of the Chasewood ACC.

7.6 Article and Section Headings. The article and section headings contained herein are merely for purposes of reference and convenience and shall in no way modify, expand, or limit any term, condition or restriction contained herein.

7.7 Road Impact Fee. There is a road impact fee due at time of application. See details of the Impact Fee in the ACC Building Application.

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***NOTE: be sure you supply a copy of this document to your builder.***

***Reviewed and Accepted by Owner(s):***

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Lot #: \_\_\_\_\_

***Please Return a Signed Copy of This Document with Your ACC Application***