EAGLES NEST at Wolf Laurel Owners Association

 ARCHITECTURAL Guidelines

The Eagles Nest District Architectural Review Board (ENARB) guidelines have been developed to maintain a community that will allow freedom for individual tastes, while maintaining the overall aesthetics tone of our neighborhood. These guidelines give residents a consistent standard to follow as the foundation for maintaining their property.

Please keep a copy and read so that you may follow these guidelines.

1. Composition of the Eagles Nest Architectural Review Board

The ENARB shall consist of at least three (3) members. The members of the ARB shall be appointed by and shall serve at the pleasure of the Eagles Nest (EN) Board. The Board shall consists of members who are owners in the Eagles Nest community. One of the members of the ENARB will be a member of the Eagles Nest Board. A majority of the ENARB shall constitute a quorum to transact business at any meeting of the ENARB and the action of a majority present at a meeting, at which a quorum is present, shall constitute action of the ENARB. Any vacancy occurring on the ENARB shall be filled by the Eagles Nest Board. The term for the ENARB will be for three years but members may serve more than one term of three years if appointed by the Board.

1. Purpose of the ENARB
2. The ENARB is charged with reviewing all applications for exterior upgrades (including, but not limited to, doors, windows, roof, porches, garden borders, and any changes to porch surfaces, etc.), tree removal or trimming. Requests must include the proper form together with any supporting documentation. Response to the request will be provided within 30 days of the request. Any party aggrieved by a decision of the ENARB shall have the right to make a written request to the Eagles Nest Board within thirty (30) days of a decision of disapproval for a review. The determination of the Eagles Nest Board shall be final.
3. The ENARB will review the completed project to ensure the project was completed as was specified and approved.
4. Your cooperation and adherence to these guidelines are appreciated. It is imperative that each homeowner plans, in advance, to allow the ENARB to evaluate each application based on the above timeline. The ENARB will hold meetings as needed to review requests. The ENARB will communicate its decision and explanation via email or letter.
5. Each ENARB request will be reviewed and approved on its individual merits. Previous approval of a similar request does not guarantee future approvals. The ENARB will provide completed and approved requests to the Eagles Nest Board.
6. Responsibilities of the ENARB
	1. The intent of the ENARB is to ensure that our community continues to maintain its overall aesthetic tone, appeal, and continuity. In connection with its approval or disapproval of a proposed improvement, the ENARB shall evaluate each application for its total effect. This evaluation relates to matters of judgement and taste which cannot be reduced to a simple list of measurable criteria. It is possible, therefore that a proposed improvement might meet individual criteria delineated here, and still not receive approval, if in the sole judgement of the ENARB, its overall aesthetic impact is unacceptable.
	2. In general, the ENARB’s decisions are based on the following standard guidelines:
		* + 1. Aesthetic Consideration

The color, form, shape, scale, size, material will be included in the consideration. These should be consistent with Eagles Nest construction.

* + - * 1. Validity of Concept

The basic idea of the exterior change must be sound and appropriate to its surroundings.

* + - * 1. Landscaping and Environment

 The exterior change must not adversely impact the natural landscape.

* + - * 1. Relationship of Structure to Adjoining Property

The proposed change must relate harmoniously to its surroundings and to the existing buildings.

* + - * 1. Protection of Neighbors

The interest of neighboring owners must be protected by making reasonable provisions for such matters as water drainage, sound and light buffers, preservation of privacy, and other aspects of design which may have substantial effects on neighboring property.

If it is necessary to run an electrical cord across a sidewalk for the purpose of charging an electrical vehicle, the cord must be covered with an outdoor pedestrian cable cover. When the cord is not in use, it must be stored out of sight.

* + - * 1. Design Compatibility

The proposed change/upgrade must be compatible with the design characteristics of the Eagles Nest Community. Compatibility is defined as harmony in design, style, scale, materials, color, and construction details.

1. Scale: The dimensional size of the proposed change/upgrade must relate satisfactorily to the other Eagles Nest units.
2. Materials: Continuity is established by use of the same or compatible materials as used in Eagles Nest.
3. Color: Must be consistent with the Eagles Nest Color currently in place. This applies to the exterior siding, doors, windows, shutters, porches, etc.

A copy of the current 2021 colors is attached for reference.

1. Workmanship: The quality of work must be equal to or better than that of the existing residence and unit.
2. Window replacement must match size, glazing and décor of other windows in the building. The frame may be wood, aluminum or vinyl of colors matching the trim of the unit. The windows must be double hung.
	* + - 1. Project Completion Time

An approved property change may be instituted either by the owners or a contractor. In the unlikely event that a project significantly exceeds the dated design scope, or time period, the homeowners should communicate, in writing, to the ENARB. The documents need to explain any changes and/or delays. Projects that remain uncompleted for a long period of time are usually objectionable or can be a nuisance and safety hazard for neighbors, and therefore, may be subject to Eagles Nest Board action. All applications must contain a proposed maximum time period from start to the completion of the project. If the proposed time period is considered unreasonable, the ENARB may not approve the application. When work is completed, the homeowners should notify the ENARB so that a follow up inspection can be completed.

The ENARB has the right to inspect a dwelling unit to assure compliance with the approval. Following approval of any proposed improvement, the ENARB has the right during reasonable hours to enter upon and inspect any proposed implementation to determine if the approved specifications are following the original specifications. Should the ENARB need to enter a unit in order to inspect a proposed improvement (such as to inspect a back porch) every effort will be made to obtain permission by the owner to do so. Should permission not be granted the ENARB will determine that the proposed improvements are not being constructed as originally approved. If the ENARB determines that the proposed improvements are not being constructed as originally approved, the ENARB is entitled to stop further construction and to require the removal or correction of any work in place which is not compliant with the original plans. The owner shall bear all costs and expenses of such remediation including costs and reasonable attorney’s fees of the ENARB.

As a note for clarification, repairs in which the construction is not changed, reviews by the ENARB are not needed. However, replacement of such structures such as roofs, doors and windows will need approval. Specifications for windows, doors and roof replacement are attached.

* + - * 1. Tree Cutting Approved Requirement

Any cutting of trees within Eagles Nest is subject to the approval of the ENARB. Application must be submitted to the ENARB using the proposal Improvement Form.

General Considerations:

1. Topping of trees – Must have approval of ENARB
2. Under Brushing – The cutting of lower, diseased, dead branches or underbrush that does not endanger a tree is permitted without prior approval.
3. Emergency Removal – trees that are dead, damaged and/or pose a threat to a structure may be removed after notification to the ENARB.
4. Debris removal – Tree cutting debris including all logs must be consumed, removed and/or managed on owner’s property. No dumping of logs or debris on vacant lots, roadways or ditches.
5. Process for Completing Improvements
6. Homeowners should complete the attached “Application for Improvement” or “Application for Tree Removal/Topping” and mail to:

 Eagles Nest at Wolf Laurel Owners Association

 P.O. Box 1150

 Mars Hill, NC 28754

 Fax 828-484-9498

1. Please describe the proposed improvement clearly indicating your intention to use appropriate materials, paint color, design, etc. and attach.
2. You must obtain Certificate of Insurance from your contractor and include a copy in your application improvement requests.
3. Within 30 days of receipt of application the homeowners should receive notification of approval or, if not approved, the reason approval was not granted.
4. Once an application is approved by the EN ARB, the application will be sent to the Blue Mountain ARB for final approval.
5. Once work is completed pursuant to an approved application, the homeowner is to notify the Eagles Nest Owner’s Association of work completion at the above address or by phone at 828-689-9565.
6. The Eagles Nest ARB will inspect the work within 30 days of receipt of notification that work has been completed to ensure compliance. If the ENARB determines that the improvement was not completed as originally approved, the ENARB will notify the owner and require the removal or correction of any work not compliant with the original plans.
7. Enforcement Procedures
8. IF an owner fails to maintain his/her dwelling unit, lot or any appurtenant improvements as required, the EN Board shall give written notice specifying such failures to the owner. If the owner fails to correct such unperformed maintenance within thirty (30) days from the EN Board’s written notice, the EN Board may perform such maintenance and the cost of such shall constitute a Special Assessment for which a claim of lien may be filed and enforced.

If an owner fails to comply with the requirements for improvements or the EN Board determines that a change has been made that has not been authorized, the EN Board shall give written notice specifying corrections to be made. If the owner fails to correct the unauthorized change within thirty (30) days from the EN Board’s written notice, the EN Board may require the removal or correction of any work which is not compliant with the ENARB guidelines. The owner shall bear all costs and expenses of such remediation including costs and reasonable attorney’s fee of the EN Board. The costs shall constitute a Special Assessment for which a claim of lien may be filed and enforced.

1. Violation of the Tree Cutting Approval Requirement will subject the owner to possible fines of up to $50 per day for each violation until comparable reforestation or other satisfactory corrections are made as determined by the EN Board. The costs shall constitute a Special Assessment for which a claim of lien may be filed and enforced.

Adopted this July 9, 2022

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President