

# CLOVERDALE HEIGHTS

## ARCHITECTURAL DESIGN GUIDELINES & STANDARDS

Cloverdale Heights Homeowners Association, Inc. – P.O. Box 1201 – Charles Town – West Virginia 25414

*All new construction and exterior modifications to a home or lot must first be reviewed and approved in writing by the Architectural Review Committee (ARC)*

*Contact: Cloverdale's current ARC Chairman*

*Approved August 12, 2002*

*Amended December 19, 2004*

*Federal Law July 24, 2006 - American Flag Act of 2005*

*Amended March 13, 2006*

*Amended November 6, 2012– SOLAR INSTALLATION(S)*

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
- 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.

16) Solar energy system – means a system affixed to a building or buildings that uses solar devices, which are thermally isolated from living space or any other area where the energy is used, to provide for the collection, storage, or distribution of solar energy

17) American Flag Act - means

*(1) any provision of chapter 1 of title 4, United States Code, or any rule or custom pertaining to the proper display or use of the flag of the United States (as established pursuant to such chapter or any otherwise applicable provision of law); or*

*(2) any reasonable restriction pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the condominium association, cooperative association, or residential real estate management association.*

## **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 Planning Zoning & Engineering (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. [PZ&E]

(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.

## **XVII. Solar Energy Systems**

1. Nothing in these covenants shall prohibit or restrict the installation or use of a solar energy system.
2. Solar energy systems shall be submitted to the ARC (Architectural Review Committee) under Section X.

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; November 6, 2012.

2005-2006 Secretary [signed – Nance L. Briscoe] March 13, 2006

2005-2006 President [signed – Joseph W. Stone] March 13, 2006

2012-2013 Secretary [signed – Donna Hamstead] November 6, 2012

2012-2013 President [signed – Bob Montgomery] November 6, 2012

**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 and/or printed from Cloverdale's Website.

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**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:

\_\_\_\_\_ ARC Committee Chairman  
Signature

\_\_\_\_\_ ARC Committee Chairman's Telephone Number  
(Area Code) Telephone Number

\_\_\_\_\_ ARC Committee Chairman's E-Mail Address  
E-Mail Address