

DEERLAKE VILLAGE COMMUNITY ASSOCIATION
RULES & REGULATIONS - Part 8
MODIFICATIONS STANDARDS

I. INTRODUCTION

- A. Responsibility for modifications is divided between two committees: the Architectural Review Committee (ARC) and the Landscape Review Committee (LRC).
- B. The purpose of these standards is to assist Deerlake Village property owners in maintaining quality and ambiance of the Deerlake Community homes and to preserve the natural environmental beauty and healthy living that exists here.
- C. Permission is typically not required for any changes to the interior of the home.
- D. The recorded covenants and Rules and Regulations shall control the decisions of the ARC/LRC. The decisions of the Committees are not bound or restricted by any precedent relating to existing residential construction/landscape or any other lot within Deerlake Village.
- E. No implied warranties of good workmanship, design, habitability, quality, fitness for purpose of merchantability shall arise as a result of any plans, specifications, standards, or approvals made or published by the ARC/LRC or their successors.
- F. It is impossible to devise standards for every conceivable change, and this document is to serve as a reference for those considering any exterior change.
- G. Homeowners are required to seek input from the ARC and receive written approval **PRIOR** to undertaking any exterior change in their home.
- H. Homeowners are required to seek input from the LRC and receive written approval **PRIOR** to undertaking any major landscaping project.
- I. Failure to obtain permission for a change could result in fines and costs to change the property back to its previous condition.
- J. Modifications made to properties prior to these standards may be acceptable but are not to be taken as precedents.
- K. Fines may be levied by the DVCA Board of Directors, and the amount of the fines may vary, depending on individual circumstances.

II. PROCEDURES

- A. Procedure for requesting a modification is as follows:
 - 1. ARC
 - a. Submit plans and specifications to the ARC for approval prior to starting the work.
 - 1) These should include: what you are doing, where you want to do it, the exterior materials to be used and the colors to be used.
 - 2) If you are extending the footprint of the house, your plan needs to include your property lines
 - b. In approving a project the following will be considered: the design, and how the project harmonizes with the exterior of the existing structures, the landscape and the environment.
 - 2. LRC
 - a. Submit appropriate sketches, photos, and descriptions to allow the LRC to understand and evaluate the requested modifications.
 - b. The nature of the required information will depend on the specific modification. Include erosion control descriptions where applicable.

- c. Where the Covenants and Rules/Regulations mandate attention to the impact on neighboring lots, or the visibility of the installation or modification from other lots or from the street, include information demonstrating that the request meets these requirements.
 - d. The Committee may visit your lot at your convenience to understand your request.
3. The request should be made in duplicate on the "Deerlake Village Request to Modify Exterior..." form (Addendum A), available from the ARC, LRC or www.deerlakevillage.org (click on Architectural Standards). It may be submitted to the ARC/LRC, c/o DVCA Board of Directors, PO Box 2186, Brevard, NC, or delivered personally to any ARC/LRC member. The ARC and the LRC reserve the right, and are encouraged to seek outside professional opinions when questions beyond the realm of their expertise are encountered.

III. PROJECTS REQUIRING

A. ARC Approval

- 1. Modifications to existing homes or accessory buildings. No temporary structures are allowed.
- 2. Construction or modifications of decks, porch screening or enclosures.
- 3. Construction of hot tubs and spas. (Must not be visible to others any time of the year.)
- 4. Modifications including room additions, garage enlargement, changing color of house or trim, adding trim or shutters.
- 5. Construction of outbuildings including sheds and gazebos. These are applicable to only the portion of Lots 1-22 (Revised) of the Meadows at Deerlake Village shown on Plat File 9, Slides 916 and 917 which lays outside the original boundaries of Lots 1-22 as shown on Plat File 6, Slide 280; Plat File 7, Slide 862; and Plat File 8, Slides 100 and 580. (See Addendum B & C)

B. LRC Approval

- 1. Landscaping of new homes
- 2. Major landscaping for existing homes
- 3. Modification of driveway surfaces
- 4. Changes or additions to exterior lighting (doorways, garages, floodlights, porches, yards, walkways)
- 5. Changes to grading affecting drainage
- 6. Landscape structures of any kind including (but not limited to) arbors, trellises, railings, steps, walkways, stone walls, or retaining walls
- 7. Free-standing permanent flagpoles larger than three feet.
- 8. Patios
- 9. Pet enclosures
- 10. Tree removal or major pruning after new construction (see Deerlake Covenants, Article 6, section 6)

IV. DOCUMENTATION REQUIREMENTS FOR MODIFICATIONS

- A. Property owners and, if appropriate, contractors are expected to meet with the committee prior to finalizing plans to avoid problems later.
- B. Property owners must submit an application form for modifications.

- C. All submissions for consideration must be in writing, dated and signed, by the requesting owner. The request must identify the address affected by the request and must include appropriate documentation and/or information as specified:
 - 1. a full set of plans including a site plan with streams located;
 - 2. location of easements, erosion-control devices, drainage flow , and exterior lights; (where appropriate);
 - 3. to scale drawings if the footprint or elevation of the existing structure will be altered;
 - 4. description of any resulting noise or visual factors which may be seen or heard from the street or by neighbors; and
 - 5. details of any environmental effect of the proposed modification
- D. Property owners must receive a building approval permit and a variance approval permit if needed from the ARC prior to the commencement of construction or modification.

V. STANDARDS

A. ARC

1. Painting/Re-roofing

- a. Permission is **not** needed to repaint or re-roof a structure, or any part thereof, **if** the color and construction material is in accordance with the originally approved color scheme and materials for that particular house.
- b. Approval is required if changes are proposed. Colors blending with the surroundings are required, and colors of extreme contrast with the environment or other pre-existing colors will not be approved.
- c. The DVCA has established white as an exterior trim for the houses in the Meadows. This will continue to be the standard there. This is in keeping with the overall plan for the Meadows. Shutter and door colors are selected at the time of purchase of the house. If storm doors are to be installed in the Meadows homes, the trim on the storm door must be white.

2. Energy Conservation Equipment

- a. Solar panels, windmills, etcetera are not allowed unless they are an integral and harmonious part of the architectural design.
- b. These standards are not intended to cover every possible situation.
- c. If your project is an integral and harmonious part of your design, then seek approval from the ARC.

B. LRC

1. Exterior Lighting

All modifications to exterior lighting; i.e., doorways, garages, floodlights, walkways, and landscaping, must be approved by the LRC. Homeowners are asked to consider the impact of the lighting on their neighbors. Landscape lights should be shielded and not more than 24" above the ground. Exterior lighting must not be an annoyance to neighbors. Holiday decorative lighting may be utilized without permission during the holiday season(s) but must be removed in a timely manner.

2. Landscaping

Any proposed major changes including but not limited to the following must be approved: changes to grade, tree removal/trimming (other than normal pruning), walkways, steps, railings, stone walls (or other material), waterfalls, fountains, fences,

trellises, arbors or structures of any kind. Planting of low shrubbery or plants is allowed provided that the shrubbery will not eventually obstruct a neighbor's view. Homeowners should keep in mind that their back yards are frequently the areas most visible from the street or another lot.

a. Steps

Steps may be constructed from landscape timbers, natural stone, or commercially available stepping stones. In all cases the steps must be constructed and placed in a manner that precludes the possibility of soil erosion. All cuts into the ground must be covered or filled with crushed stone or other material so that the earth is not exposed or subject to washing away.

b. Railings

Typically railings will be constructed of wood and installed in a manner that is compatible with the natural surroundings; however, railings constructed of other materials maybe approved in some cases.

c. Fences

Fences are not permitted except in the Meadows where they are required. A standard set for the Meadows is that a fence be not more than 4 feet high, and not more than 4 feet from the edge of a paved patio may be allowed. Also, it must be of the same style as any fence in front of the home.

d. Walkways

Walkways that give the appearance of natural paths or stone covered paths will typically be approved. Applicant should take care not to create a situation that may lead to soil erosion.

e. Trees

Particular attention must be paid to the standards governing the planting, removal, pruning, topping, or otherwise changing the appearance of any tree. Normal pruning and/or shaping is permitted as long as the pruning does not materially affect the look or health of the tree. No tree over 3 inches in diameter as measured 4 feet up from the ground may be cut down or removed without prior written permission from the LRC. In exercising its discretion the Committee will give due consideration to the following issues: 1) safety concerns; 2) health of the tree; 3) desire of the owners to restore a limited scenic view as it existed when they purchased the home; 4) willingness of the owners to plant a replacement if appropriate; and 5) trees that are too close or that endanger the dwelling. A tree may not be planted in a location where it would eventually grow to obstruct a neighbor's view.

3. Other

a. Artificial Vegetation, Flags-/Banners, Statuary

With the exception of door wreaths, artificial flowers and vegetation are not allowed. Landscape yard ornamentation should be in keeping with the natural environment, - the forest, mountain and meadow surroundings of Deerlake Village. Yard décor should be in harmonious scale with the size of the yard and planting. Small decorative flags or banners may be displayed on porches or on brackets attached to the house. American flags (up to 3' X 5'), if flown must be displayed in accordance with federal and state law.

b. Aerials and Antennas

Regulations for these have been modified by a federal law and FCC ruling. Current

regulations permit installation of small satellite or similar dishes, TV and MMDS (wireless cable) antennas. The satellite dish/antenna must be placed where it is not visible from the street, if that location permits acceptable reception. It is recommended that the LRC be consulted prior to installation of equipment for clarification on current FCC rulings.

c. Pet Enclosures

These are not allowed in the Cottages, Meadows, Creekside or Lakeside. In the Mountain Lots, enclosures for common household pets may be permitted if they are out of view of other lots and/or the roads. The enclosures must be made of materials that blend with the environment and not more than 5 feet high. The perimeter is to be landscaped to blend in with natural surroundings.

VI. Committee Operation

A. Meetings

The ARC and or LRC will meet with homeowners and, if appropriate, their contractors as required to monitor all modifications and landscaping for compliance with approved plans and applicable restrictions.

B. Operations

Decisions will be made by the Committee when feasible. In reaching decisions, the appropriate Committee will review and consider all information submitted and will visit the sites when necessary. This document sets forth the standards and guidelines which the Committee will use in making decisions. Decisions will be made by the majority vote and communicated in writing to the requesting owner. A formal permit will be issued for approved modification projects.

C. Variances

The Committee may grant reasonable variances from the provisions of the Covenants, when literal application would result in unnecessary hardship, and if the granting of such variances would not materially harm other owners or the environment.

D. Design changes

All design changes must be approved in writing and signed by both parties.

E. Appeals of Committee Decisions

Owners not satisfied with Committee decisions may appeal the case in writing to the Board of Directors within thirty (30) days of such decision. In case of contradiction, the Covenants shall take precedence over these standards.

F. Violations

The Committee will notify the contractor and/or owner in writing of any violation of these rules and regulations or of any applicable provisions of the declarations. Failure to take corrective action within fifteen (15) days of the date of said notice, or to notify the Committee in writing of intent to take corrective action, subjects the violator to sanctions of the Board of Directors.

G. Sanctions

Sanctions that may be imposed by the Committee include issuance of stop work orders and requiring correction of deficiencies. The Board may impose fines for violations. The owner is ultimately responsible for adherence to all covenants and restrictions.

These Rules and Regulations supersede all other such standards governing architectural and landscape modifications. This Modifications Standards, which is Part 8 of the Rules and Regulations of the DVCA, has been adopted and approved by the Board of Directors this 27th day of July 2007.

**Addendum A:
Deerlake Village Community Association
Request to Modify Exterior Construction / Landscaping/ Other**

Owner: _____ Telephone: _____

Address: _____ Email _____ Lot Number _____

Projects requiring Architectural Review Committee (ARC) Approval: *Check all that apply.*

- New construction * Modify existing dwelling or accessory building*
 Construct/modify deck* Install Hot Tub or Spa Screen or enclose porch/deck*
 Add a room * Add/Enlarge garage* Change exterior color Add trim
 Add shutters
 Erosion Control Plan (Required) OTHER: _____

***Attach drawings, photos, documentation. Include measurements from property lines. For any exterior painting projects, supply color samples.**

Projects requiring Landscape Review Committee (LRC) Approval: *Check all that apply.*

- Landscape new home (Submit to ARC with Building Plan) Modify landscaping of existing home
 Remove trees or shrubs along a common sidewalk
 Disturb ¼ acre or more (Erosion Control Plan required) Install a culvert
 Install a new fence (only on Meadows lots) Install pet enclosure (only on Mountain lots)
 Change grade affecting drainage Change materials or re-configure driveway
 Install free-standing flag pole Expand/Construct Patio
 Add/modify exterior lighting
 Tree Work: Plant Trim Top Remove Clear Cut Thin-out significantly
 If requesting removal of a tree, the reason is: _____ it is affecting original scenic view of self or others
 dead tree diseased/damaged/dying tree too close to house threatening house
 Install landscape structure of any kind (specify type): stone wall retaining wall
 arbor trellis railing steps walkway gazebo
 OTHER _____

Attach appropriate sketches, photos, descriptions to allow the LRC to understand and evaluate the requested modifications. The nature of the required information will depend on the specific modification. Include erosion control descriptions where applicable. Where the Covenants and Rules/Regulations mandate attention to the impact on neighboring lots, or the visibility of the installation or modification from other lots or from the street, include information demonstrating that the request meets these requirements. The Committee may visit your lot at your convenience to understand your request. **NOTICE: Post approval changes must be re-submitted for approval. Owner subject to fines if deviations from approved plans are not corrected, or for work done without approval. Owner is responsible for obtaining all required City and/or County permits and inspections.**

Dates: Estimated Start _____ Estimated Completion _____

Signature of Owner _____

Dates: Received by Committee _____ Reviewed by Committee _____ Visited _____
 Returned to Owner for re-design _____ Re-design received by Committee _____
 REQUEST APPROVED _____ REQUEST DENIED _____ OWNER NOTIFIED _____

Signature of ARC or LRC designee: _____ DATE _____

Applicant: Give to any member of appropriate ARC or LRC committee

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Addendum B:

Guidelines and Restrictions for the Construction of Outbuildings on Lots 1-22* of the Meadows

Note: **Applicable only the portion of Lots 1-22 (Revised) of the Meadows at Deerlake Village shown on Plat File 9, Slides 916 and 917 which lays outside the original boundaries of Lots 1-22 as shown on Plat File 6, Slide 280; Plat File 7, Slide 862; and Plat File 8, Slides 100 and 580.**

- I. Purpose. The purpose of this addendum is to provide guidance and restrictions for the construction of outbuildings on Lots 1-22* of the Meadows. Outbuildings are defined as garden sheds, gazebos, or similar structures. No lot may contain more than one outbuilding.
NOTE: *On all other Lots within the Deerlake Village Community, outbuildings are strictly prohibited.*
- II. Overall Restrictions. Applicants must:
 - A. Submit an application to the Landscape Review Committee for the construction of an outbuilding
 - B. Obtain any required city/county permits or variances
 - C. Locate the outbuilding on the Lot so as to conform to the City of Brevard set-back requirements.
- III. Restrictions Regarding the Construction of **Garden Sheds** or similar structures on Lots 1-22* of the Meadows. Any proposed garden shed or similar structure must conform to the following requirements:
 - A. Site built with exterior surfaces of materials identical in type and color of the main structure (house), including the same design detail (roof slope, soffit, and trim)
 - B. Poured reinforced concrete foundation
 - C. Gabled roof with singles matching main structure (house)
 - D. No more than 80 square feet
 - E. Height of side walls no greater than 6 feet 2 inches.
 - F. Landscaped with evergreen plantings, at least 4 feet high initially and spaced to create a hedge-like appearance on all sides of shed visible from street or neighboring Lots.
 - G. Landscaping completed within 4 months of start of construction.
 - H. Include no exterior lighting
 - I. Any electrical lines for interior lighting buried underground
 - J. Structure completely enclosed without open sides (other than doors and windows)
- IV. Restrictions Regarding the Construction of **Gazebos on Lots 1-22* of the Meadows**. Any proposed gazebo must conform to the following requirements:
 - A. Colored white or the color of main structure
 - B. Roofing material must match the roofing material of the main structure
 - C. Open on all sides or covered with lattice; screening and plastic covering are strictly prohibited.
 - D. No more than 12 feet wide at any cross-section of the gazebo.
 - E. No lighting

- V. Procedures. All such construction projects must have the approval of the Modifications Committee, using the attached application form. All aspects of the project shall be specified on the form and accompanied by a drawing(s) of the project indicating placement on the Lot. Committee approval must be received by owner before site preparation or construction begins.
- VI. City/County Permits. If city/county permit(s) are required, a copy of the permit must be submitted to the Modifications Committee prior to the Committee's final approval.

**Addendum C:
DEERLAKE VILLAGE**

Request to construct an out-building on Lots 1-22* of the Meadows

*Note: Applicable only the portion of Lots 1-22 (Revised) of the Meadows at Deerlake Village shown on Plat File 9, Slides 916 and 917 which lays outside the original boundaries of Lots 1-22 as shown on Plat File 6, Slide 280; Plat File 7, Slide 862; and Plat File 8, Slides 100 and 580.

Date: ____/____/____

Owner:

Name _____ Telephone # _____

Address _____ Lot # _____

Construction:

____ Build a gazebo ____ Build a garden shed

Describe the project, giving dimensions, heights, materials, and colors:

Landscaping: Describe the landscaping plan for the new structure and submit a drawing showing placement of structure and plantings.

Guidance: -

- Owner is responsible for discussing plan with neighbors to whom the work is visible. Attach input/commentary.
- Owner is responsible for obtaining all city/county permits and inspections.
- Owner must receive approval before beginning site preparation or construction.
- Post-approval changes must be resubmitted and follow same process.
- Owner will be subject to fines if deviations from approved plans are not corrected.

Signature of Owner: _____

Committee Actions

- Application received on: _____
- Application reviewed by ARC: _____
- ARC site visit: _____
- Returned to owner for redesign: _____
- Redesign received by ARC: _____
- County permits received: _____
- Request approved by ARC: _____
- Request denied by ARC: _____
- Owner notified of denial: _____