

FAIRVIEW FOREST
HOMEOWNERS' ASSOCIATION, INC.

**ARCHITECTURAL
APPLICATION
PACKET**

Information and forms needed by owners
to initiate construction projects
in Fairview Forest

Regulation: Architectural Application

Property owners are required to submit to the Architectural Committee an Architectural Application Form for approval before construction begins on the owners property.

A. Applicable Construction Projects

1. Construction projects that require an application:
 - a. Residences and additions to residences.
 - b. Non-residential structures, including but not limited to garages, workshops, sheds, etc.
 - c. Decks, porches, gazebos, swimming pools, fences and walls.
 - d. Painting/staining of any structure/project that includes a change in color.
 - e. Roof replacement that includes a change in color.
2. Projects that do not require an application:
 - a. Maintenance and repair projects to any improvements that do not include a change in color.

B. Fees

Property owners are required to pay two fees to receive the Association Construction Permit.

1. Refundable Construction Deposit
2. Construction Infrastructure Fee

Details of the pertinent regulations may be found in attachment A.

C. Earth tone colors

The term "earth tone" colors has been in place in Fairview Forest for several decades. In Yr. 2000, when the owners rewrote and passed the current Covenants, owners strongly supported retaining the "earth tone" concept that had been in place since at least 1988. It is a difficult term to define. A property owner with a background in technical color explains the term as:

The colors used should blend in with the colors that occur naturally in the community.

1. Colors

Colors should be muted so they do not stand out from the natural colors of the mountain such as trees, foliage, rocks, ground cover, earth (dirt).

2. Values (how light or dark colors are).

Dark value colors blend in with our natural colors. As the color choices become lighter, they tend to stand out from the natural surroundings.

3. Contrast of trim colors (the value difference between the main color and the trim color).

There should not be a large contrast between main and trim colors (e.g. dark brown main color with light cream trim).

C. Additional Information

Attached is additional information for review:

- Attachment A. Construction-related information
- Attachment B. Architectural Committee Procedures
- Attachment C. Architectural Application Form

ATTACHMENT A

CONSTRUCTION-RELATED INFORMATION

The Restrictive Covenants of Fairview Forest

Article 9. Home construction rules**Section 9.1.** Definitions of construction methods:

a) Stick-built home

A home built entirely on site except for common components such as window units, pre-hung doors, floor joists and roof struts.

b) Pre-cut home

A home built from components that are cut to size off site and assembled on site.

c) Panelized home

A home built with walls (or panels) that are built off site and assembled on site.

d) Modular home

A home built from two or more units (or box modules) that are built off site, including some wiring and plumbing. Modules are trucked to the site and positioned and assembled on a foundation on site.

e) Mobile home

A home built off site on one or more mobile chassis, trucked to the site and assembled on a temporary or permanent foundation on site.

f) Pre-fab and/or manufactured home

Terms often used to designate any construction method that involves use of major components built off site.

Section 9.2. Approved methods of home construction.

Stick-built, pre-cut and panelized construction methods are the only methods approved for homes built in Fairview Forest. Modular and mobile home construction methods are specifically prohibited.

Section 9.3. Type of homes.

a) Homes shall be single-family residences. Inclusion of a guest or relative apartment within the residence is permitted.

c) Duplexes, town houses and multi-family dwellings are specifically prohibited.

Section 9.4. Other structures.

Detached garages and workshops may be constructed on a property. Such buildings shall conform to applicable construction rules, including Architectural Committee approval.

Section 9.5. Driveway drainage.

Driveways shall be constructed in such a way as to minimize drainage that will damage roads and common areas. Proper ditches, ditch lining and culverts must be installed. Driveways that are found to be out of compliance with proper drainage must be corrected by the property owner. If the problem is not corrected within a reasonable time, the Association will make the repairs and bill the property owner. If the bill is not paid within 30 days, such billing shall constitute a lien against the owner's property.

Section 9.6. Approved exterior materials.

a) Earth tone materials.

Earth tone materials are materials that blend in with the mountain environment of Fairview Forest.

b) Exterior materials.

The exterior materials used to build, place or renovate structures in Fairview Forest shall consist of wood, brick, concrete composite, rock, logs or other material of an earth tone nature. Exterior paint and/or stain shall be of an earth tone color. No exterior of any structure shall consist of plastic, vinyl, or aluminum.

c) Roof materials.

ATTACHMENT A (CONT.)

Roof material may include asphalt, fireproof shake, tile, slate or steel. Roofing material color shall also comply with the "earth tone nature" requirement

. d) Future materials.

The Board of Directors, upon recommendation of the Architectural Committee, may add newly-developed materials to the acceptable materials list as long as they meet the earth tone nature requirement.

Section 9.7. Minimum square footage of residences.

All residences constructed in Fairview Forest after January 2000 shall have a minimum of twelve hundred square feet of floor space under roof.

Section 9.8. Minimum lot size.

a) No structure shall be constructed on a lot smaller than one acre.

b) After June 30, 2001, no lot shall be subdivided to create a lot smaller than two acres. If such a lot is created after that date, the Association shall not approve construction of a structure on it.

Section 9.9. Use of non-residential structures.

No motor home, trailer, basement, tent, shack or garage erected or placed on any lot shall be used as a temporary or permanent residence.

Section 9.10. Architectural Committee approval of structures.

a) No structure shall be constructed or placed on a lot unless the property owner first obtains a certificate of Construction Approval from the Association Architectural Committee. Applicant must submit the following:

1) Completed Architectural Committee application form, signed by the property owner.

2) Clear, legible plan and elevation drawings of structure(s).

3) A lot survey (or comparable, accurate drawing of the lot) showing location of proposed structure(s).

b) Upon receipt of a complete application, the Architectural Committee shall act upon it within ten business working days. The Committee may approve it, reject it or request additional information or clarification. If the Committee does not respond within the specified period, the application shall be considered approved.

c) The Association Reserves the right to initiate a refundable construction deposit policy. Such a policy shall be approved by a majority vote of the Board of Directors. The specific details shall be defined in a Refundable Construction Deposit Policy. The effective date of the amendment shall be October 28, 2004.

Section 9.11. Compliance with federal/state/county standards and codes. The Association shall leave to the appropriate governing bodies the enforcement of federal/state/county standards and codes.

ATTACHMENT A (CONT.)

The Regulations of Fairview Forest

Regulation: Refundable Construction Deposit**A. Deposit amount and terms**

1. A property owner shall provide to the Association a refundable construction deposit before a Construction Approval slip is issued by the Association.
2. Construction activities on which a deposit is required include:
 - a. residential and non-residential structures; the deposit covers septic systems and driveways when included in an Architectural Application for a structure.
 - b. installation of septic systems and/or driveways only on a property where structures are not immediately planned.
3. Construction activities on which a deposit shall not apply include maintenance and repair of an existing structure, landscaping, well-drilling, storage sheds less than 150 sq. ft. and other construction activities that are less likely to damage common elements.
4. Final determination as to a construction project's qualification for a deposit shall be made by the Architectural and/or Roads Committee. An owner may appeal the decision of the Committee to the Board of Directors.
5. Deposit amounts are as follows:
 - a. Non-residential structures: \$1,000.00
 - b. Residential structures or additions, driveways: \$2,000.00.
6. The funds shall be held in an Association savings account until the Architectural and/or Roads Committee has completed a final inspection of the construction project. Interest shall be paid to the property owner at the time of return of the deposit. Interest paid shall equal the savings account annual interest rate, prorated to the nearest whole month.
7. The dollar amount of the deposit shall not be assumed to be the limit of liability for damage to the common elements. In compliance with the Restrictive Covenants, Article 8. Restrictions, property owners are liable for all of the costs of repairs for damage caused by the property owner or his/her vendor(s).

B. Reasons for withdrawal from a deposit

1. In the event that the property owner or his/her vendor(s) damage Association common elements, the property owner is responsible for repairing the damage to the satisfaction of the Association. If such repairs are not accomplished in a timely manner, the Association shall make a withdrawal from the deposit to cover the cost of repairs. Such costs shall be determined by an invoice for repairs or by a written quotation for the cost of repairs.
2. The decision as to whether a property owner is liable for repairs is determined solely by a majority vote of the Board of Directors.
3. The property owner shall be notified in writing that he/she is liable for damage.
4. The property owner shall be notified in writing that his/her deposit will have a withdrawal.
5. A property owner may appeal the decision of the Board. Such an appeal must be in writing and must be submitted to the President no more than five business days after he/she receives notice of a deposit withdrawal. The appeal shall be considered by the Board no more that five business days after receipt. The property owner may be present at the appeal hearing and/or may be represented by counsel.

C. Deposit account minimum

In the event the deposit balance drops to less than one-half of the original amount and upon notice from the Association, the property owner shall be responsible for providing funds to re-establish the original balance. Refusal to comply in a timely manner shall be subject to the Restrictive Covenants, Article 12. Enforcement.

D. Limitation of withdrawals from a deposit

The Association shall not withdraw funds from a deposit for unpaid assessments or any other debts owed to the Association other than those specified above.

E. Time limitations

There shall be no withdrawal of funds from the deposit based on time taken to initiate or complete work.

June 2011

ATTACHMENT A (CONT.)**Regulation: Construction Infrastructure Fee**

The building of structures in Fairview Forest has had a long-term, but not apparent wear and tear on the infrastructure of the community.

The issuance of the Association Building Permit is contingent upon payment of the Infrastructure Fee.

The Fee shall be collected per the following schedule:

A. New residences and additions:

Residences	\$1,000.00
Additions	\$ 700.00

B. Non-resident structures:

(Garages, work shops, storage buildings)

Structures with a "footprint" greater than 400 square feet: \$500

C. Other building activities

There will be no infrastructure fee for the following building activities: Small sheds, gazebos, porches, decks, painting, roofing and general repairs.

The infrastructure fee for driveways, wells and septic systems are covered as a part of the residence infrastructure fee, **A.** above.

D. Changing the infrastructure fee

The Infrastructure Fee amount shall only be changed by a majority vote of the Board of Directors. An exception to the amount of the fee for any individual property owner shall not be changed from the schedules of fees shown above.

June 2011

Regulation: Architectural Committee Inspections

The Architectural Committee and/or its assigns shall have access to the site of any construction project for which an Architectural Application has been submitted and/or approved.

- 1) Access shall not be denied to the assigned person(s) between 9:00 AM and 5:00 PM, Monday through Saturday.
- 2) Any owner who denies access to the construction site shall have his Construction Approval suspended and must cease all construction activity until such an inspection has taken place.
- 3) The Board of Directors may choose to initiate a fine of up to \$100.00 per day until such an inspection has been allowed.

June 2011

Regulation: Construction approval and delinquent assessments

1. The FFHA Architectural Committee shall not issue a Construction Approval certificate to a property owner who is delinquent in the payment of annual assessments.
2. This prohibition may be waived only by a vote of a majority of the Board of Directors.

June 2011

ATTACHMENT A (CONT.)

Regulation: Architectural Application Approval - Term Restrictive Covenant

Section 9.10. *Architectural Committee approval of structures.*

a) No structure shall be constructed or placed on a lot unless the property owner first obtains a certificate of Construction Approval from the Association Architectural Committee.

Background

Many owners in Fairview Forest have, on occasion, built structures on their properties over a two or even three-year period. Monitoring of such construction is more complicated than a house built in less than a year. Rather than setting a completion term for construction, the Board requires the following:

Clarification

Any owner who has not completed a structure within one year of Construction Approval must provide a notice of intent to complete construction. The notice (in the form of a letter) shall be addressed to the Architectural Committee and shall include a construction progress report, details of any changes in plans since first application and an expected completion date. Failure to comply shall fall under the Restrictive Covenants, Article 12, Enforcement.

June 2011

ATTACHMENT B

ARCHITECTURAL COMMITTEE GUIDELINES

The following are a set of guidelines for the Architectural Committee chair and members:

1. Upon receipt of a completed Architectural Application, the chair and committee needs to act on the application within ten business working days. The Committee can approve the application, reject it or request additional information or clarification. Any of these options will satisfy "acting on within ten business working days". If the Committee does not respond within the specified period, the application is considered approved so it is very important that an application is processed promptly.
2. Any missing information on an Architectural Application requires that the application be returned to the applicant for completion.
3. If at all possible, the Architectural Committee Chair and/or appointed committee member shall physically visit the site to verify setbacks as prescribed in the Restrictive Covenants, Section 8.11 Property Lines and Setbacks. If there is any question as to infringement, the Committee *must* verify the setbacks.
4. If the setbacks do not fall within the prescribed setback distances (30 feet from side lines, 30 feet from rear line, and 50 feet from front lot line), the applicant must have marked application with a request for variance. The approval of a variance request must be handled by the Committee in accordance with the Restrictive Covenants and, as a courtesy, the adjoining property owner on the variance setback property line side should be notified of the request.
5. The Architectural Chair and Committee members *must* be familiar with the following: Restrictive Covenants, Article 8. Restrictions and Article 9. Home Construction Rules.
6. The Architectural Chair and Committee members should be familiar with current FFHA Architectural Regulations.
7. All fees and deposits received by the Architectural Committee shall immediately be transferred to the Treasurer for deposit.
8. The Architectural Chair shall serve at the pleasure of the Board for a period of one year. Committee members shall be members of the community in good standing and shall attend scheduled committee meetings and participate when possible in the decisions, approvals and processing of applications, on-site inspections and other duties of the Architectural Committee.
9. If the Architectural Committee Chair cannot handle the duties of the position due to temporary personal reasons such as vacation or sickness, the chair shall appoint a committee member to handle the processing of applications and other duties for a short period of time. The Architectural Chair shall inform the FFHA President and Legal Officer of the temporary fill-in.
10. All architectural applications and files shall be maintained in an orderly fashion and kept for no less than two years or as otherwise specified by the Board of Directors. Blueprints, photos, or drawings of a house that do not related to the architectural application directly can be returned to the property owner after review by the Committee.
11. The President and Legal Officer shall be notified as soon as possible if there are problems, questions, or difficulties with an application or concerns that might have legal ramifications, result in damage to roads or community properties, or otherwise impact property owners, the green space, or community at large.

ARCHITECTURAL APPLICATION

FAIRVIEW FOREST HOMEOWNERS' ASSOCIATION, INC.

101 FAIRVIEW FOREST DRIVE, FAIRVIEW, NC 28730 ❖ FAIRVIEWFOREST.COM

APPLICATION DATE:	DATE RECEIVED:
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OWNER NAME(S):

MAILING ADDRESS:

CITY, STATE, ZIP

PHONE NUMBER(S):	E-MAIL ADDRESS:
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CONTACT PERSON:	PHONE NUMBER:
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LOT ADDRESS	LOT SIZE (ACRES):
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TYPE OF STRUCTURE: HOUSE HOUSE ADDITION GARAGE OTHER _____

FLOOR SPACE UNDER ROOF: _____ Square Feet

STRUCTURE SETBACKS FROM PROPERTY LINES:
 FRONT LINE SETBACK: _____ FEET REAR LINE SETBACK: _____ FEET
 LEFT LINE SETBACK: _____ FEET RIGHT LINE SETBACK: _____ FEET

SETBACK VARIENCE REQUESTED:

ITEMS THAT MUST BE INCLUDED WITH APPLICATION:	<input type="checkbox"/> Lot survey (or comparable, accurate drawing) showing structure location <input type="checkbox"/> Detailed plan and elevation drawings of structure. <input type="checkbox"/> Siding material and color (Sample or color photo/brochure) <input type="checkbox"/> Roofing material and color (Sample or color photo/brochure)
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REFUNDABLE CONSTRUCTION DEPOSIT:	INFRASTRUCTURE FEE:
	AMOUNT: \$ _____ DATE _____

ARCHITECTURAL APPLICATION (CONT.)

Your signature is an acknowledgment that you agree to comply with the Restrictive Covenants and Regulations regarding construction of a structure in Fairview Forest.

	DATE:
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	DATE:
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FOR FFHA USE

CONSTRUCTION DEPOSIT DISPOSITION:

CONSTRUCTION COMPLETION: