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Architectural Control Guidelines

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 you closed on the purchase of your home. 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 refresh your memory. In particular, Articles I, II, III, IV, and V of 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 Committee (AC). The Grey Oaks Community Association's Board of Directors appoints volunteer members to the Committee. These volunteers are residents of Grey Oaks 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 AC.

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 Grey Oaks. 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 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 AC are detailed below. In addition, the Grey Oaks Community Association, Inc. 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 that it is their responsibility to contact the Allen County Building Department at 449-7131 **before finalizing plans and completing an Architectural Control Application.** The department can tell you

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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 County building codes. Likewise, 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, 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 Association's website.
- Complete the entire application and attach all information required by the instructions. Applications must contain:
 - A description of the proposed change, a schematic diagram, and, if applicable, color samples.
 - 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.
- Return two (2) copies of the completed application to any member of the AC or 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 AC 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 Committee and/or Property Manager

The AC and/or the property manager will briefly review your application to identify any significant omissions and will contact the homeowner, if necessary, to clarify.

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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 AC may determine it must visit the property prior to rendering a decision.

Report of the AC's Decision

The AC or the property manager will communicate approval/disapproval to the homeowner in writing. Both copies of the application will be endorsed, one of which will be returned to the homeowner. In the interest of expediting some AC requests, this communication may also be by email or fax.

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 AC!

Frequently Asked Questions

What if I disagree with the Architectural Committee?

An aggrieved party may appeal a decision of the AC 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 AC 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.

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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 AC and the Association's Board of Directors. When architectural complaints are brought to the attention of the AC, 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 AC 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 AC 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 AC, 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 AC and the Board of Directors, in the final analysis, need your help and cooperation in every facet of our work.

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 AC.

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.

A Few Words About Property Maintenance

As stated in the Covenants, each homeowner is responsible for ongoing maintenance of his lot and all improvements upon such to include, but not limited to:

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- Upkeep of exterior finishes (brick, vinyl, wood, etc.)
- Upkeep of landscaping (mowing, trimming, weeding, etc.)
- Prevention of obstruction or encroachment of landscaping on sidewalk, street, and adjacent properties
- Proper storage of trash/recycling receptacles
- Repair/removal of all unsightly debris

Although not enforceable by the Covenants, please be a good neighbor and make every attempt to clear snow away from fire hydrants, mailboxes, and sidewalks!

Architectural Standards

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.

Location, dimension, style, color, 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 a structure must be included in the Architectural Control Application.

Basketball Hoop and Backboard-Portable and Permanent

Plans for permanently-installed basketball posts and goals to be installed following the date of adoption of this policy document are subject to review and approval by the AC. 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.

Antennae, Communication and Solar Equipment

Refer to Article IX, Section 13 of the Covenants for details.

No freestanding equipment is permitted.

No radio or television antennae with more than thirty (30) square feet 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 four (4) satellite dishes or disks of less than twenty (20) inches in diameter may be attached to a home in a position and manner approved by the AC.

Dishes/disks not in service, including the supports, shall be removed.

Solar equipment may be permitted. A complete application is required.

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Driveways

No application is required for replacement of an existing driveway unless the owner plans to change the materials, size, shape, or grade.

A complete Architectural Control Application is required for any new driveway construction/expansion to include a detailed site plan indicating dimensions relative to property lines, existing structures, and trees, proposed change in grade*, and assurance that new configuration will not allow a parked vehicle to extend into or overhang a public sidewalk or street.

* Please note that care must be exercised with respect to any potential drainage change.

Dwelling Exterior

AC 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.

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 AC.

Exterior Lighting

Refer to Article IX, Section 33 of the Covenants for details.

Each residence must have an illuminating device or yard light installed and operable from dusk to dawn.

Fences

Refer to Article IX, Section 25 of the Covenants for details.

The maintenance of as much open space as possible is encouraged.

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 black aluminum.
- Height and color will be approved on a case-by-case basis.

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- Chain-link, wood, and PVC 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.
- There should be little variance in height and style of fencing between one property and another.
- Adjacent neighbors shall be permitted to tie-in to existing fences to preclude two (2) fences along a common property line.

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.

Fireplace Wood

Fireplace wood must be properly stored and not in plain view from the front of the home.

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.

One free-standing flag pole for the sole purpose of displaying the American flag may be erected subject to approval by the Architectural Control Committee.

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.

A complete Architectural Control Application is required and must include a detailed site plan indicating location of grill, dimension of grill, and a description of materials and colors to be used.

Holiday Decorations

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.

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Landscaping

Refer to Article IX, Section 32 of the Covenants for details.

Initial landscaping shall be installed no later than one (1) year following either completion or occupancy of dwelling, whichever occurs first.

All trees, shrubs, grass, and plantings of all kinds must be properly cultivated and free of trash and other unsightly material.

Major landscaping changes must be approved by the AC. Examples include: any change to the slope of the land that would affect drainage or flood plain, planting of trees, planting of hedges, plantings that could potentially block pond views or cause a traffic hazard, etc.

- Current restricted varieties are: ash and willow.

Foundation plantings, trees, and single plantings do not require prior approval.

The lawn and landscaping of a dwelling that is unoccupied for an extended period of time, remains the responsibility of the homeowner until said dwelling is sold. Grass must not exceed three (3) inches in height at any given time.

Vegetable gardens are allowed but must be behind the residence.

Lawn Ornaments and Embellishments

Lawn ornaments and embellishments must be in keeping with the architectural and aesthetic character of the neighborhood. This includes patio, porch, and outside step ornamentation.

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.
- 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.
- 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.

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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.

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.

Play Structures

The installation of permanent playsets requires prior approval by the AC.

- Playsets must be behind the residence.
- Playsets may not be located on common ground or outside lot boundaries.
- A complete application is required and must include: a site plan indicating location relative to property lines, personal dwelling, and neighboring homes, and dimensions, materials, and color of the structure.
- Large plastic playsets may be considered on an individual basis.

Trampolines are permitted in back yards. When not in use, they must be stored inside rather than propped up against the dwelling. Trampolines that show wear and tear must be repaired, replaced, or removed from the premises.

Sheds/Temporary Structures

Refer to Article IX, Section 11 of the Covenants for details.

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Signs

Refer to Article IX, Section 12 of the Covenants for details.

1. One sign of not more than five (5) feet square advertising a lot or home for sale or a sign used by a builder to advertise a property during the construction and sales period;

All commercial signs are prohibited.

Sump Pump Discharge Lines

Sump pump lines may extend to a tiled drain and must be connected, as approved by the AC, to the drain.

Sump pump, storm drain, and dry well lines may be extended to a pond with appropriate erosion control and so as not to pose a safety hazard.

All sump pump lines must be buried.

Swimming Pools/Spas

A complete application must be filed for both in-ground pools and spas.

All pool construction must meet zoning regulations.

Any non-permanent pool more than two (2) feet deep is prohibited.

Spas may be permitted along the back wall of the dwelling.

Windows and Doors

No deviation in color or style of entry or garage doors, from that originally installed by the builder, shall be permitted without prior AC approval.

Storm doors should allow a clear view of the interior door.

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Windows should be constructed of glass with minimal framing that matches either the trim or color of the house.

Windows may be tinted provided the color is limited to “smoke” or “bronze” and is applied throughout the home.

Glass-block windows are not permitted on the front of the home.

Exterior security bars on doors and windows are prohibited.

No reflective material may be placed on any window.

Recommended to and adopted by the Board of Directors of the Grey Oaks Community Association by the Architectural Control Committee, 8.22.17