

# **CARTERS MILL EAST “DESIGN STANDARDS”**

## **I. PURPOSE**

The purpose of the Architectural Review Committee (“ARC”) is to assure that only the best architectural, design and landscaping features are approved in order to create context in which individual tastes are not sacrificed, but blended in a way that overall property values will be protected. To accomplish these goals, these design standards have been established. The design concept and these design standards for the Property Owners’ Association of Carter’s Mill East, Inc. (“POACME”) are based on the synthesis of the best features of several other successful communities. These design standards have been developed in order to provide each homeowner the maximum protection for, and assurance of, the longevity of their investment.

## **II. AUTHORITY**

The general Declaration of Covenants, Conditions and Restrictions of Property Owners’ Association of Carter’s Mill East, Inc. Subdivision, Chesterfield County, Virginia dated December 17, 2003 and recorded in book 5527, starting at page 93 and ending on page 124, that encumber every lot, establish the authority of the Developer and the Association Board of Directors to create these design standards and maintain an ARC.

The ARC has been established to implement these design standards. The responsibility of the ARC is to interpret the goals of the community and these design standards as they relate to each design submitted.

The ARC is committed to carrying out its duties, on behalf of all members of POACME for the benefit of the total community.

## **III. MEMBERS**

The ARC shall consist of at least three but no more than five members.

## **IV. MAJORITY VOTE**

Each member of the ARC shall have an equal vote and the majority of all members of the ARC shall constitute a decision for approval or denial of an application for modification.

## **V. MEETINGS**

The ARC shall meet on an as needed basis to render a decision within 30 days of ARC’s receipt of a complete application.

## **VI. ARC FUNCTIONS/SERVICES**

The ARC is empowered to perform the following functions and services:

1. To prepare these design standards for modifications which will protect the enduring property values and provide the best possible safeguards for continuing appreciation.
2. To review all applications requesting modifications for compliance with these design standards outlined herein.
3. To assure compatible modification designs and harmonious relationships with neighboring lots.
4. To propose amendments to these design standards for Board approval
5. To contact applicants whose plans and specifications have been disapproved and to provide reasonable assistance and recommendations for adjustment to bring application into compliance with these design standards.
6. To inform members of POACME regarding activities of the ARC and changes in these design standards for Modifications as they occur.

## **VII. APPLICANT RESPONSIBILITIES**

The ARC assumes no liability for applicant's responsibilities. This is true whether or not these design standards are enforced consistently or whether the work is being performed by the Owner or by the contractor. These responsibilities include but are not limited to the following:

1. Performance or quality of work of any contractor or subcontractor.
2. Compliance with all laws, codes and ordinances of any governmental agency or body. Approval of a modification application by the ARC does not relieve the owner's responsibility of getting other approvals and permits that may be required by the County and/or the State of Virginia, such as a building permit or VDOT permit.
3. Determination of environmental restrictions, drainage and grading requirements and all surface and subsurface soil conditions.
4. Determination of structural, mechanical, electrical and other technical aspects of a proposed design that can only be determined by competent architects, engineers, contractors and other similar professionals.
5. Compliance with these design standards of POACME
6. Accuracy of stakeouts and surveys

## **VIII. DESIGN REVIEW DECISIONS**

Upon receipt of a properly completed written application for modification the ARC will review the applicant's plans and specifications and render one of four types of decisions in writing:

1. Approved
2. Approved with comments
3. Approved with limiting conditions
4. Disapproved

If Applications are APPROVED WITH COMMENTS, such "COMMENTS" are rendered to encourage changes that the ARC deems desirable, but such "comments" are not binding upon applicants.

If Applications are APPROVED WITH LIMITING CONDITIONS, then applicants must make changes prior to submitting plans for building permits. LIMITING CONDITIONS are binding upon the applicants.

In the event Applications are DISAPPROVED at the time of submittal, applicants may follow the appeal process referenced under IX herein.

#### **IX. APPEAL**

If an application has been denied or the approval is subject to limiting conditions which the applicant feels are unfair, the applicant may request an appeal to the Board of Directors of POACME. The applicant must submit their request in writing to the Board of Directors of POACME and it is at the Board of Directors' discretion whether to re-review the application and render a decision. The Board of Directors may overturn an ARC decision with a majority vote.

#### **X. WRITTEN APPROVALS/ORAL STATEMENTS**

Applications will be returned with the ARC's decision, comments, and/or limiting conditions. The ARC's decisions are only communicated in writing and any statements as part of the pre-submittals and approval processes shall not be binding upon the ARC.

#### **XI. APPROVAL EXPIRATION**

Applicants must begin construction within ninety (90) days of approval by the ARC. Failure to do so will automatically revoke approval without prior notice from the ARC. An extension of time may be granted by ARC, if a written request is received prior to or within ninety (90) days of application of approval. Applications must specify the project completion schedule (i.e. projected start date and completion date)

The exterior construction of the modification shall be completed within one (1) year from the date that construction begins.

#### **XII. CONSTRUCTION CHANGES**

Construction must be completed in accordance with the application and the plans as approved. Exterior changes to the subject property must receive prior written approval by the ARC. Applicants requesting design change approvals should consult with the ARC to determine if additional plans and specifications are required.

#### **XIII. CONSTRUCTION INSPECTIONS**

It is expected that homeowners will complete improvements in accordance with the specifications of the approved plans. An ARC member may make periodic visual inspections from the street, while construction is in process, to determine compliance with the approved design documents and these design standards. The POACME is empowered to enforce its policies as set forth in the Covenants and these design standards.

#### **XIV. PROCEDURES FOR ARCHITECTURAL REVIEW**

Applications for consideration by the ARC need to be complete and accurate. Applications must include drawings prepared as described below. The ARC may require that color chips accompany color applications. All requested information on the application forms needs to be furnished. The ARC may, at its discretion, reject applications that are incomplete or inaccurate.

The ARC reviews applications at the regular monthly meetings. Several application forms are included on the web site or will be provided by request to the ARC. These forms can be photo copied or additional forms may be obtained from the ARC.

The ARC bases its review of each application on its interpretation of these design standards as they relate to the graphic and written information presented. Due to time constraints, the ARC reviews applications without personal presentations by the applicants. Therefore it is incumbent upon the applicant to provide sufficient and accurate information to the ARC for proper consideration. If, in the applicant's opinion, extenuating circumstances exist which would justify a variance from these design standards, this information should be presented with the application.

Proper applications include drawings that are neat, accurate, drawn to scale, and with sufficient detail to adequately explain the entire design. Insufficient explanation of a design is cause for rejection of an application. Applications will be kept on file for a record of approved designs; therefore, a minimum of two copies of each of the following drawings shall be submitted:

##### **ADDITIONS:**

- Site plan showing addition location, distances to property lines and tree(s), if any, to be removed. Show any changes in landscaping.
- Floor plan of addition.
- All exterior elevations of addition including existing house.
- List of exterior finish materials.

##### **ACCESSORY STRUCTURES:**

- Site Plan showing location of new structure and existing house, with distances between each, distances to property lines, and tree(s), if any, to be removed.
- Floor plan.
- All exterior elevations.
- List of exterior finish materials.

##### **OTHER SITE IMPROVEMENTS:**

- Site Plan showing location of improvement, existing structures, distances to property lines, and tree(s), if any, to be removed.
- Plan for the improvement (ex. deck and screen porch)

- List of exterior finish materials, if applicable.

### **FENCES**

- Site Plan showing location, extent of fence, and trees, if any, to be removed.
- Drawing of fence with heights, materials and sizes identified.

## **XV. BASIC FOR DESIGN GUIDELINES**

The design standards that follow set forth many “guidelines” which should be consistently followed in the development of Carters Mill East. These guidelines are not arbitrary, but rather are based on four primary polices of good design as it relates to communities. Further, it is not possible nor is it advisable to make a rule for every possible situation. Consequently, the ARC uses these design standards in the judgment of each design application. To the greatest extent possible, this eliminates reviews based on subjective viewpoints and provides a means of testing every decision. This benefits the ARC, the community and the applicant by insuring a continuity of approach regardless of how the ARC changes over the years.

Each of these design standards is defined and summarized below. In the sections that follow, specific guidelines are provided for common situations that occur for houses, additions, accessory buildings, site improvements, fences and miscellaneous conditions. Every requirement may not apply in every case, and the ARC has the authority to waive requirements where it deems appropriate, or to add requirements to the extent that either action does not contradict any of the design standards set forth herein.

### **ARC Policy #1 – Environmental Protection**

Approval for clearing and alteration of existing lots shall be made only for approved structures, site improvements, landscaping and access. Modifications may not be performed in a manner that will result in erosion of soils, excessive water runoff, and discharge of wastes into the soils or waters, stagnation or standing water, or substantial removal of indigenous vegetation.

### **ARC Policy #2 – SITING FOR COMMUNITY AND PRIVACY**

Each structure or site improvement shall be placed to create a proper setting within each lot, consistent with the density and setbacks of the community. This is to ensure that no modification unduly restricts neighboring properties, and so as not to compromise the privacy of any other lot below the general level enjoyed by other members of the community.

### **ARC Policy #3 – FORM AND CONTENT**

All structures shall be of a size and use that is consistent with the design standards of the community. All structures and site improvements shall be designed in styles, shapes, sizes, massing, and colors to be of good proportions, well balanced and appropriate to this community.

#### **ARC Policy #4 – APPEARANCE QUALITY**

All improvements to any lot shall meet minimum these design standards of design and material quality consistent with the level of quality established for the entire community. The exterior of each structure shall consist of a vocabulary of materials, products, and assemblies that are harmonious with each other, consistent and supportive of the architectural style and appropriate to the general appearance characteristics of the community.

#### **XVI. INTERPRETATION BY ARC**

The ARC shall judge compliance with these design standards in questions of appearance, aesthetics, or infringement by design upon the rights of other residents. The ARC reserves the right to require modifications to proposed designs including the deletion, addition or relocation of design elements in order to achieve compliance with these standards.

The decisions and interpretations of the ARC shall be bound by past precedent. To meet this requirement, the ARC shall maintain accurate records of all items approved and disapproved.