

Copper Hill Community Association Architectural
Guidelines
Amended - December 2020

What are the Covenants and the Architectural Control Committee?

The Covenants were created to protect the value of your investment in your home. We trust that you took time to read when you bought your home, understand them and that you refer to them from time to time to refresh your memory. The Covenants assure 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**.

The Covenants also provide that alterations or additions to your property **must** be approved by the Architectural Control Committee (ACC). The Copper Hill Community Association's Architectural Committee is volunteer members. These volunteers are residents of Copper Hill Community Association, Inc. This practice assures that the control process is in the hands of your elected representatives and their appointees. In essence, all changes, whether permanent or temporary are subject to review and approval by the ACC.

These Guidelines serve as a general basis of decision when homeowners request to change or add to the exterior appearance of **homes and lots** within Copper Hill and The Village of Copper Hill. The review process is not only limited to major additions or alterations, such as adding a room or deck, but also includes items such as changes in color of structure and landscaping. Other aspects that will be considered are: (1) will the change infringe on a neighbor's “right to enjoyment”? and (2) will the change preserve and/or enhance property value? Each request will be reviewed on a case-by-case basis.

The approval process and the standards to be applied by the ACC are detailed below and in the Covenants. In addition, the Copper Hill 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.***

City/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 that it is their responsibility to contact the appropriate City of Fort Wayne or Allen County department **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). AC approval means that your proposed alteration/improvement meets the intent of the Covenants; AC approval **does not** guarantee County acceptance of your design or that your proposal is within City/County building codes. Likewise, City/County approval **does not** guarantee the AC's approval.

• ***If necessary, apply for utility easement waivers.***

It is the responsibility of the homeowner to be aware of utility easement areas and to seek appropriate waivers from utility companies. The AC assumes no responsibility for easement encroachments by homeowners.

• ***Plan and design***

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

- Covenants and Restrictions
- Architectural Guidelines
- The property manager
- Any member of the AC
- For improvements requiring permits, contact the appropriate City of Fort Wayne or Allen County department.

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

- Obtain an application from the property manager or the Association's website.
- Complete the entire application and attach all information required by the instructions.

Applications must contain:

1. A description of the proposed change, a schematic diagram, and, if applicable, color samples.
 2. Marked copies of the plat (surveyor's map of your lot) showing the location of changes/improvements in reference to plot side lines, the street and dwelling.
 3. Product brochures or websites can be attached.
- Return a copy of the completed application to the property manager by email, mail, or in person.
 - Applications must be submitted 30 days prior to commencing any work.
 - Construction/proposed changes must begin within 6 months of ACC approval. Otherwise, the application must be updated and resubmitted.
 - Construction/proposed changes must be substantially completed within 12 months of the work commencing.

- ***Review by the Architectural Control Committee***

The ACC will review your application to identify any significant omissions and will contact the homeowner, if necessary, to clarify.

There are three (3) possible outcomes:

- Your application is approved.
- Your application is denied.
- Your application is postponed, pending additional review.
 1. One reason for postponing action is because a proposed improvement is unusual or outside the architectural standards, requiring a variance to be granted and discussion is needed within the committee.
 2. The ACC may determine it must visit the property prior to rendering a decision.
 3. More information is needed.

- ***Report of the ACC's Decision***

The ACC or the property manager will communicate approval/disapproval to the homeowner in writing or email.

- ***Right of Waiver***

Based on the Covenants and taking into consideration the best interest of the Association, the Board of Directors and/or the Architectural Control Committee have the right to reverse decisions made by previous Board/Committee members.

- ***Disclaimer***

Neither the Association nor the property manager assume liability for any architectural change and, by said approval, do not waive any of their rights granted via the Protective Restrictions and Covenants.

No work may begin without prior written approval by the ACC!

Frequently Asked Questions

What if I disagree with the Architectural Committee?

An aggrieved party may appeal a decision of the ACC 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 ACC 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. 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 ACC and the

Association's Board of Directors. When architectural complaints are brought to the attention of the Board of Director or ACC, 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 ACC may refer the case to the Board which may vote to *initiate action in court*.

How closely must I adhere to the Architectural Standards?

The Covenants give the ACC 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 ACC, 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 ACC and the Board of Directors, in the final analysis, need your help and cooperation in every facet of our work.

Architectural Standards

• Exterior Changes

Anything contained in the Copper Hill covenants that pertain to erection of building or exterior additions or alterations to any building situated on any lot, the erection or changes or additions in fences, lot grades, hedges, walls and other structures shall be commenced, erected or maintained until a preliminary sketch showing the basic plan and general specifications of the provisions have been submitted to and approved by the Architectural Control Committee. The Committee has the option to request further information or modification or the submitted plans. The Committee will respond in a reasonable time with approval or denial.

• Exterior Construction

- All front elevations except soffits and gutters are recommended to be of a natural material (i.e. - wood, brick, stone, plank, etc.). The use of Hardi-plank, Cement Fiber Siding (plank or shingle), Brick Veneers, aluminum, steel or vinyl siding, polymer based siding or similar non-natural material may be considered on a limited basis to highlight or compliment the natural material on front elevations. The non-natural material must have the appearance of natural material and be of a substantial and long lasting nature. The non-natural material may be fiber-cement based, polymer based or other similar product as long as it gives the impression of natural material and is consistent with other dwellings in the neighborhood. When non-natural materials are used a complete listing of information must be submitted for evaluation. Products such as OSB, composite, plywood or masonite will not be permitted.
- If it becomes necessary to replace "hard material" (brick, stone, etc.) on the front view of a dwelling, it must be replaced by another "natural material".
- ACC approval must be obtained prior to changing the color and/or texture of any externally visible finishes including roofing, siding, trim, doors, and shutters. Color samples must be included with the Architectural Control Application.
- Rolled roofing is not permitted.
- Proposed changes must be consistent and visually compatible with the neighborhood. Color selections from the original development's color scheme are most likely to meet approval.
- Repainting with a matching color **does not** require prior approval by the ACC.

• Major Building Additions

Major building additions include but are not limited to decks, 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 and be compatible in with other homes in the area. Newer-style metal roofing may be considered, on a case-by-case basis, and must be pre-approved by the Architectural Committee.
- 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 fascia should be the same depth, style, and approximate slope as those of the existing home.
- Deck flooring and railing must be constructed of wood/wood substitute. Decks may be stained or painted in a color as approved by the Architectural Control Committee.
- The following conditions shall determine the approval of new addition locations:
 1. New additions must not create situations in which adjacent neighbors will have difficulty adding to, modifying, or maintaining their existing home.

2. 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.
 3. The windows, doors, or viewing areas from additions should not infringe upon existing internal or external private areas of adjacent homes.
 4. Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.
 5. Any addition must meet City/County setback requirements or easements.
- 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.

- ***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 preferred. Awnings must be traditional in design, canvas or vinyl. If an awning with pipe framing is removed, the frames must also be removed. Any awnings, pergolas or similar structure must be attached to the house. No free standing structures such as gazebos are acceptable under the covenant regarding no free standing outbuildings or structures.

Location, dimension, style, color, description of material to be used, detailed drawings of awning(s) or trellises, or pergola(s), etc., and a description of method to support an attachment to a structure must be included in the Architectural Control Application.

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

Basketball hoops and backboards must be constructed of commercial grade materials, and located no more than twenty (20) feet from the home. 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.

- ***Antennae and Communication Equipment***

- No freestanding equipment is permitted.
- No radio or television antennae with more than thirty square feet (30) of grid area or more than six (6) feet above the highest point of the roof shall be attached to a home.
- No satellite dish or disk in excess of twenty (20) inches in diameter shall be permitted. However, up to two (2) satellite dishes or disks of less than twenty (20) inches in diameter may be attached to a home in a position and manner that does not detract from the overall appearance of the neighborhood.
- Dishes/disks not in service, including the supports, shall be removed.

Fences

A complete Architectural Control Application is required for **ALL** fences to include a detailed drawing of location relative to property lines and dwelling, dimensions, style, color, and description of material to be used. Location of gates should also be depicted on the drawing.

The proposed fence on any lot shall be approved by the Architectural Committee pursuant to the terms and conditions set forth in the appropriate subdivision covenants. All fences constructed on a corner lot shall not extend into or encroach upon the space between said building line and the street on the street side of said corner lot. In additions to the foregoing, all fences shall meet all applicable requirements of the City of Fort Wayne and Allen County.

Homeowners are encouraged to collaborate with neighbors when planning fence projects. General guidelines follow:

- No fence may extend past frontline of the house.
- Side-yard fencing is subject to front limitations with respect to adjacent properties.
- Fencing shall be constructed of wood, PVC, vinyl, or metal (metal must not contain any iron).
- Height and color will be approved on a case-by-case basis.
- Chain-link fences are **not** permitted.
- Fencing that crosses culverts or drainage channels must be maintained at same elevation as adjacent fencing rather than contour of the ground.
- Fence posts must integrate either with fence or face interior of the fence. (External posts are prohibited.)
- Gates should complement the fence in material, style, color, and height.
- Adjacent neighbors shall be permitted to tie-in to existing fences to preclude two (2) fences along a common property line when possible.

- If there is no tie-in the distance between fences it should be part of the submission. Distance should be great enough to allow adequate space for mowing and maintenance. A minimum of 36 inches is suggested.
- Pet-proof fencing may be placed on the interior of the primary fence as long as there is an attempt to minimize visual appearance.

- ***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.
 - Removable (temporary) clothes lines are permitted but must be removed when a clothes drying is completed.
 - One permanent free-standing flag pole for the sole purpose of displaying the American flag may be erected subject to approval by the Architectural Control Committee. Flagpoles must have a permanent base. The maximum height for a flagpole shall be twenty-five (25) feet.

- ***Sump Pump Discharge Lines***
 - Sump pump lines may extend to a tiled drain and must be connected to the drain.
 - All sump pump lines must be buried.
 - Sump pump drains shall not empty on to other property owners' land