

CLOVERDALE HEIGHTS HOMEOWNERS ASSOCIATION
ARC POLICY STATEMENT
ARCHITECTURAL DESIGN GUIDELINES AND STANDARDS

Approved August 12, 2002
Amended December 19, 2004
Amended March 13, 2006

Policy stated herein, supersedes all rules, regulations, or policies approved previously by any Cloverdale Heights Homeowners Association Board of Directors concerning the matter and content of this Policy Statement. Such previously approved rules, regulations, or policies are hereby null and void. *All approved existing homeowner installations are grandfathered prior to this Policy Resolution as of March 13, 2006.*

I DEFINITIONS

- 1) **Addition** – anything attached to the dwelling that increases the overall or total dimensions of the dwelling
- 2) **ARC** – Architectural Review Committee [SEE PAGE 7 OF THIS DOCUMENT]
- 3) **DCCR** – Declaration of Covenants, Conditions and Restrictions for Cloverdale Heights
- 4) **Dwelling** – the house itself (includes attachments)
- 5) **Exterior** – external surfaces of the dwelling, to include addition(s) and outbuilding(s), etc.
- 6) **Improvement** – any permanent change of significant size and/or requiring a county building permit
- 7) **Modification** – a change to existing or proposed design
- 8) **Outbuilding** – any enclosed structure, of significant size other than landscaping, constructed and placed upon the lot not attached to the dwelling
- 9) **Permanent** – lasting or intended to last indefinitely without change
- 10) **Property** – the land, lot
- 11) **PZ&E** – the Jefferson County Planning Zoning & Engineering Department
- 11) **Repair** – maintaining existing property, dwelling, addition(s), and outbuilding(s)
- 12) **Setback** – respected mandatory space on either side of the established lot line(s).
- 13) **Temporary** – intended to last for a short time or is easily removable
- 14) **Trellis/Arbor** – a single, stand-alone-frame of open latticework used as a screen or as a support for climbing shrubs or vines, not exceeding eight feet in height or eight feet in width.
- 15) **Wading pool** - a portable play-yard pool holding less than 500 gallons of water and occupying an area of less than 75 square feet and will be stored invisibly when not in season or not in use.

II INTRODUCTION

Major improvements can have a significant impact on the appearance of the original building and on neighboring property. The ARC will be sensitive to this fact in making its decisions regarding the improvement. The ARC follows the guidelines contained herein when making a decision on approval for requested improvements. In the event that compliance design circumstances prevent approval by the ARC, the homeowner may appeal to the HOA Executive Board for reconsideration. If necessary the Executive Board will consult with PZ&E to confirm compliance with county regulations. Approval(s) and/or disapproval(s) may be based upon those final guidelines. If the result is disapproval, the homeowner will be provided with a complete explanation in writing.

Pertinent excerpts from PZ&E regulations are included as an Attachment to this document.

III REQUIREMENT

All new construction and exterior modifications to a home or lot, excluding landscaping (see Section XVI), must first be reviewed and approved in writing by the Architectural Review Committee (ARC).

IV STANDARDS

Houses in Cloverdale Heights shall reflect designs that are cohesive, consistent and properly proportioned in keeping with existing architectural styles. Architectural elements taken from several different styles may not necessarily be appropriate when incorporated into the same house. Modifications must be harmonious in color, form and proportions to the existing surroundings. The ARC evaluates proposed house constructions and/or modifications with this in mind. The ARC shall also consider the opinions of homeowners immediately adjacent to the applicant's property if proposed modifications/improvements warrant it.

V TIMELINE SCHEDULE

To facilitate the approval process, and to provide a thorough and timely response to requests for architectural improvements, home owners are urged to submit in writing items for review a minimum of thirty (30) days prior to expected commencement of work and at least ten (10) days prior to a regularly scheduled HOA Board meeting. An ARC reply will be given within thirty (30) days of receipt of proposal. Approved projects must be completed within six (6) months from date of approval.

VI APPROVAL

ARC approval only applies to permission to construct or modify structures in Cloverdale Heights. The property owner is responsible for additional compliance with all Federal, state and/or local code, any required permits, construction, maintenance and insurances.

VII DISAPPROVAL

Applicants are encouraged to work with the ARC to resolve any objections to a submission. If there is failure to resolve the objection, the applicant may appeal the decision of the ARC by filing a written notice of appeal with the HOA Executive Board within ten (10) days of the rejection issuance. A Hearing will be scheduled within thirty (30) days of the board's receipt of an appeal hearing request.

VIII DEVIATIONS

Any deviation from approved plans, or schedules, must be re-submitted to the ARC for approval. (see DCCR Section 10.1.19)

IX NON-COMPLIANCE

(a) Failure to obtain the necessary prior approvals or non-conformance to the approved plans or schedule constitutes a violation of the Bylaws and/or DCCR and may require modification or removal of unauthorized work at the expense of the homeowner.

(b) An owner who does not obtain the required written authorization prior to the start of a project will be issued a stop work order to remain in effect until the matter is resolved and a Hearing is scheduled as outlined in the DCCR Article XXII

(c) An owner in violation will be dealt with as follows:

1. Notified in writing with a stop work order by ARC within five (5) business days of the observation of the violation.
2. A hearing is scheduled and convened within thirty (30) business days of receipt of the notification.
3. When necessary, HOA Board issues fines. Fines are due and payable on notification of the fine. Late payment schedules will be applied as appropriate.

X ADDITIONS – ATTACHED

(a) A design of the addition must be compatible in scale, massing, roof pitch, character, materials and color with the original house.

(b) Changes in grade or drainage resulting from the addition must not affect adjacent property, and should be shown on the site plan.

Application to the ARC must include:

1. A complete description of proposed addition;
2. A detailed sketch or copy of the record plat, showing the location of the proposed addition, the existing house and the setbacks from all property lines;
3. Detailed construction elevation drawings for front and side views;
4. A photograph of the existing house and site conditions before the proposed change(s).

XI OUTBUILDINGS

(a) The design of the outbuilding must be compatible with design of the dwelling and match the existing color scheme of the dwelling. If (due to the slope of the land at the selected position of the shed or for any other reason) the shed is mounted above the ground, a skirt of acceptable design must be placed around the shed bottom so that the empty space beneath the shed cannot be seen. Changes in grade or drainage resulting from the addition must not affect adjacent property, and should be shown on the site plan. Setback requirements must be consistent with both DCCR and Jefferson County regulations. No more than two (2) outbuildings will be allowed on any Lot.

Application to the ARC must include:

1. A complete description of proposed building;
2. A detailed sketch or copy of the record plat, showing the location of the proposed outbuilding, existing dwelling, and the setbacks from all property lines;
3. Detailed construction elevation drawings for front and side views.

XII DRIVEWAYS, PARKING PADS, AND SIDEWALKS

(a) Adding or improving may be done only where it and its use will not affect adjacent property, natural areas or drainage. Driveways are not subject to the 12 foot setback requirement. The ARC will consult the Board if a setback of less than 3 feet is requested.

(b) Enlarging and adding must be done with the same material.

Application to the ARC must include:

1. Complete description of proposed work;
2. Detailed sketch, or copy of the record plat, showing the location of the existing dwelling and driveway and the proposed changes showing the dimensions and distances from property lines;
3. A grading plan if the existing grading is changed;

XIII FENCES

(a) All fences must be approved prior to construction. The fencing section covered in the DCCR Article X, Section 10.1.17 relates to fencing in the property. No fence is permitted except those constructed of board, stone, hedge, wooden picket, or split rail. The fence is to be placed along the back property line, along the side

property lines to points not to exceed the rear building line, and across the lot from said points to the rear corners of the dwelling.

(b) Privacy fences are permitted around the perimeter of swimming pools and tennis courts. The maximum perimeter distance from the edge of the pool or court is twenty (20) feet.

(c) Any landscape fence must conform to typical fencing, with the following exceptions:

1. A landscape fence is not continuous, one section of fence (maximum of eight (8) feet in length) or two sections forming a corner (maximum of eight (8) feet in each direction) may be placed at the rear of the building line without having to conform to the property line requirements.

(d) No fence of any style or name may exceed six (6) feet in height. [see PZ&E attachment]

(e) The owner shall keep the fence in good repair. The owner shall keep the lawn trimmed on both sides of the fence and fence posts, except for a fence on a property line coinciding with a boundary of Cloverdale Heights and that restricts visibility of the adjacent property.

(f) Any other fence may be constructed with approval from the HOA Executive Board.

XIV PAINTING, STAINING, EXTERIOR COLOR CHANGES

All exterior color (or material) changes on a dwelling or other previously approved structure must be submitted in writing to the ARC for approval. Generally, the ARC is agreeable to colors that create a subtle, traditional effect that is harmonious and complementary to the surrounding homes in the community. No request for approval is needed to re-paint any exterior with existing colors.

Application to the ARC must include:

1. Complete description of proposed work;
2. Sample of proposed new colors and existing paint colors to be retained.
3. An illustration showing all surfaces to be painted or stained.

XV SWIMMING POOLS AND HOT TUBS

This section applies to both in-ground and above-ground swimming pools and all exterior hot tubs. Wading pools are excluded. Swimming pools and hot tubs must be approved prior to construction.

(a) Swimming pools may be only located to the rear of rear building line of the dwelling

(b) Mechanical/electrical components must be enclosed or hidden from view

(c) Placement of swimming pools shall not alter natural drainage or drainage easements.

Application to the ARC must include:

1. Complete description of proposed work;
2. Site drawing/plan showing the location of the proposed swimming pool or hot tub, pool equipment, decking, fencing, other lot improvements, and property lines.

XVI MISCELLANEOUS

Landscaping includes ground level modification such as shrubbery or flower beds, common bushes, and trees. Landscaping may also include raised shrubbery or flower beds in height no more than two (2) feet. Landscaping may also include one trellis or arbor not exceeding eight (8) feet in height and eight (8) feet in width. A trellis or arbor must satisfy the DCCR twelve (12) foot setback requirement. Any landscaping exceeding this description must be submitted to the ARC for approval. When in doubt, contact the ARC for advisement.

No provision contained in this Policy Statement for Construction and Improvements of Property in Cloverdale Heights shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches that may occur.

Certified to be Policy duly adopted by the Executive Board of Cloverdale Heights Homeowners Association, Inc. on August 12, 2002; amended December 19, 2004; amended March 13, 2006.

2005-2006 Secretary [signed - Nance L. Briscoe] March 13, 2006
2005-2006 President [signed - Joseph W. Stone] March 13, 2006

NOTE: This policy-guideline has been provided to all members of the Cloverdale Homeowners Association; Inc. Copies can be requested at no charge by contacting the HOA Board.

ATTACHMENT

Extracted by Permission from PZ&E Regulations-Ordinances

Planning Zoning & Engineering Department
104 Washington Street – Charles Town – WV 25414
TEL: (304)728-3228 E-mail: dpze@jeffersoncountywv.org

SUBJECT TO CHANGE BY PZ&E

Dwelling Unit – One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and containing independent cooking and sleeping facilities.

Improvements Modifications – to land which increases its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains, sidewalks, street signs, modifications to watercourses, water supply facilities, sewage disposal facilities, and park and recreation equipment.

Landscaping, Screening and Buffer Yard Requirements – any lot with a residence shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. [Section 4.11(a)]

Plat – a scaled, graphic drawing of a land subdivision project prepared according to the provisions of this Ordinance [PZ&E]. A plat depicts the design and layout of project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

Property Line – exists between/around lots - Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.

Repair – includes the following: replacement of same size (+ - 35%) porches, awnings, decks roofs, overhangs, patios, or any other similar construction as approved by the Zoning Administrator. Additional acreage shall not be added to enlarge any nonconforming use unless that use completes the Development Review System.

Distance – [PZ&E Section 9.6] (a) The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet. (b) In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.

Fences – Ordinance Section 9.5 (b) Fences and walls over six (6) feet in height shall meet building lines and yard requirements. **An Improvement Location Permit [from PZ&E] is required before construction.** Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection.

Filing the Application [PZ&E Section 7.4(a)] – The owner or the owner's agent proposing to develop land that is not a principal permitted use in the district where it is located shall consult with the Department of Planning, Zoning and Engineering. Fifteen (15) copies of a sketch plan detailing the project shall be submitted with an application and fifteen (15) copies of the support data that will enable the project to be evaluated by the Development Review System, at least ten (10) days prior to the scheduling of a Compatibility Assessment

Meeting. The Compatibility Assessment Meeting will occur within thirty (30) days from the date that the Compatibility Assessment Meeting was scheduled by the staff. This time frame allows the Staff ten (10) days to review the application for completeness and collect the application fee before the Compatibility Assessment Meeting is scheduled and provides time for the adjacent and confronting property owners to review the application and receive any technical advice they would like to secure before the meeting. Copies of the application, sketch plan, and development review data shall be available for public review in the Planning Office at such time as the proposed development is advertised in the newspaper.

Deviation / Variance – A variance is a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE APRIL 8, 2005 AT 5:00 P.M.]



Homeowners Association, Inc. - 209 Cloverdale Road - Charles Town - West Virginia 25414

ARCHITECTURAL REVIEW COMMITTEE

NOTE: this form is completed by the Chairman of the ARC and is preserved as a matter of HOA Record relative to the Owner & Lot within Cloverdale Approval / Disapproval

LOT NUMBER:	Homeowner: (first, last & telephone)
Type of Improvements: (Circle the correct choice or fill in "other")	
Porch Storage Building Patio Deck Pool Fence Attached Garage	
Other:	
Date Plans Submitted:	Date Plans Reviewed:
Date Plans Approved:	Conditions of Approval if Required
Date Plans Disapproved:	Reason(s) for Disapproval:
Date Construction Started:	Contractor:

COMMENTS:

 2010-2011 ARC Representative
 Rob Rog'er, Committee Chairman
 (304) 725-5886
 E-Mail: rproger@citlink.net and robert.roger@jhuapl.edu

 Date: