

# Chestnut Hills Community Association, Inc.

## *Architectural Control Standards*

### **What are the Covenants and the Architectural Review Committee?**

You should have received a copy of the Association's Bylaws and Covenants at the time of the settlement on your property. They were created to protect the value of your investment in your home. We trust that you took time to read and understand them and that you refer to them from time to time to reinforce your memory of them. Covenants assure the residents of certain minimum standards for land use, architectural design, and property maintenance throughout the neighborhood. They "run with the land" as part of your deed of ownership.

Observance of the Covenants is entrusted to the Architectural Review Committee (ARC). The Chestnut Hills Community Association's Board of Directors appoints volunteer members to the Committee. These volunteers are residents of Chestnut Hills Community Association, Inc. (Any residents interested in serving on this Committee should contact a member of the Board of Directors or the management office.) This practice assures that the control process is in the hands of your elected representatives and their appointees.

The Covenants provide that alterations or additions to your property must be approved by the Architectural Review Committee. The approval process and the standards to be applied by the ARC are detailed below. The standards represent the Architectural Review Committee's interpretation of the covenant. They are based upon the practices of review committees and understanding of the evolution of construction materials and practices. They do not anticipate every question or issue and, therefore, are not intended to be inflexible. The standards have been discussed with the Board of Directors; the document, however, is a working document of the ARC. The Chestnut Hills Community Association employs a professional property manager who is available to assist you in the preparation of the Architectural Control Application and also to receive questions and complaints on architectural and maintenance matters.

### **What is the process?**

#### **If necessary, apply for a building permit.**

County building permits are required for certain alterations/improvements, such as decks, porches, additions, etc., to ensure construction is within building/safety codes. A discussion of permits and building codes is beyond the scope of this document; therefore, we advise homeowners to contact the Allen County Building Department at 449-7131 before finalizing plans and completing an Architectural Control Application. The department can tell you if you need a permit, provide reference sheets of design requirements, and explain exactly what drawings and the number you will need to obtain the permit(s). ARC approval means that your proposed alteration/improvement meets the intent of the Covenants; ARC approval does not guarantee County acceptance of your design or that your proposal is within County building codes. Likewise, County approval does not guarantee the ARC's approval.

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### **Plan and design**

The following sources are available to assist you in the design and approval process:

- Covenants and Restrictions
- This policy statement
- The property manager
- Any member of the ARC
- For improvements requiring permits, Allen County Building Department @ 449-7131

### **Complete and submit an Architectural Control Application to the Property Manager**

Obtain an application from the property manager or the management's website ([newcombgroup.us](http://newcombgroup.us)). Fill in the entire application and attach all information required by the instructions. (Applications without all required information are automatically denied by the ARC, unless the applicant is present to discuss and clarify.) Return the completed application to the property manager.

### **Review by the Architectural Review Committee (ARC)**

Your application is normally reviewed at the first ARC meeting following receipt. There are three (3) possible outcomes:

- Your application is approved.
- Your application is denied.
- Your application is postponed, pending additional review.

The most likely reason for postponing action is because a proposed improvement is unusual or outside the architectural standards, requiring a variance to be granted. In these circumstances the ARC may determine it must visit the property prior to rendering a decision.

### **Report of the ARC's decision**

The ARC will report its decision to the property manager, and the property manager will send the approved document to the property owner.

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### **Frequently asked questions**

#### *What if I disagree with the Architectural Review Committee?*

An aggrieved party may appeal a decision of the ARC to the Board of Directors.

#### *Is compromise possible?*

While the process described above seems complex and rigid, it works because of the interest and cooperation of our residents and those who work on the ARC and the Board of Directors. At every step, efforts are made to reach compromises, where necessary, to ensure a speedy and satisfactory approval of your application.

#### *What if I don't wait for my application to be approved?*

If you begin alterations without first obtaining approval of your plans, you do so at your own risk. If you fail to submit an application, or if your application is turned down or modified, you may face the cost of removing the alteration and possible costs of litigation. The Covenants provide a means for placing these costs as a lien against your property. These circumstances may also arise if your property has been altered without approval before you purchased it. In such cases as those above, every effort will be made to work out a reasonable solution to the problem.

#### *What is the process for Covenant enforcement?*

Enforcement of the neighborhood covenants is the job of every resident, but the routines are carried out by the ARC and the Association's Board of Directors. When architectural complaints are brought to the attention of the ARC, they are investigated as promptly as possible. If a complaint is found to be valid, the property owner is contacted formally and asked to correct the problem. Our experience is that most problems are resolved at this stage. Should the property owner still fail to act after the expiration of the grace period, the ARC may refer the case to the Board which may vote to initiate action in court at the owner's expense. All costs at this stage are chargeable against the property owner as a lien on the property.

#### *How closely must I adhere to the Architectural Standards?*

The Covenants give the ARC the responsibility to set rules and procedures for architectural control and the authority to interpret the Covenants and allow exceptions to their restrictions. The architectural standards should be understood as guides to be used by residents in preparing an application for exterior alteration. Based upon the policies and previous decisions of the ARC, they will tell you what is most likely to be approved in typical circumstances and also give you important information on how to prepare your application.

Special circumstances regarding your property may allow the approval of an application which might be denied at another location or the denial of one which might have been approved elsewhere. The fact that your plan has been approved for use at another location does not mean that it is automatically approved for you.

The members of the ARC and the Board of Directors, in the final analysis, need your help and cooperation in every facet of our work.

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### *What is a “structure”?*

“Structure” shall be defined as any building or portion thereof, wall, fence, pool, shed, deck, swing set, pavement, driveway, or appurtenance to any of the aforementioned and similar structures.

In other words, the architectural control policy applies to all structures. Specifically, no structure, modification, or addition to a structure shall be erected or externally improved on a lot until the plans and specifications, including elevation, material, color and texture, and site plan showing the location of all proposed improvements, with grading modifications, if any, are filed with and approved in writing by the ARC.

Specific standards are found in this policy document. For example, no alterations, additions, or improvements shall be made to any garage which would defeat the purpose for which it was intended. And, all proposed swing sets, decks, and protruding structures must be located behind the dwelling.

## **Architectural Standards**

### **Fences**

Overuse of fencing, especially privacy fencing, is ultimately unattractive, often not neighborly, and compromises the beauty of the neighborhood. We encourage the maintenance of as much open lawn space as possible. Our objective is a tasteful and orderly appearance.

All perimeter or barrier fencing designs must consider the following:

- Fences, which must be open style, may be aluminum, cast iron, appropriate PVC/vinyl, or commercial grade wood. The height of fences shall not exceed six feet, and privacy fencing should, where practical, be natural. Chain-link and other metal or wire fences are specifically prohibited. The ARC will not approve construction or modification of any fence that, in the ARC's sole opinion, would create a sight obstruction of any lake or golf course view or a safety hazard on any street. Fence posts must either be integral with the fence or face the interior of the fence; external fence posts are prohibited. Fences shall not extend forward of the back line of the home except for an extension needed to encompass a garage service door. Only one fence is to be put on a common property line. Adjacent neighbors shall be permitted to tie-in to existing fences to preclude two (2) fences along the common property line. Fences must be maintained in a high state of repair.
- A complete application is required for ALL fences. The application must include the following:
  1. A drawing of the lot showing the placement of the home and lines indicating where the fence is to be installed (including all dimensions).
  2. Physical characteristics of the fence to include: style, building materials, height, and color.
  3. Indication of where gates will be located. Gates should complement the fence material in style, color, and height.
  4. Indication of the type, location, and color of any adjacent neighbor's fence.

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### **Awnings, Trellises, Pergolas, and Similar Structures**

Sun control structures must be compatible with the architectural character of the home in terms of style, color, and materials; they must be consistent with the visual scale of the home; and they must not adversely affect sunlight or natural ventilation of adjacent properties.

For sun trellises, pergolas, and similar structures commercial grade wood is the preferred material.

Awnings must be made of a straightforward design in canvas, vinyl, or commercial grade wood. Awnings with pipe frames should be painted to match the dominant color of the home. In addition, if an awning with pipe framing is removed, the frames must also be removed.

A complete Architectural Control Application is required and must include locations, dimensions, style, color and description of material to be used, detailed drawings of awning(s) or trellis(es), or pergola(s), etc., and a description of method to support an attachment to the structure.

### **Basketball Hoop and Backboard--Portable and Permanent**

Basketball posts and goals must be free-standing (not attached to the home, garage, or roof), constructed of commercial grade materials, and located no more than twenty (20) feet from the home. If located at the driveway, the backboard must be perpendicular to the street. Portable basketball goals should be stored (preferably in the garage) when not in regular use and not left in plain view from the street. No basketball hoop and backboard shall be erected next to the curb on any road right of way nor should any portable hoop be placed in the street.

### **Free-standing Poles**

No clotheslines, clothes poles, or any other free-standing, semi-permanent poles, rigs, or devices, regardless of purpose, shall be constructed, erected, located, or used on any lot, except that one flag pole for the sole purpose of displaying the American flag may be erected subject to approval by the ARC.

### **Driveways**

No application is required for replacement of an existing driveway unless the owner plans to change the materials, size, shape, or grade. An approved application is required for any new driveway construction, including expansion. The completed application must include:

1. Site plan with dimensions showing the relation to existing structures, trees, and property lines.
2. Proposed changes in grade (please note that care must be exercised in any drainage change).
3. Assurance that the configuration of the driveway will not allow a parked vehicle to extend into or overhang a public sidewalk or street.

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### **Gazebos**

Gazebos must be open on all sides and no privacy screening of the structure will be permitted. Gazebos may not exceed one hundred forty-four (144) square feet in area. The floor may not exceed one (1) foot above the ground or deck floor, and the wall height may not exceed eight (8) feet. If a gazebo is constructed as part of a deck, the construction and finish should match the deck. Gazebos must be located to the rear of the home. Gazebos must be located at least ten (10) feet from adjacent property lines. A full application is required and must include:

1. A site plan showing the relationship of the gazebo to the adjacent homes and property lines.
2. A picture and/or detailed drawing of the gazebo, including dimensions.
3. A description of the material to be used.
4. A description of the color of gazebo and house.

### **Grills--Permanent**

An application is required for permanent grills. Permanent grills should be placed behind the rear line of the house and should not be placed within (10) feet of the side and rear property lines. The application must include:

1. The dimension of the permanent grill.
2. A site plan showing the location of the permanent grill.
3. A description of the materials and colors to be used.

### **Lawn Ornaments and Embellishments**

Lawn ornaments and embellishments over two (2) feet in height must be submitted for approval and must be located in the rear yard.

All lawn ornaments and embellishments two (2) feet in height and under must be in keeping with the architectural and aesthetic character of the neighborhood. This includes patio, porch, and outside step ornamentation.

Temporary decorations for holidays and special occasions do not require a formal application. They may be displayed for a period not to exceed ten (10) weeks. After that time, all temporary decorations shall be removed.

### **Lighting**

The replacement of an existing light fixture, if accomplished with a reasonable match to the old fixture, does not require approval from the ARC. If a change in size, style, shape, color, or positioning is desired, or if additional light fixtures are to be installed on existing or new structures, an application is required.

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Further, no exterior lighting may shine on adjacent properties or public spaces and should be aesthetically planned for each location.

Flood lights and various types of high output lights fall under the category of security lighting. Exterior lighting of this type must be considered more carefully because of the impact on neighboring properties. Light fixtures of this type should be carefully aimed so that they illuminate only a specific area such as a doorway. Some high output light fixtures may have to be shielded in a manner similar to some streetlight installations to prevent unwanted or excessive intrusion of light from one property to another.

Permanent lighting and wiring requires a full application.

Temporary lighting for decoration, holiday, and festival use does not require a formal application. Holiday lighting may be operative for a period not to exceed ten weeks. After the period of use, all temporary lighting and decorations shall be removed.

Bug lights must be portable and kept ten (10) feet from the property lines.

Property owners are strongly advised to engage one of the utility locating services to identify existing utility lines before initiating any digging to install new lines.

### **Major Building Additions**

- Major building additions include but are not limited to porches and rooms. The design of major additions must be consistent with the existing shape, style, and size of the home in the following ways:
- Siding, roofing, and trim materials must be the same as, or compatible with, the existing materials of the home in color and texture.
- Windows and doors must be compatible with those of the existing home in style and color. These should also be located on walls that are the same height as those of the existing home and trimmed in a similar manner.
- Roof eaves and fascias should be the same depth, style, and approximate slope as those of the existing home.

The following conditions shall determine the approval of new addition locations:

- New additions must not create situations in which adjacent neighbors will have difficulty adding to, modifying, or maintaining their existing home.
- Additions should not significantly impair the view, amount of sunlight, or ventilation of adjacent homes or the public's use or enjoyment of open spaces.
- The windows, doors, or viewing areas from additions should not infringe upon existing internal or external private areas of adjacent homes.
- Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.
- Any addition must meet county setback requirements.

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Applications must include:

1. Site plan showing relationship of new and existing construction to property lines and adjacent homes. Size and location of trees in affected areas on the site should also be included.
2. Drawings, to scale, of the new construction, including a plan view and elevation views of each new exterior wall area. These should show dimensions and locations of such features as doors, windows, roof lines, trim, and new exterior lighting fixtures.
3. Description of materials, including type of siding materials, roof materials, trim materials, and their colors.

### **Patios, Decks, and Walkways**

This guideline refers to any new or expanded patios, decks, and walkways, or to any material changes in existing patios, decks, and walkways. All new materials should be of a simple material and neutral in color, such as natural concrete, stone, or clay brick, and treated wood.

- Decks and patios may be constructed of treated wood, masonry, stone, vinyl, composites, and concrete, providing that the color and texture of the materials harmonize with the adjacent structures. Decks must be stained or painted to complement the home. All hardware must be galvanized.
- Decks and patios must be located to the rear of the home.
- The height of the deck or patio must be limited to the finished floor line single-story home or the second story finished floor line two-story home.

An application is not required if a patio, deck, or walkway replaces an existing structure with identical material similar in color and textures. However, an application is required for all other patios, decks, and walkways.

The following conditions shall determine the approval of new patios, decks, and walkways:

- The plan shall not disturb existing contours. Terracing to follow existing land contours should be limited to small increments or railings should be provided.
- The structure shall be located to provide reasonable visual and acoustical privacy for both applicants and their neighbors and utilize screening or plantings to this end.

Applications must include:

1. A site plan with dimensions showing new and existing walkways, decks, or patios in relation to existing homes, trees, and lot boundaries; and, further, a planting plan to screen the base of the deck.
2. A list and description of materials to be used, including color sample of paints and stains.
3. A project plan showing elevations and dimensions.
4. Description of proposed lawn contour changes, plantings, screening, rails, benches, new exterior lighting, etc.

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### **Plantings and Trees**

Applications are not required for foundation plantings, trees, or single plantings. However, a complete application is required for hedges. A hedge is defined as a row of bushes or low trees planted closely together to form a boundary. In the event that either landscaping or the planting of trees and shrubs might block lake views or golf course views or cause traffic hazards, the ARC's approval will be required. In addition, no landscaping design may be commenced that would cause water run-off to flood a neighboring lot.

### **Private Pools and Hot Tubs**

Private pools and hot tubs are generally not acceptable because there are very few locations in residential areas where they can be placed without affecting adjacent properties. As well as affecting views, pools and hot tubs may create safety, noise, and lighting problems. Therefore, above-ground pools are not permitted, and any exterior gate to the fence enclosing a pool must have child-proof latches. Hot tubs located exterior to a home must be integral with an aesthetically appealing deck and not be visible from any street.

A complete application must be filed for in-ground pools and hot tubs. A county permit is also required for an in-ground pool.

The following conditions shall determine the approval of private pools and hot tubs:

- The proposal shall provide for privacy screening upon completion of the pool or hot tub.
- The size of the hot tub or pool shall be within the size of the maximum area of enclosure permitted for privacy screening.
- Fences shall be of an approved type.
- The proposal shall consider the impact of required privacy screening on open space and must be carefully related to adjacent property.
- The proposal shall provide for safety within the pool or hot tub areas and control of the impact of increased noise levels on adjacent properties.

Applications must include:

1. A site plan showing the location and dimensions of the pool or hot tub, other related equipment, fences, etc., in relation to the applicant's home, property lines, and adjacent homes.
2. Detailed drawings and plans of the pool or hot tub, deck areas, lighting arrangements, walkways, fences, etc., and pertinent information concerning water supply system, drainage, and water disposal system.
3. A planting plan for privacy.

### **Communication and Solar Equipment**

Free-standing radio and television antennae and satellite dishes or disks are prohibited.

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No radio and television antennae with more than twenty-four (24) square feet of grid area or one that attains a height in excess of six (6) feet above the highest point of the roof of a home shall be attached to a home.

No satellite dish or disk in excess of twenty-four (24) inches in diameter shall be permitted on any home. However, one satellite dish or disk of less than twenty-four (24) inches in diameter may be attached to a home (not free-standing) in a manner and position approved by the ARC.

A dish or disk not in service, including the supports, shall be removed.

Solar equipment is prohibited by the covenants.

### **Dwelling Exterior**

Within sixty (60) days of original occupancy of a new home, the exterior of the home shall be finished including, but not limited to, siding, masonry, driveway, concrete flatwork, sidewalks (if needed), and required deck(s). Exterior additions, changes, or alterations to any home shall not be commenced, erected, or maintained until plans and specifications showing the nature, kind, shape, height, materials, and location are properly submitted to and approved by the ARC in writing as to the structure's harmony of external design and location in relation to surrounding structures and topography in the Chestnut Hills community. Front elevations must be of brick, masonry, or wood. No roll siding, asbestos siding, siding containing asphalt or tar as one of its principal ingredients may be used in the exterior construction of any structure on any lot. No roll roofing of any description or character may be used on the roof of any structure on any lot.

### **Fireplace Wood**

Firewood must be placed adjacent to the dwelling behind a visual barrier screening this area so that it is not visible from neighboring streets or the golf course.

### **Swing Sets, Sandboxes, and Play Houses**

Playground sets require the ARC's approval and are permitted only in backyards and at a location approved by the Committee. Playground sets must not be located on common ground or outside lot boundaries. A minimum of fifteen (15) feet inside the lot boundary must be maintained in placing the structure. Maximum height permitted is eight (8) feet, and the maximum length permitted is twenty (20) feet. Playground sets must be of heavy, wood construction, earth tone in color, and maintained in a high state of repair. Although some plastic or metal accessory parts--a slide for example--may be approved, any playground equipment made either exclusively or primarily from plastic, vinyl, or metal is prohibited for exterior use.

A complete application is required and must include:

1. Color and materials.

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2. A site plan with dimensions showing the location of the play equipment relative to applicant's home, property lines, and neighboring houses.

3. A picture or sketch of the equipment showing dimensions.

Sandboxes do not require the ARC's approval as long as they do not exceed twenty (20) square feet and one (1) foot in height. They must meet the location criteria stated above for playground sets.

Playhouses are not permitted.

### **Signs**

No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than five (5) square feet advertising such Lot for sale, or signs used by a builder to advertise such Lot during the construction and sales period, and per (Indiana) Senate Enrolled Act 64, a reasonable number of political signs commonly displayed during election campaigns beginning thirty (30) days before and ending five (5) days after polling day

### **Nuisances**

Homeowners are responsible for controlling family pets, picking up excrement, and proper disposal of such.