

Chestnut Hills Community Association, Inc.

Architectural Control Standards

Effective October 13, 2020

Background on the Covenants and the Architectural Review Committee

You should have received a copy of the Association's Bylaws and Covenants at the time you closed on the purchase of your home. They were created to protect the value of your investment in your home and to promote peace and harmony in the community and among neighbors. We trust that you took time to read and understand them and that you refer to them from time to time as needed. The Covenants assure the residents of certain minimum standards for land use, architectural design, and property maintenance throughout the neighborhood. They “run with the land” as part of your deed of ownership so cannot be cancelled or modified by any homeowner individually.

Observance of the Covenants is entrusted to the Architectural Review Committee (the “ARC”). The Chestnut Hills Community Association's Board of Directors (the “Board”) appoints volunteer members to the Committee. These volunteers are residents of Chestnut Hills Community Association, Inc. (any residents interested in serving on this Committee should contact a member of the Board of Directors or the management office.) This practice assures that the review and approval process is in the hands of your elected representatives and their appointees.

The Covenants provide that alterations or additions to your property must be approved by the ARC. The approval process and the evaluative criteria to be applied by the ARC are detailed in these Architectural Standards (the “Standards”). The Standards represent the ARC's interpretation of the Covenants and are not intended to supersede any specific rights or obligations set forth in the Covenants. In the event of a conflict between the Covenants and these Standards, the Covenants shall control.

The Standards do not anticipate every question or issue and, therefore, are not intended to be inflexible. They are also subject to modification by the Board at any time. The Chestnut Hills Community Association employs a professional property manager, the Newcomb Group, which posts the Architectural Control Application (and “Application”) on its web site. If any improvements or repairs require approval please download the Application, complete it, and send it back to the Newcomb Group for distribution to and review by the Architectural Review Committee.

The Standards apply to all new and modified structures, which include any building or portion thereof, wall, fence, pool, shed, deck, swing set, pavement, driveway or similar thing. Specifically, residents may not construct or modify a structure until the plans and specifications, including elevation, material, color and texture, and site plan showing the location of all proposed improvements, with grading modifications, if any, are filed with and approved in writing by the ARC.

The Process for Building or Modifying A Property

- 1. If necessary, apply for a building permit.** County building permits are required for certain alterations/improvements, such as decks, porches, additions, etc., to ensure construction complies with building/safety codes. A discussion of permits and building codes is beyond the scope of this document; therefore, we advise homeowners to contact the Allen County Building Department (the “Department”) at (260) 449-7131 before finalizing plans and completing an Architectural Control Application. The Department can tell you if you need a permit, provide reference sheets of design requirements, and explain exactly what you will need to obtain the appropriate permit(s). ARC approval means that your proposed alteration/improvement is viewed by the ARC as meeting the Covenants’ Standards although ARC approval does not guarantee County acceptance of your design or that your proposal is within County building codes. Likewise, County approval does not guarantee the ARC's approval. The ARC’s approval also does not supersede or negate any Covenant requirements.

- 2. Plan and design.**

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The following sources are available to assist you in the design and approval process:

- The Covenants and Restrictions;
- These Standards;
- The property manager;
- Any member of the ARC or Board;
- For improvements requiring permits, Allen County Building Department at (260) 449-7131

3. Complete and submit an Architectural Control Application to the Property Manager

Obtain an Architectural Review Committee Approval Application (an “Application”) from the property management company’s website (www.newcombgroupp.com). Fill in the entire Application and attach all information required by the instructions (Applications without all required information will be returned for completion) and return the completed Application to the property manager.

4. Review by the Architectural Review Committee (ARC). Your Application is normally reviewed within seven (7) days following receipt. There are three (3) possible outcomes:

- Your Application is approved;
- Your Application is denied;
- Your Application is postponed, pending additional review.

The most common reason for postponing a decision is because an Application is incomplete or seeks approval for an improvement that deviates from the scope permitted under the Covenants. In such cases you may be requested to modify your proposed design or submit additional information to enable a complete review.

5. Report of the ARC's decision. The ARC will report its decision to the property manager, and the property manager will send the approved document to the property owner.

Frequently Asked Questions:

Q: What if I disagree with the Architectural Review Committee?

A: An aggrieved party may appeal a decision of the ARC to the Board of Directors.

Q: Is compromise possible?

A: While the process described above seems complex and rigid, it works because of the common interests and cooperation between applicants and the ARC and the Board of Directors. At every step, efforts are made to reach compromises to ensure a speedy and satisfactory approval of your Application. That said, the ARC and Board do not have the ability to approve an Application that contemplates actions prohibited by the Covenants. Ultimately, the Covenants control what is allowed.

Q: What if I don't wait for my Application to be approved?

A: If you begin alterations without first obtaining approval of your Application, you do so at your own risk since if you modify your property in a manner not allowed by the Covenants you may face the cost of removing or remediating the alteration and possible costs of litigation. The Covenants provide a means for placing these costs as a lien against your property. These circumstances may also arise if your property has been altered without approval before you purchased it. In such cases every effort will be made to work out a reasonable solution to the problem, however.

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Q: What is the process for Covenant enforcement?

A: Enforcement of the neighborhood covenants is a right that belongs to every resident, each of whom has the individual right to enforce the Covenants. That said, the ARC and the Association's Board of Directors serve as a resource for information and evaluation and potential enforcement of the Covenants. When architectural complaints are brought to the attention of the ARC, they are investigated as promptly as possible. If a complaint is found to be valid, the property owner is contacted formally and asked to correct the violation. Our experience is that most problems are resolved at this stage. Should the property owner fail to act after notice of a breach of the Covenants, however, the ARC may refer the case to the Board which may vote to initiate action in court at the owner's expense. All costs at this stage are chargeable against the property owner as a lien on the property.

Q: How closely must I adhere to the Covenants and Architectural Standards?

A: The Covenants give the ARC the responsibility to set rules and procedures for architectural control and the authority to interpret the Covenants and supply additional context and regulation where they are silent or ambiguous. These Standards should be understood as guides to be used by residents in preparing an Application for exterior alteration. Based upon the policies and previous decisions of the ARC, they will tell you what is most likely to be approved in typical circumstances and give you important information regarding how to prepare your Application.

Special circumstances regarding your property may allow the approval of an Application which might be denied at another location or the denial of one which might have been approved elsewhere. The fact that a plan that appears to be similar to yours has been approved for use at another location does not mean that it is automatically approved for you. The members of the ARC and the Board of Directors, in the final analysis, need your help and cooperation in every facet of our work.

Specific Review and Approval Standards

Fences

All perimeter or barrier fencing designs must comply with the following:

1. Fences must be open style and may be constructed of aluminum, cast iron, appropriate PVC/vinyl, or commercial grade wood (chain link and other wire fences are prohibited). Fences may not exceed six feet in height, and privacy fencing should, where practical, be natural. Fences may also not create a sight obstruction for any neighbor with respect to the view of any lake or the golf course or create a safety hazard. Fence posts must either be integral with the fence or face the interior of the fence. Fences shall not extend forward of the back line of the home except for an extension needed to encompass a garage service door. Only one fence is to be put on a common property line and adjacent neighbors may tie-in to existing fences to avoid the need for two (2) fences along a common property line. Fences must be maintained in a high state of repair.
2. A complete Application is required for ALL fences and must include the following:
 - A drawing of the lot showing the placement of the home and lines indicating where the fence is to be installed (including all dimensions).
 - Physical characteristics of the fence, to include style, building materials, height, and color.
 - Indication of where gates will be located. Gates should complement the fence material in style, color, and height.
 - Indication of the type, location, and color of any adjacent neighbor's fence.

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Awnings, Trellises, Pergolas, and Similar Structures

Sun control structures must be compatible with the architectural character of the home in terms of style, color, and materials, must be consistent with the visual scale of the home, and must not adversely affect direct sunlight or natural ventilation enjoyed by adjacent properties. Sun trellises, pergolas, and similar structures should be constructed with commercial grade wood or other high-quality materials. Awnings must be made of a non-obtrusive design on canvas, vinyl, or commercial grade wood. Awnings with pipe frames should be painted to match the home's dominant color. In addition, if an awning with pipe framing is removed, the frames must also be removed.

A complete Application is required for the installation of an awning, trellis or pergola, and must include locations, dimensions, style, color and description of material to be used, detailed drawings of awning(s) or trellis(es), or pergola(s), etc., and a description of how the structure will be attached to the home and supported.

Basketball Hoops and Backboards - Portable and Permanent

Basketball posts and goals must be free-standing (not attached to the home, garage, or roof) and constructed of commercial grade materials. If located in a driveway, the backboard must be perpendicular to the street. Portable basketball goals may not be located in the street during use and, must be stored when not in regular use, and not left in plain view from the street. No basketball hoop and backboard may be erected next to the curb or in any road right of way.

Free-standing Poles

No clotheslines, clothes poles, or any other free-standing, semi-permanent poles, rigs, or devices, regardless of purpose, shall be constructed, erected, located, or used on any lot, except that one flag pole for the sole purpose of displaying the American flag may be erected subject to approval by the ARC.

Driveways

No Application is required for replacement of an existing driveway unless the owner plans to change its materials, size, shape, or grade. An approved Application is required for any new driveway construction, including expansion. The completed Application must include:

- Site plan with dimensions showing the driveway's relation to existing structures, trees, and property lines.
- Proposed changes in grade (please note that care must be exercised in any drainage change).
- Assurance that the driveway's configuration will not allow a parked vehicle to extend into or overhang a public sidewalk or street.

Gazebos

Gazebos may not exceed one hundred forty-four (144) square feet in floor area. The floor may not exceed one (1) foot above the ground or deck floor, and the wall height may not exceed eight (8) feet. If a gazebo is constructed as part of a deck, the construction and finish should match the deck. Gazebos must be located to the rear of the home and at least ten (10) feet from adjacent property lines. Construction or modification of a gazebo requires an Application, which should include:

- A site plan showing the gazebo's relationship to adjacent homes and property lines.
- A picture and/or detailed drawing of the gazebo, including dimensions.

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- A description of the material to be used.
- A description of the gazebo's proposed color as well as the house's color.

Grills—Permanent

An Application is required for the installation of a permanent grill. Permanent grills should be placed behind the rear line of the house and should not be placed within (10) feet of the side and rear property lines. The Application must include:

- The permanent grill's dimensions.
- A site plan showing its location relative to the home and neighboring property lines.
- A description of the materials and colors to be used.

Lawn Ornaments and Decorations

Lawn ornaments and decorations two (2) feet in height and larger must be submitted for approval and must be located in the rear yard. Those under two (2) feet in height must be in keeping with the architectural and aesthetic character of the neighborhood (and include patio, porch, and outside step ornamentations). Temporary decorations for holidays and special occasions do not require an Application and may be displayed from 45 days in advance of the Holiday through 45 days following the applicable Holiday.

Lighting

The replacement of an existing light fixture, if accomplished with a reasonable match to the old fixture, as well as temporary holiday lighting, do not require ARC approval. If a change in size, style, shape, color, or positioning is desired, or if additional light fixtures are to be installed on existing or new structures, an Application is required.

Further, no exterior lighting may shine on adjacent properties or public spaces and should be aesthetically planned for each location. Flood lights and various types of high output lights fall under the category of security lighting and must be directed in a manner that does not adversely impact neighboring homes. Some high output light fixtures may have to be shielded in a manner similar to some streetlight installations to prevent unwanted or excessive intrusion of light on an adjacent property. Specific types of lighting and associated Application guidance follows:

- Permanent lighting and wiring require a full Application.
- Temporary lighting for decoration, holiday, and festival use do not require approval and may be displayed from 45 days in advance of the Holiday through 45 days following the applicable Holiday.
- Bug lights must be portable and kept ten (10) feet from the property lines.

Major Building Additions

Major building additions include but are not limited to porches and rooms. Such additions must be designed in a manner consistent with the existing home's shape, style, and size, as set forth below:

- Siding, roofing, and trim materials must be the same as, or compatible with, the existing home's materials, color and texture.
- Windows and doors must be compatible with those of the existing home in style and color. These should also be located on walls that are the same height as those of the existing home

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and trimmed in a similar manner.

- Roof eaves and facias should be the same depth, style, and approximate slope as those of the existing home.
- No roll siding, asbestos siding, siding containing asphalt or tar as one of its principal ingredients may be used.
- No roll roofing of any description or character may be used on the roof of any structure.

The following additional criteria will be considered with any Application for a major building addition:

- New additions must not adversely impact the neighbors' ability to add to, modify, or maintain their existing home.
- Additions should not significantly impair the view, amount of sunlight, or ventilation enjoyed by adjacent homes or the public's use or enjoyment of common areas.
- Additions' windows, doors, or viewing areas should not infringe upon neighbors' private areas.
- Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.
- Any addition must meet county setback requirements and all other regulatory obligations.

Applications must include:

- Site plan showing relationship of new and existing construction to property lines and adjacent homes. Size and location of trees in affected areas on the site should also be included.
- Drawings, to scale, of the new construction, including a plan view and elevation views of each new exterior wall area. These should show dimensions and locations of such features as doors, windows, roof lines, trim, and new exterior lighting fixtures.
- Description of materials, including type of siding materials, roof materials, trim materials, and their colors.

Patios, Decks, and Walkways

Applications are required for new or expanded patios, decks, and walkways or material changes in existing patios, decks, and walkways. An Application is not required if a patio, deck, or walkway replaces an existing structure with identical material similar in color and textures. Such additions should conform to the following criteria:

- Decks and patios may be constructed of treated wood, masonry, stone, vinyl, composites, and concrete, providing that the material's color and texture harmonize with adjacent structures. Decks must be stained or painted to complement the home. All hardware must be galvanized.
- Decks and patios must be located to the rear of the home.
- Deck and patio height must be even with the finished floor line on a single-story home or the second story finished floor line on a two-story home.

New patios, decks, and walkways should conform to the following criteria:

- They should not disturb existing land contours, with any terracing limited to small increments.
- Structures should be located to provide reasonable visual and acoustical privacy for both applicants and their neighbors and utilize screening or plantings as needed to this end.

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Applications must include:

- A site plan with dimensions showing new and existing walkways, decks, or patios in relation to existing homes, trees, and lot boundaries as well as any landscaping plan to screen the deck's base.
- A list and description of materials to be used, including paint and stain colors.
- A project plan showing elevations and dimensions.
- A description of proposed lawn contour changes, plantings, screening, rails, benches, new exterior lighting, etc. that will be installed.

Plantings and Trees

Applications are not required for foundation plantings, trees, or single plantings so long as they do not block neighbors' views of lakes or the golf course or create a safety hazard. An Application is required for hedges, which are defined as a row of bushes or low trees planted closely together to form a boundary. In addition, no landscaping design may be undertaken that would cause water run-off to flood a neighboring lot.

Private Pools and Hot Tubs

A complete Application must be filed prior to installing an in-ground pool or hot tub and a county permit is also required for an in-ground pool. Above-ground pools are not permitted.

The following conditions should be satisfied in any Application:

- Hot tubs must be integral with an aesthetically appealing deck and not be visible from any street.
- Pools and hot tubs should be installed with privacy screening.
- Fences shall be of an approved type and comply with all legal requirements.
- A pool or hot tub should not interfere with a neighbor's property, quiet enjoyment of their home, or otherwise adversely impact others.

Applications must include:

- A site plan showing the location and dimensions of the pool or hot tub, other related equipment, fences, etc., in relation to the applicant's home, property lines, and adjacent homes.
- Detailed drawings and plans of the pool or hot tub, deck areas, lighting arrangements, walkways, fences, etc., and pertinent information concerning water supply system, drainage, and water disposal system.
- A planting plan for privacy.

Communication and Solar Equipment

Free-standing radio and television antennae and satellite dishes or disks are prohibited. No radio and television antennae with more than two (2) square feet of grid area or one that attains a height in excess of six (6) feet above the highest point of the roof of a home shall be attached to a home. No satellite dish or disk in excess of twenty-four (24) inches in diameter shall be permitted on any home. However, one satellite dish or disk of less than twenty-four (24) inches in diameter may be attached to a home (not free-standing) in a manner and position approved by the ARC. A dish or disk not in service, including the supports, shall be removed. Solar equipment is prohibited by the covenants.

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Fireplace Wood

Firewood must be placed adjacent to the dwelling behind a visual barrier so that it is not visible from neighboring streets or the golf course.

Swing Sets, Sandboxes, and Playhouses

Playground sets require an Application and are permitted only in backyards in a location that does not adversely impact neighbors' home or property use. Swing and play sets may not exceed twelve (12) feet in height or twenty (20) feet in length. Play sets must be of heavy, wood or other sturdy materials, earth tone in color, and maintained in a high state of repair.

A complete Application is required and must include:

- The proposed set's color and materials.
- A site plan with dimensions showing the location of the play equipment relative to applicant's home, property lines, and neighboring houses.
- A picture or sketch of the equipment showing dimensions.

Sandboxes do not require the ARC's approval as long as they do not exceed twenty (20) square feet and two (2) feet in height. They must meet the location criteria stated above for playground sets. Playhouses must be constructed of wood or other high-quality materials, of a color and style consistent with the adjacent home(s) and well maintained.

Signs

- No sign of any kind shall be displayed to the public view on any home except one sign of not more than five (5) square feet advertising such home for sale, or signs used by a builder to advertise construction or maintenance work being performed (and shall be removed within ten (10) days of sale or completion of the work).
- Homeowners may place a reasonable number of political signs commonly displayed during election campaigns beginning sixty (60) days before and ending six (6) days after polling day

Nuisances

Homeowners are responsible for controlling family pets, picking up excrement, and proper disposal of such.

Drafted by the Architectural Review Committee of the Chestnut Hills Community Association, June 15, 2010. Approved the Board of Directors of the Chestnut Hills Community Association, January 13, 2017. Amended by the Board of Directors on October 13, 2020.