

Toxaway Views Homeowners Association Architectural Review Committee Policy and Procedures

This document describes the standards, policies and procedures of Toxaway Views Architectural Review Committee (ARC). The procedures of this document must be used by property owners within Toxaway Views (TV) for any changes, additions, or alterations to—or visible from—the exterior of buildings or units, common areas or limited common areas.

I. Purpose of the Committee

- A. The TV community buildings blend into the beautiful natural surroundings of the area. It is important to maintain the architecturally pleasing exteriors of the buildings, thus retaining the rustic beauty of the neighborhood and enhancing the property values for all property owners.
- B. In order to achieve these goals, the ARC is responsible for architectural and aesthetic review of changes to property within TV. The BOD shall establish and maintain the guidelines by which the ARC functions.
- C. No modifications or additions to—or visible from—the exterior of a unit, building, common area or limited common area may be done prior to the written approval of the ARC.
- D. No modifications to the support structures of buildings or units (internal or external) may be done without prior written approval of the ARC.

II. Membership of the Committee

- A. The ARC shall be composed of three TV unit owners in good standing.
- B. The three members shall be appointed by the TV Homeowners Association Board of Directors (BOD) and shall serve a two-year term of office.
- C. One member of the ARC shall be a BOD member.

III. Committee Officers

- A. The BOD shall appoint one member of the ARC to serve as Chairman.
- B. The Chairman is responsible to receive all requests for approval or action, copy such request for other ARC members, obtain decision of such request and provide prompt written response from the ARC to the BOD.
- C. Copies of BOD's decisions shall be published in the meeting minutes.

Standards and Rules

I. Issues Not Covered in the Policy and Procedures

- A. The fact an issue is not mentioned or covered in these procedures does not give an owner the authority to act independently of the approval of the ARC.
- B. Any such issue must be brought to the ARC and ruled accordingly.

II. Paint

- A. The current exterior siding color must be maintained as close as possible i.e., Cabot New Redwood #417.007.
- B. Each unit's front door shall be Benjamin Moore Cliffside Grey.
- C. Decks, deck and foyer railings, if stained, shall be Cabot Australian Timber Oil, Honey Teak.
- D. Screen/storm doors, if installed or replaced, are to be aged bronze in color.

III. Satellite Dishes and Other Outside Antennas

- A. Such devices shall be installed in full accordance with the TVHOA policy: [LINK](#)
- B. If possible, such devices should be installed such that they can't be viewed from the street.

IV. Liability and Insurance

- A. All contractors, tradesmen, or servicemen employed by an owner for a project approved by the ARC must be licensed, if applicable.
- B. Such individuals must also carry general liability and Worker's Compensation Insurance, if applicable.

V. Trees

- A. No tree or large shrubbery on TV property may be removed or trimmed to benefit a specific owner without ARC approval.
- B. Trees removed to benefit a specific owner and approved by the ARC are at the owner's expense.
- C. Owner(s) desiring to trim trees for view shall comply with TVHOA's "Tree Trimming Policy." [LINK](#)

VI. Owner Responsibility

- A. Property owners gaining approval from the ARC for changes to their unit will be responsible for any and all cost including all related repairs to the building for such projects.
- B. Once a project is complete that owner (or owners in the case of collaborative projects such as changing foyer floors) assumes all future maintenance and repair expense for such projects. This responsibility is to be then conveyed to future owners upon transfer of ownership.
- C. Modifications made for approved projects shall be included in the owner's insurance coverage for their unit.

VII. Enforcement

- A. Violations will require correction by the owner and not the HOA. Once approval for a project is obtained from the BOD, such owner shall be responsible to ensure that the contractor and his/her employees adhere to all provisions of the document.
- B. Failure to correct violations may result in fines imposed on the owner.
- C. The owner shall be responsible for the actions of all contractors employed on this project.
- D. Following the approval of a project, changes to such project shall require reconsideration and approval by the ARC.

VIII. Variances

The ARC may consider variances or adjustments from the provisions of this document where literal application would result in unnecessary hardship and if the granting of such would not be materially detrimental to other owners in the TV community.

Review Procedure and Approval Process

I. Application for Change, Addition, or Alteration to Building or Unit, Common Area, or Limited Common Area (including building foyers and stairways)

- A. An owner requesting a change, addition, or alteration under the provisions of this policy must submit a complete package as follows to the ARC.
- B. A completed Application for the proposed project (See Appendix A).
- C. A completed Certificate of Compliance (See Appendix B).
- D. A sketch of the proposed project including a description of materials to be used and exterior color.
- E. Written approval from directly impacted, i.e., same entry level, owners in building.
- F. Name and address of contractor, tradesman, or serviceman to be used on the proposed project.
- G. Copies of all required permits, licenses, and insurance prior to commencement of work.

II. Disclaimer

- A. The ARC/BOD does not assume responsibility for structural adequacy, capacity, or safety of the proposed project.
- B. The ARC/BOD does not assume responsibility for the compliance with all codes and ordinances for the proposed project.

III. Approval Process

- A. Once the ARC has received the complete application package it shall have 30 days to render a recommendation and submit to the BOD for final consideration. Should the ARC feel the nature of the proposed project justifies a longer processing time, the Chairman shall notify the applicant in writing, but in any case, a decision must be made within 45 days.
- B. Review and approval of all projects shall include but not be limited to the value and aesthetics of the proposal, the impact on the existing architecture, materials to be used, impact on unit neighbors, common areas, limited common areas, and the impact on the value of the community.
- C. No owner who is delinquent in fees, assessments, and/or fines shall be approved to make changes to their unit, building, common area, or limited common area. Owner shall remain in good standing during the entire project process, or approval will be suspended.

IV. Appeals

- A. An owner may appeal in writing to the ARC Chairman any denial of a proposed project.
- B. The BOD shall hear the owner's presentation and the ARC's reasoning for denial. The BOD shall render a decision no later than the next scheduled Board meeting. The decision of the Board is final.

V. Time Frame for Completion

- A. No work will begin prior to approval of a project.
- B. Upon approval an owner has 30 calendar days to begin work. Once a project is started it must be completed in 30 calendar days.
- C. Owners who determine that the project cannot be completed within this time period shall petition the ARC for an extension.

VI. Working Hours

Except for an emergency repair, all construction work must be done between the hours of 8:00 AM and 6:00 PM, Monday thru Saturday. No work is allowed on Sunday or legal holidays.

VII. Storage and Disposal of Construction Material

Construction materials, including debris and dumpsters may not be stored on roadways or parking lots, nor in foyers of buildings. All residual materials and scrap must be completely removed from the property. Under no circumstances shall material or packing be disposed of in the community dumpster.

VIII. Job Signs

No job signs of any sort are allowed.

IX. Final Inspection

Once the project is complete, the ARC will have a representative conduct an inspection to ascertain the project has been completed according to the presentation for approval (See Appendix C).

X. Non-Compliance

- A. Should the ARC determine that a project does not comply with the proposal the owner will be notified in writing to bring the project into compliance.
- B. Should an owner fail to comply, the BOD may contract out the job to bring into compliance and bill the owner for such expense.
- C. If the owner fails to pay for such expense, a lien shall be placed on the property.

Appendix A

**Application to Change, Alter, or Modify a
Unit, Building, Common Area, or Limited Common Area**

Name of Owner: _____

Unit #: _____

Description of Project: (Continue on back of form if needed.)

This form with the following support documents must be submitted to the Architectural Review Committee Chairman:

1. Signed Certificate of Compliance.
2. Sketch/drawing of proposed project including description of materials to be used.
3. Written approval from applicable owners of units in building.
4. Copy of appropriate permits. Work can't be approved or begin until received.
5. Name, address, telephone number, license number, and proof of insurance coverage for contractor, tradesman, or serviceman to be used on the project.

Owner's Signature: _____

Date: _____

Appendix B

**Toxaway Views Homeowners Association
Certificate of Compliance**

We, the undersigned owners, have read all of the requirements of the Toxaway Views Policy and Procedure for changes to our unit, building, common area, or limited common area. We agree to abide by these rules and standards. We also agree to complete the proposed project approved by the Architectural Review Committee within 30 calendar days from starting date.

We certify that all fees and assessments/fines have been paid.

Unit Owner Signature: _____

Date: _____

Appendix C

**Toxaway Views Homeowners Association
ARC Final Inspection Checklist**

Unit Owner: _____

Unit#: _____

- _____ 1. Project completed and on schedule.
- _____ 2. Owner/contractors complied with the policy and procedure.
- _____ 3. Site cleanup of all trash and building material complete.
- _____ 4. All construction equipment, including temporary structures removed.
- _____ 5. Project completed according to approved proposal.
- _____ 6. Violations noted (list of back of form).

Signature of ARC Representative: _____

Date: _____