

POWDERHAM NEIGHBORHOOD ASSOCIATION
ARCHITECTURAL REVIEW GUIDELINES

(Approved September, 1988)

INTRODUCTION

The Powderham community has been developed into a distinctive neighborhood of tasteful homes on large wooded lots. In order to maintain the integrity of the neighborhood and to protect property values, the developers of Powderham established and attached a Declaration of Restrictions to all lots in the subdivision. These restrictions are part of the deed to each property and are accepted by the homeowner as part of the land when a home is purchased in Powderham. These restrictions are legally binding and are enforceable for a period of twenty-five (25) years. They include various limitations on such items as outbuildings, trailers, fences, signs, etc. They also include the requirement to submit the plans and specifications for any proposed alteration or addition to the exterior of any existing structure or for any new structures, to an architectural control committee for approval.

The developers of Powderham were initially responsible for maintaining the standards set forth in the Declaration of Restrictions and exercised this responsibility through the review committee. However, as their involvement in Powderham diminished, that responsibility has been passed on to our neighborhood association.

The guidelines presented here were developed by our association for use by our review committee. They are based on the Declaration of Restrictions, on a resident survey and on a comparison with similar guidelines from neighboring communities. They represent an effort to build uniformity and hence fairness into the review process. They are intended to provide guidance to the committee by setting principles of reference in maintaining the overall character and aesthetic standards for our community while, at the same time, providing latitude for creativity and individuality. They have not been drawn up to penalize or place unnecessary restrictions on any individual resident, but rather to protect and nourish a certain quality of community environment and to insure stable, and hopefully, increased property values.

The Board of Directors of the neighborhood association reserves the right to make subsequent alterations, amendments and additions to these guidelines as necessary.

THE ARCHITECTURAL CONTROL COMMITTEE

The architectural control committee is an administrative arm of the neighborhood association and has the responsibility for administering the review process. The committee consists of three property owners within the subdivision who are not members of the Board of Directors of the association, but who are appointed by the Board. Each committee member serves a three-year term. To maintain stability and consistency in the decision-making process, terms are staggered so that a new member is appointed each year, and the most senior member serves as chairperson.

The major function of the architectural control committee is to review applications for external additions and/or improvements to property within Powderham. The activities of this committee are carried out in accordance with the board-adopted guidelines and any other policy directions from the board that is identified in the property covenants. The chairperson will review the activity of the committee at each meeting of the Board of Directors.

THE REVIEW PROCESS

It is the responsibility of the property owner to insure that all improvements shall conform with all current requirements of the law and applicable county, state or other governmental agency ordinances and regulations. Approval of plans by the Powderham architectural control committee should not be considered to imply such conformity. Questions of compliance should be resolved by the homeowner prior to submitting plans to the committee for approval.

Prior to commencement of work on any property, plans for improvement must be submitted to either the President of the neighborhood association or the chairperson of the architectural control committee..

Since adjoining neighbors are the ones most likely to be affected by a change, applicants are encouraged to also notify them of any proposed exterior change as an act of courtesy.

Plans for improvement should include a good faith estimate of the completion date. The committee reserves the right to request additional information from the applicant in order to better understand what is intended. The committee may also need to make an initial inspection of the proposed site of improvement for purposes of clarification. Additionally, the committee may also conduct a subsequent inspection(s) to assure timely compliance with submitted plans. The committee must act on submitted plans within a thirty (30) day time limit. However, in certain situations where more information is required, the thirty (30) day time limit will begin when the committee receives the additional information. Failure to act by the committee is tantamount to acceptance. The response from the committee shall be in writing and shall be either mailed to the applicant or hand delivered.

If a homeowner's plans for improvement are not initially approved by the committee, the chairperson will discuss with the applicant the reason and, where possible, suggest an alternative that is mutually acceptable. If an agreement cannot be reached, the applicant may make an appeal to the Board of Directors of the neighborhood association in writing, requesting that the status of the application be brought before the Board at the next regularly scheduled meeting. A two-thirds vote of the Board will be required to overturn the decision of the architectural control committee.

It is hoped that the residents of Powderham will comply with the architectural review process in the spirit of neighborly cooperation. Failure to submit plans to the committee and gaining approval prior to commencing actual work can lead to problems. The Declaration of Restrictions provides for legal recourse on the part of the association to enforce compliance.

GUIDELINES

In administering the review process the committee must consider each case individually, using the guidelines as principles for reference. No two sites are alike, and a design solution appropriate for one site is not necessarily appropriate for another. As detailed below, the guidelines set forth principles in the areas of quality of construction and materials, the placement, spacing and screening of structures, etc. For purposes of clarification, the guidelines encompass additions and improvements to existing structures as well as the new construction of such items as fences, sunrooms, screened porches, decks, outbuildings, swimming pools, dog pens, etc. The items mentioned below should not be considered to be all inclusive. Specific improvements not mentioned here should not be assumed to have automatic approval or to be beyond the scope of the review process.

SIGNS - No commercial sign of any kind shall be displayed to the public view on any lot except one sign of not more than six (6) square feet to advertise the property for sale.

FENCES

1) Location - The general policy is that no fences are allowed in the front yard (forward of the rear wall of the residence). "Accent" fencing, as part of an overall landscape plan, may be used in the front yard only with the approval of the committee. Fencing of back yards should extend off the rear corners of the residence with the finished side facing adjacent property lines.

2) Material - Fences are to be of wood (decay resistant) construction only. If containment material is used, it must not exceed sixteen (16) gauge and must be installed on the interior of the fence. Finish may be treated wood. If painted, fencing must match house and/or trim colors.

3) Fencing should not exceed six (6) feet in height.

4) Design - Fences should be compatible with overall character of residence or neighborhood.

POOLS - Pools, both above and in-ground are allowed in the rear of the residence. Pool and pool equipment must be screened from street view.

VEHICLES/EQUIPMENT/ETC. - Recreational vehicles, boat/trailer combinations, trailers, trucks, heavy construction, commercial equipment, etc., should be stored away from street view, covered and screened as much as possible.

OUTBUILDINGS - Outbuildings, such as free standing storage sheds, workshops, etc. should be of the same style, finished materials, and color as the main residence. As a general policy, outbuildings should be placed on the lot in a manner so as to minimize view from the street and be unobtrusive to neighbors.

DETACHED GARAGES - Detached garages should also be of the same type, finished materials, and color as the main residence. Garage doors should not face the street.

MASONRY STRUCTURES ALONG DRIVEWAYS - All masonry entranceway structures must be approved. No stucco or concrete block construction is permitted. Excessive height and linear footage are discouraged. Height of pillars is not to exceed four feet above street level.

MISCELLANEOUS

1. Clotheslines are permitted but should be screened from street view.
2. Dog pens are permitted; however, they must comply with the provisions on fences.
3. Satellite dishes and any type of exposed antenna are not permitted.
4. Refuse containers, firewood, construction materials, derelict vehicles, etc., should be stored in the rear of the residence and screened from street view.
5. Businesses operated out of the home are a major concern to Powderham residents and are strongly discouraged. Increased traffic flow through the neighborhood, parking, signs and related storage are all potential unpleasant side effects of home businesses.

REPLACEMENT OF ORIGINAL CONSTRUCTION MATERIALS - Like-for-like replacement of roof materials, siding, etc. is required. All other construction materials fall under alteration/improvement guidelines. Exceptions must be reviewed by architectural control committee.

