

Sunset Oaks

Architectural Review Guidelines

The Architectural Review Board has been established to maintain and enhance the character and aesthetic quality of Sunset Oaks. The specific rules governing the function of the Architectural Review Board (ARB) are provided in Article IV of the Sunset Oaks Master Declarations of Conditions, Covenants and Restrictions recorded with the Wake County Register of Deeds office in Book 10629, Pages 971-990. Provided below are guidelines that are intended to serve as a helpful resource for residents in understanding the Architectural Review process.

All proposed modifications that require Architectural Review as outlined in the Guidelines below should be submitted via a fully completed application (attached). An important part of the application process is obtaining acknowledgement and possibly, input from adjoining neighbors who might be impacted by the proposed modifications. Approval from adjoining neighbors is not required by the ARB but their comments and opinions may be a factor in the ARB's consideration of the proposed modifications.

Please note that all exterior alterations must be approved by the ARB in writing prior to the commencement of any work on your property. The ARB has 30 days from the receipt of fully completed applications to act on the proposed exterior change. Therefore, do not commit labor or materials until you have received written approval from the ARB. Additionally, some projects (such as additions and work in environmentally-protected areas) may require approval from the Town of Holly Springs or other regulating authorities.

The ARB may refuse approval of any plans, in whole or in part, for any reason. Disapproved requests may be appealed to the Architectural Review Board. If the appeal is denied then the homeowner may submit their appeal to the Sunset Oaks Board of Directors, who will confer with the ARB to ensure that the decision is fair, reasonable, and uniform, as required by the Covenants and Guidelines.

Provided below are guidelines for the most frequently proposed alterations.

The guidelines may be revised periodically provided that such revisions are consistent with the general design scheme of the neighborhood

Exterior Paint:

All residents wishing to repaint their homes must comply with the following:

1. If the house (including siding, trim, doors and shutters) is to be repainted the same color as was previously approved by the ARB, then a new application for approval is not necessary.
2. If the house (including siding, trim, doors and shutters) is to be repainted with a new color than you must submit an application that includes paint chips for the

proposed color(s). The ARB may require that a section of the home be painted in the proposed color(s), if necessary, to determine the suitability of the color(s).

Air Conditioners

Air conditioners should be inconspicuous as required by Article III Section 19 of the Sunset Oaks Covenants. Suitable screening includes shrubs or fences, as approved by the ARB. Window air conditioners are permitted provided that they are not installed in any window on a side of the home that faces a street or alley, and only one window a/c is permitted per home to be removed during the winter.

Refuse and Recyclables containers

Article III Section 15 of the Sunset Oaks Covenants requires that “all rollcarts, bins and other receptacles shall be stored on a lot in an area suitably screened from public view”. The ARB has determined that suitable screening includes shrubs or fences, as approved by the ARB, which ensure that the containers are inconspicuous whether viewed from a street or alley. Homes that have a rear garage on an alley may store all rollcarts, bins and other receptacles and may place them neatly next to the home in the alley if it is not possible to screen them.

Fencing

All residents wishing to install fencing must comply with the following:

1. All fences must be site-built of weather-resistant wood or powder-coated aluminum. No vinyl, chain link or pre-fabricated wood fences are allowed.
2. Decorative fences not to exceed 4 feet in height may be placed in side yards (not to extend beyond the main body of the front of the house) and rear yards. Decorative fences must have 6 x 6 inch posts on the corners and along at least every 16 linear feet of fence. Pickets can be either 1 x 4 inches or 2 x 2 inches with spacing of no more than 1.5 inches. All horizontal support members must be located on the inward facing side of the fence. The street or alley facing side of fences must be planted with evergreen landscaping that will provide 50% coverage of the fence at plant maturity.
3. Privacy fences not to exceed 6 feet in height may be placed in rear yards. Privacy fences must have 6 x 6 posts at least every 8 feet. The privacy fence may have 4.5 feet of solid fencing (no gaps) on the lower section with 1.5 feet of semi-opaque fencing (either lattice or pickets) in the upper section. Alternatively, scalloped or arched fences not exceeding 6 feet at their highest point and not less than 5 feet at their lowest point may be installed in rear yards. Fences of this style shall have either 1 x 4 or 1 x 6 inch pickets with spacing of no more than 1 inch. All horizontal support members must be located on the inward facing side of the fence. The street or alley facing side of fences must be planted with evergreen landscaping that will provide 50% coverage of the fence at plant maturity.

4. The ARB may regulate the placement of fences with respect to adjoining property lines. Additionally, fences along the street-facing side of corner lots have additional restrictions regarding setbacks from the adjoining right of way. See attached diagrams regarding fence placement.

Landscaping

Only major landscaping projects (such as large bush and tree additions or removals) require ARB approval. The ARB encourages the use of locally indigenous plants. Grass is required to be maintained in front yards and tree lawns between the sidewalk and curb. Street trees are to be maintained and replaced, if necessary, by owners of adjacent lots after the tree has passed the one year warranty period after initial planting. Replacement trees are to be of the same species with trunk caliper of at 2.0 - 2.5 inches at installation.

Landscape borders surrounding gardens and trees must be approved by the ARB prior to being installed.

Artificial plants may not be installed in any location that is visible from a street, sidewalk or alley.

Satellite Dishes

Under federal law, the ARB cannot deny the use of small satellite dishes (less than three feet) but requires that dishes be placed in areas that are not visible from the street if at all possible.

Home Additions, Screen Porches, Pergolas, and Arbors

All additions to existing houses must be submitted for ARB approval and will be evaluated based on their conformance to the architecture of the neighborhood in terms of massing, scale and materials. In general, proposed additions (including screen porches and attached pergolas) should be consistent with the existing house in terms of color, materials and scale. In order to assist the ARB in its review of proposed additions, applicants must submit detailed plans that clearly depict the design of the modification with scaled drawings and specific material and color selections.

Benches, Birdbaths, Yard Art and Statuary

ARB approval is required prior to the installation of benches, birdbaths, statuary and other forms of yard ornamentation that are clearly visible from adjacent streets. In general, the ARB is supportive of decorative landscape elements as long as they are discreet and in harmony with the adjoining area. The ARB may limit the number or type of decorative items on a lot at their sole discretion.

Decks

Any changes to existing decks or addition of new decks require ARB approval. Decks are only allowed in rear yards and in general, are not allowed to extend past the side wall of the house. Decks are to be constructed of weather-resistant material and may be left natural, stained, or painted.

Drives

Any changes to existing driveways and parking pads require ARB approval. In general, the ARB encourages as little concrete as possible to allow for storage of automobiles.

Permanent Play Structures and Detached Storage Buildings

ARB approval is required for free standing outdoor structures such as storage sheds and play structures. Storage sheds must match the adjoining home in color and design (i.e. roof type and pitch, decorative trim, window styles). Permanent play structures should be of wood construction and consideration should be given in locating play structures to cause the least inconvenience to neighbors and be as harmonious and inconspicuous as possible. Play structures should be screened from adjacent streets by landscaping and/or fencing.

Basketball Goals, Trampolines and Temporary Play Structures

ARB approval is not required for mobile basketball goals. However, goals are not allowed to be regularly placed along streets, sidewalks or alleys. The installation of trampolines requires ARB approval. Temporary play structures (i.e. plastic slides, sandboxes, etc) must be regularly stored away but do not require ARB approval.

Retaining Walls and Drainage Changes

All retaining walls, storm drains or significant drainage changes require ARB approval. Preferred material for retaining walls include stone (synthetic or natural), brick and treated wood (only in limited circumstances such as rear or side yards). Changes in drainage patterns should be considerate of potential erosion problems and any impacts on adjacent property.

ARCHITECTURAL APPLICATION PROCESS

Changes, additions or deletions that have been previously identified as requiring submittal, or that the homeowners believe may require submittal, shall follow the process described in this section. Homeowners should keep the following points in mind:

- No construction shall begin without written approval of the submittal by the Architectural Review Board. Therefore, no commitment for labor and/or materials should be given to contractors prior to receipt of written approval.
- No application shall be submitted for a Town of Holly Springs Building Permit prior to approval by the Architectural Review Board.
- Allow enough time for processing and approval (up to 30 days, as specified in the Master Declaration of Covenants) in planning for construction.

A. Planning and Preparation of Submittal

1. Using this specification, determine if a submittal is required.
2. Prepare the Architectural Review Form and attach any drawings, sketches, plot plans, and supplemental documents for the Architectural Review Committee and Architectural Review Board's review. A complete submittal will fully describe/depict the change and will stand on its own without need for further explanation or clarification.
3. Sign the form.
4. Present the complete submittal to all adjoining property owners or neighbors who may be visually impacted by the change, and obtain their signatures. This signature only indicates that each neighbor has seen the complete submittal. It is NOT an approval of the submittal.
5. Only after completing steps 1-4 above, present the submittal to the Property Management Organization, who will perform an initial review of the submittal for completeness and legibility. Incomplete or illegible submittals will be returned immediately to the homeowner. Upon receipt of a complete and legible submittal, the 30 day review period will begin.

B. Architectural Review Board Review

1. The Property Management Organization will forward copies of all submittals to the ARB chairperson and will retain the original.
2. The ARB representative will make every attempt to make a site visit with the homeowner.
4. The ARB will verify that all homeowners who can view the change (or are otherwise affected by the change) have signed the submittal and indicated that they do not have issues with the planned change,

5. If the homeowner wishes to meet with the ARB, the monthly meeting is open to the public.
6. The ARB will vote on each submittal as approved or disapproved. Disapproval may be on any grounds, including overdue homeowner's assessment fees
7. The Property Management Organization will complete a response letter indicating the Board's decision, and mail it within five working days. The details of any disapproval will be communicated to the homeowner.
8. Approval of any submittal or portion thereof does not ensure approval of similar submittals, as each submittal will be considered on its own merits
9. A proper submittal approved by the Board is like a contract to comply with the specific details. Alterations/ deviations of a significant nature will require resubmittal, including requesting new signatures from all neighbors, and this will be considered as a new, distinct request.

C. Appeals/Resubmittals

1. To appeal a disapproved submittal, the homeowner should submit a written response that includes specific detailed information explaining why the submittal should be reconsidered. The homeowner may also request a meeting with the ARB to further discuss the submittal.
2. Should the submittal have been disapproved on a technicality (i.e. location or height of a fence), and the homeowner is willing to comply with the remedy proposed in the Board's response letter, then the homeowner need only stop by the Property Management Organization's office, pencil in the change(s), and initial and date the change(s). The revised submittal will then be reconsidered by the Board via an e-mail vote. The homeowner will be advised of the decision, and receive a written approval letter citing the change(s).
3. If the ARB denies an appeal then the homeowner may submit an appeal to the Board of Directors, who will confer with the ARB to ensure that the decision is fair, reasonable, and uniform, as required by the Covenants and Guidelines. If the appeal is denied by the Board of Directors then the decision is final and not further appeals will be considered.

D. Time Frame for Construction

1. Construction should begin at the indicated start date or within three months after the date of the written approval by the ARB. Work must be completed within six months after construction begins, unless an extension is requested and granted.
2. Approval for projects that are not begun as specified above will lapse, and the applicant must resubmit the proposal or a written request for extension to the ARB.

E. Details for Submittal

In some cases many attributes or details of a proposed change, addition, or deletion are required for the Board to make sound, responsible decisions. In other cases the nature of the change will be simple and straightforward, as will be the submittal. The following items should be used as a method of describing or visually depicting the requested change (as applicable).

1. Pictures, magazine cutouts, etc.
2. Color chips.
3. Plot plans - top down drawing showing location of existing structure(s), property boundaries in relation to adjoining property(s), and location of proposed change(s). Dimensions should be included as applicable.
4. Elevation drawings - a side view that will show height, topography of the land, and a visual image of the change.
5. Written description of the types of materials to be used or a contractor's list of materials.
6. Written and/or visual depiction of construction details.
7. Location for building material storage during construction, soil disposal plan, drainage plan, and landscaping or re-vegetation plan (as applicable).
8. Any other aids that will assist the committee and the Board of Directors in their review.
9. Identification of the party responsible for performing the improvement (homeowner, contractor name, etc.).

Drawings should be to scale to show relationships to location, height, etc., with the dimensions and scale used clearly marked on all drawings. For major construction projects such as additions, sunrooms, dormers, etc., for which a hired contractor is used, the design drawing showing rooflines and similar details should suffice.

F. Inspections

The Architectural Review Board may do random on-site inspections to assure compliance with approved submittals. Homeowners are asked to cooperate during such inspections. As a minimum, the homeowner is asked to notify the Property Management Organization within 30 days of the completion of the project. If deficiencies or significant deviations are noted, the homeowner will be notified in writing by the ARB, with a response expected within 30 days.

Administrative fee for after-the-fact architectural requests

If physical work on the property related to any activity described in these guidelines as requiring approval commences before an appropriate request is approved the homeowner will be called to a special due process hearing. As a result of this hearing an administrative fee of \$75 will be assessed to any property owner who begins physical construction or landscaping activities before an appropriate architectural request is approved. This administrative fee becomes immediately due and collectible 3 days after the hearing. This fee is not refundable and will become an obligation directly associated with the property and be collected as per the policy.