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Blue Mountain Owners Association (BMOA) Architectural
Review Board (ARB) Design and Construction Requirements

**Reference Information,
Compliance Checklist
AND
CONSTRUCTION PROCESS
FOR
Owners**

BLUE MOUNTAIN PROPERTY OWNERS ASSOCIATION
P O BOX 1150
MARS HILL, NC 28754
828-450-9780
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1.0 Reference

1.1 APPLICABLE DOCUMENTS

Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Blue Mountain at Wolf Laurel dated August 8, 2004.

1.2 GENERAL REQUIREMENTS (Covenants-Section 5.1)

No construction, modification of or alteration of any improvements shall be made on any Lot, and no Dwelling Unit shall be constructed, commenced, erected or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, color, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Review Board (ARB). Improvements or modifications which are specifically subject to architectural approval include without limitation, construction of the initial structures on a Lot; painting or alteration of a Dwelling Unit (including door, window, roof); landscaping; installation of solar panels or other devices; construction of fountains, swimming pools, Jacuzzis; construction of privacy walls or fences; (collectively referred to as "Proposed Improvements").

1.3 ARB POWERS AND DUTIES (Covenants-Section 5.2(b))

- A.** To draft Architectural Planning Criteria and in its discretion or at the request of the Board recommend modifications and/or amendments to the Architectural Planning Criteria. No amendment to the Architectural Planning Criteria need be recorded in the public record.
- B.** To require submission of plans and specifications for any proposed improvements.
- C.** To approve or disapprove any proposed improvement or change or modification thereto, the construction, erection, performance or placement of which is proposed upon any lot or dwelling unit.
- D.** To inspect a lot and/or dwelling unit to assure compliance with the approval.
- E.** The ARB may impose reasonable penalties upon any Lot Owner(s) and/or contractors for violation of the rules and regulations of the ARB or of the Covenants of Blue Mountain. Section 6.19 of the Covenants shall govern the Enforcement Procedures.
- F.** The ARB shall approve or disapprove the application for a Proposed Improvement within sixty (60) days following receipt of all documents and information necessary and required by the ARB and payment of the Application Fee.
- G.** *The ARB Administrator and/or ARB will review an owner's application within 14 days and not more than 30 days from receipt of an acceptable application.*

Notification and approval of an application by the ARB Administrator and/or ARB shall be dated and in writing. Construction must commence prior to the expiration of 12 months from application's approval. If construction is not commenced within 12 months of approval, a new application and fees are required. Plans submitted for review, or any portion thereof, may be disapproved upon any grounds, which are deemed by the ARB to be inconsistent with the general covenants and/or design guidelines. In the event that approval is neither granted or denied within 60 days following submission to the ARB, the applicant may send a demand for action by certified mail. If the application is neither granted or denied within 10 days of receipt of such demand, the application shall be deemed approved without further action of the Architectural Review Board.

H. *Failure to obtain the necessary approvals prior to new, or changes to existing construction may:*

- *constitute a violation of the Declaration of Protective Covenants, Restrictions and Reservation.*
- *Result in a fine being levied against the property of up to \$100/day from the beginning of construction until a proper permit is applied for and approved.*
- *Require modification or removal of unauthorized work at the expense of the homeowner.*

Note: *Building Permits issued by the Yancey or Madison County Building Departments, or other governmental agencies do NOT assure or replace the approval of the Blue Mountain ARB...*

I. *The Association, the ARB, and any of their employees or consultants are not responsible for any design, engineering or sale ability of the approved new home or changes to an existing home. Review is for aesthetic and site layout consideration only.*

J. *Contractors/Vendors are required upon entry to the community to provide the gate staff their destination and location of where they will be working. Purposely providing false information will result in a fine of \$100.00 per occasion and could result in being banned from work within Wolf Laurel*

2.0 Compliance Checklist

2.1 General

No Lot preparation, tree removal or construction shall be permitted on any Lot until the ARB approval is obtained. The ARB strongly suggests that no financial commitments be made until the approval process is completed. Applications will not be considered if the owner is in violation of the Covenants including nonpayment of any assessment.

A. Septic Permits-Owners of property in "Overlook Village" and "Chestnut Village" must have their property evaluated by the Yancey County Department of Environmental Health and receive a "Septic System Permit" which is to be attached to the ARB Application.

B. Application Fee-Upon submission of plans to the ARB for approval, the Owner shall pay an Application Fee to the Association in the following amount:

Up to 3500 Sq. Ft. \$3,500.00

3501 to 5000 Sq. Ft	\$5,000.00
Over 5000 Sq. Ft.	\$7,500.00
Exterior Major Remodeling	\$ 500.00
Exterior Minor Renovations	\$ 150.00

The application fee becomes nonrefundable once the application has been approved.

- C. Contractor Approval-**Contractors shall be licensed by the State of North Carolina, and that license number will be provided with the Application. The ARB shall retain the right in its sole discretion to approve or disapprove any builder/contractor or site preparation contractor. Contractor must provide a current certificate of General Liability and Worker's Compensation coverage prior to beginning construction.
- D. Site Plan-**A comprehensive site plan must be submitted prior to commencement of any grading or construction. This plan shall be a scaled drawing on which is shown the house footprint, access, driveways, setbacks and septic location. The plan should also clearly show any unusual site drainage, run-off and erosion control considerations, and the proposed Driveway Access to the street including culvert size and location.
- E. Building Plans-**Two (2) sets of building plans including elevations will be provided.
- F. Materials and Colors-** A description of the color scheme for the exterior of the structure, including roof, paint, trim, siding, shutters, and driveway surface is to be provided. Siding and other color samples must be submitted with the Application. In addition, all information required by the Application for Building Permit shall be provided.
- G. Landscape Plan-**Two (2) copies of a landscape plan including tree removal showing finished treatment of the structure with adequate landscaping is required.
- H. Any changes or variation-***Any changes or variations of the project from the original application will require resubmission of an application to reflect the modifications. The new application may require additional fees for review and inspection. Failure to notify the ARB of plan modification and/or failure to submit a new application may result in a fine of up to \$100.00/day until the revised application is submitted and approved.*
- I. Exposed Foundation Finish-***All houses must have native stone, earth tone brick or stucco foundations. Exposed concrete block will not be allowed. Stone shall be native stacked stone or native stone veneer. In some cases, stucco may be required to be painted to blend with the final siding material color. Additionally, on extremely high foundation walls, a special design may be required to cover a significant portion of the foundation materials in order to create visual breaks and minimize the appearance of an excessive foundation.*
- J. Exterior Wall Material-***The fewer materials and colors utilized on the exterior of the house, the more cohesive the structure becomes, contributing to the objective fitting a house into its natural surroundings. To the extent possible, stone native to the area and in tones of earth colors should be utilized. The use of more than one type of exposed masonry material can be used if tastefully and proportionately used. Because of their softer appearance and capacity to blend*

into the site, cedar, pine, cypress or redwood siding in a variety of configurations are recommended as exterior finishes. Wood shingles and solid logs are also allowed as an exterior wall finish, and various other material such as Hardiplank, may be used, providing that they satisfy the exterior color requirements and do not have a reflective finish. No reflective finishes should be used on exterior surfaces except for hardware items.

- K. Windows and Doors**-*Windows shall be of size and types, materials and designs appropriate for the architectural style of the home. While insulated glass is recommended in all windows and doors, no mirrored film or unusual tinting will be approved.*
- L. Roofs**-*Because of the mountainous terrain, roofs will be considered one of the most important visual elements by the Architectural Review Board. Roofs should be designed to reflect the character of the slope of the land and be adequately pitched for shedding water, snow and leaves. Steeper pitches (7 in 12 and above) are required in order to visually settle the house into the site. Overhangs should be considered for protection from sun and rain. High winds in certain locations should be kept in mind. Wood shingles or shakes, composite singles and sheet metal roofs are permitted. Metal roofs are subject to specific site, material and color approval. No bright or reflective colors will be allowed.*
- M. Chimneys**-*All chimneys are recommended to have native stone, cultured stone, or stucco veneers. Exposed prefabricated chimney caps are subject to individual review. All other materials are to match and enhance the style of the house.*
- N. Skylights**-*Skylights will be considered for approval based upon their proposed location and number. They must be designed to be an integral part of the home.*
- O. Exterior Colors and Materials**-*Exterior colors and materials will be carefully controlled. Actual samples of colors and materials desired must be submitted to the ARB for preliminary approval before any of the materials are installed. In general, white or very light colors, including exposed natural aluminum finishes, will not be permitted. Anodized and other corrosion resistant finishes within a range of earth tones is recommended. After preliminary approval of color sample, an on-site color sample may be required.*
- P. House Number and Signs**-*One sign not more than two (2) square feet showing the E911 dwelling number, the name of Owner or Owners, and the name of the premises shall be permitted upon any lot with ARB approval.*
- Q. Lighting**-*Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the view of bright light sources. Illumination necessary for evening activities must be directed downward and be only bright enough to provide for the safe traverse of steps and paths. Whenever possible, functionally required lighting should be integrated into such features as steps, handrails posts, and curbs. Pleasant accent effects can also be achieved using landscape lighting. Accent spotlight fixtures directed up or down through tree foliage can provide low intensity but offer dramatic illumination of nearby pedestrian areas. Landscape up lights should be unobtrusive in appearance or hidden from view. Lighting along driveways and paths should avoid the runway effect and have a mounting height of no taller the three feet and use no more than 40-watt incandescent lamp. Exterior light fixtures on homes must be of a baffled design. Exterior light fixtures, such as decorative wall mounted fixtures, Malibu lights, up lights, and light posts must be compatible with the design of*

the home and must comply with the following: Overly ornate light fixtures or commercial light fixtures that establish an independent theme conflicting with the overall street scene and are not permitted. All flood lights and other fixtures with exposed light bulbs must be screened from view of the street and adjacent homes. All security light fixtures must be installed under the house eaves or otherwise screened from view, and the security light housing and conduit must be painted to match/blend with the adjacent surface color. In addition, security light fixtures must be oriented in such a way as to only illuminate the property of the homeowner installing the fixture. All outdoor lights other than porch lights or motion sensitive security lights shall be turned off no later than 11PM. Property owners are responsible for ensuring that renters, family, guests and their invitees are aware and comply with the lighting curfew. No new outdoor lights other than porch lights and motion sensitive lights shall be installed without the approval of the Architectural Review Board.

- R. Utilities-***Connections to the central water lines at the property line are the responsibility of the owner. Application for permission to connect should be made to Carolina Water Company. The homeowner is responsible for any other materials, ditching/trenching, fill material, and labor to connect their residence to the tapping connections provided to the main line. Gas storage tanks must be buried or screened in appropriate manner. All meters and connections shall fit within the aesthetics of the respective entity.*
- S. Landscape Planting and Natural Vegetation-***It is recommended that existing terrain be left undisturbed to the greatest extent possible to preserve natural vegetation. While no tree over 10 inches in diameter three feet above the ground, outside the thirty foot (30 foot) perimeter of the dwelling unit, may be removed without permission of the ARB, particular care should also be taken to preserve the natural underbrush and ground cover so that the likelihood of soil erosion is minimized. General clearing of the site is not permitted. In all cases, the use of naturalized or indigenous plant materials and informal site plans are encouraged. All disturbed areas should be restored with grass, mulch or planting.*
- T. Fencing-***In keeping with the concept of maintaining a natural environment throughout Wolf Laurel, border fencing is generally discouraged but not prohibited.*
- *No fencing is permitted along shared property lines without ARB approval and approval of neighbor.*
 - *Fencing along property frontage is to be of natural material and color, i.e., split rail, rock or live trees.*
 - *All chain-link fencing must not be visible from off-site of the locations.*
 - *Sight blockage on non-living fencing shall not exceed 30% of the total area and fencing height shall not exceed 42 inches.*
 - *All fencing must be kept in a state of good repair.*
 - *Stockade type or view obstructing fencing is not permitted.*
 - *No electric fencing is permitted except for invisible electric fencing for pet control.*
 - *A permit and approval by the ARB are required for the construction of all outdoor pet containment structures.*

Animal deterrent wire to separate specific areas of the property is allowed. Where visible from off-site, it should be unobtrusive.

U. Tree Removal Plan Requirements-*The ARB will consider the proposed Site Plan considering the trees that would be destroyed. The conservation of as many existing trees as possible is desired. If a tree is to survive, its roots, bark and leaves must be largely undamaged. Grading occurring within the drip lines of trees should be minimized. When it is necessary to lower the grade adjacent to a tree or group of trees, the cut should occur outside the drip line. In order to save as many trees as possible in disturbed areas of the site, the following is encouraged:*

- Barricade around those trees to be saved at least 6 feet away from the trunk.*
- Fertilize roots with slow-release fertilizer, which is high in phosphorous and potassium.*
- Use a 4-inch depth of hardwood mulch around drip line.*

Once the ARB approves the application, authorization to remove any and all of the trees within the Construction Footprint is granted.

The Tree Removal Plan must be submitted to gain approval to remove trees which are outside of the Construction Footprint, and which are 10 inches in diameter or greater at 3 feet above ground level. A Tree Removal Plan may be incorporated in, or otherwise related to, the Site Plan. It must indicate definitively by marker, paint or otherwise, the location and diameter of every tree to be removed which is 10 inches in diameter or greater at 3 feet above ground level.

The Driveway should be shown on Tree Removal Plan.

Tree cutting debris, including all logs, must be consumed or managed on owner's property or removed from Wolf Laurel. NO DUMPING OF LOGS OR DEBRIS ON VACANT LOTS OR IN THE ROADWAY OR DITCHES IS PERMITTED. Such dumping may subject the lot owner to a \$100.00 fine per occurrence per day and costs of cleanup.

Any healthy trees outside the Construction Footprint, which are cleared without permission, may result in fines or other additional remediation, including reforestation. Reforestation is defined as replacement of a like species, 4-inch caliper/diameter at 3 feet above ground and verified to be a living tree one year from date of planting.

Any single tree violation may subject the lot owner and contractor up to a \$100.00 fine per day until reforestation has been completed and approved by the ARB. Any mass cutting, to be defined as the cutting of more than 6 trees in violation of these regulations, will be considered clear cutting and the lot owner maybe fined \$100.00 per day until reforestation has been completed and

approved by the ARB. Contractors who violate this policy may be barred from doing business within Wolf Laurel. In either instance, mandatory reforestation of similar trees of a future height equivalent will be required at the lot owner's expense. If any said fines are not paid, or, reforestation is not in place, a lien may be placed against said property.

The removal of trees within the Construction Footprint, removal of trees with prior approval of the ARB or any construction activities that cause damage to another tree not approved to be removed to the degree they are not totally viable will be considered the same as trees removed without permission. Homeowners or Contractors who cause or permit such tree(s) to be removed without prior RB approval may be assessed a fine of up to \$100.00 per tree per day until reforestation has been completed and approved by the ARB.

Disapproval of the Tree Removal Plan does not necessarily mean disapproval of the entire application. The Blue Mountain ARB often disapproves extensive Tree Removal Plans while approving the associated construction project.

- V. Stump and Brush Removal**-All excavated stumps and brush must be removed from the site. Burning of stumps, brush or other construction debris is not allowed. Violations are subject to \$100.00 fine per incident.

2.2 PLANNING CRITERIA (Covenants-Section 5.3)

- A. Permits**-Permits for septic systems shall be obtained prior to submission of an application to the ARB.
- B. Building Type**-One detached single-family residence ("Dwelling Unit").
- C. Building Size**-Not less than 2,000 square feet of livable, enclosed, heated floor area (exclusive of open or screen porches, patios, terraces, garages and carports).
- D. Building Height**-Not to exceed two- and one-half floors and thirty-five feet in height, such limits not to count basement level which shall be that level which is wholly of substantially below ground level.
- E. Other Structures**-No tool, storage room or other structure may be constructed separate and apart from the Dwelling Unit nor can any such structure(s) be constructed prior to construction of the main Dwelling Unit.
- F. Setbacks**-The following are typical standards that govern both horizontal and vertical construction elements, except for driveways and walkways. Building setbacks are measured horizontally from property lines:

Setbacks:

<i>Front Yard (and any Road Side)</i>	<i>20 feet</i>
<i>Side Yard</i>	<i>25 feet</i>
<i>Rear Yard</i>	<i>25 feet</i>

No land disturbance or tree cutting is permitted within the setback areas. Setbacks may be modified to respond to unusual and actual site conditions (steep slopes, rock outcroppings, monumental trees, etc.) but this requires a formal variance with specific approval by the ARB. If a variance is requested, the applicant must submit evidence of a hardship and a legal description of the proposed variance. The ARB will then approve or deny the Variance requested based on the facts of the hardship presented. The applicant must then record/file the changes with the applicable County. Should an applicant be denied by the

ARB, the proposed applicant may request to be heard by the Board of BMHA for acceptance of said variance. The final decisions rests with Board of BMHA.

- G. Sedimentation Control**-During construction, sedimentation and erosion control devices and practices as are sufficient to retain sediment generated by construction activities shall be in place.
- H. Driveways**-Driveways will be paved with approved materials and must be installed in a manner that does not encroach on the road surface or interfere with snow removal efforts. A culvert of at least 18 inches is required if the driveway crosses a drainage system.
- I. Utility Easements**-*All lots have ten (10) foot easements along lot lines for utility and drainage purposes. Within such ten (10) foot strips of land, the Association and its successors and assigns shall have an easement for the purpose of installing, maintaining, and repairing utility lines, and services, which may include but are not limited to those necessary for water, sewer, electricity, gas, and telephone, cable TV, internet/broadband providers and satellite services. Should the Utility Easement present a problem and/or issue, the property owner can request a variance from the ARB. In the event it is denied, the property owner can then request a hearing with the BMHA to present its case with any and all documentation. The final decision once presented rests with BMHA.*
- J. Process Overview for Owners and Contractors:**
1. Become familiar with Covenants and ARB guidelines of Blue Mountain Homeowners Association.
 2. Prepare a site survey of the proposed home site.
 3. Stake out the home site to match the application submitted for construction ARB.
 4. With an architect or designer, develop a house plan that will meet the requirements of ARB guidelines. Assemble all the information for the submission of the application.
 5. The ARB will schedule a Final Plan Review as soon as this process can be accomplished but no later than 30 days from submission.
 6. If necessary modified plans to incorporate any ARB recommendations and then resubmit these as necessary to obtain final approval to begin construction.
 7. Obtain a building permit from Yancey or Madison County, whichever is applicable.
 8. Monitor actual construction to ensure compliance with appropriate guidelines.

2.3 CONSTRUCTION PROCESS REQUIREMENTS

- A. Lot Identification**-A sign no larger than two (2) square feet shall be clearly posted on the property. That sign will show the Lot Number (Platted), the Contractor name and contact information and building permit. The owner(s) name may also be included if desired.
- B. Site Clearing and Preparation**-After approval of the Site Plan, clearing will be permitted within the building footprint, the driveway and septic field location. No trees with a diameter ten (10) inches or greater are to be removed prior to identification, tagging or marking.
- C. Staking Plan**-The location of any structure and improvement including driveways are to be clearly identified and staked.

- D. Drainage**-When the flow of surface water is artificially concentrated due to construction on the property, appropriate measures must be taken to redirect or disburse the flow to prevent damage to adjacent properties. Silt fencing is required to prevent erosion to the road, roadways, or any adjacent property. Silt fences shall be properly maintained until all disturbed soil is stabilized.
- E. Roads**-Damage to roads caused by the construction must be repaired by the contractor and/or owner immediately following completion of construction. The ARB will inspect the condition of the roads, shoulders, and gutters serving the site before and after construction. Any repairs not made by the contractor and/or property owner(s) may be made by the Association and invoiced to the owner(s) as a special assessment.
- F. Storage of Materials and Equipment**-Materials and equipment shall not be stored on roadways or adjacent property without the approval of the ARB.
- G. Trash**-Building sites must be always kept clean. An appropriate trash container is to be located on all sites, and the contractor and/or owner(s) must make arrangements for disposal.
- H. Toilets**-Each building site must have a self-contained sanitary toilet for use by workmen. It should be located in an obscure area and removed immediately after construction is completed.
- I. Commencement of Construction**-If work authorized under any ARB approval does not commence within six (6) months after approval or, if after commencement, work is discontinued for a period of six (6) months, then a renewal of the application must be obtained. **(Covenants Section 5.2)**
- J. Construction Completion**-All construction and landscaping must be completed within eighteen (18) months from the date the original permit was issued. **(Covenants Section 5.2)**

2.4 ANY CHANGES OR VARIATION

- A. Any change or variation from original application will require resubmission of application that reflects the change.*
- B. Any change may require an additional fee.*
- C. Failure to notify the ARB of plan modifications and/or failure to submit new application materials may result in a fine of up to \$100/day until revised application is submitted and approved.*

2.5 POST CONSTRUCTION REPAIRS, RENOVATIONS AND IMPROVEMENTS

- A. Exterior Improvements and Renovations**-Any modification or existing construction or improvements by additional changes to the exterior of the house, driveway or landscaping just have prior approval of the Architectural Review Board. The original exterior color scheme of any home must remain the same unless written permission to change colors is given by the ARB.

To have an Improvement Plan reviewed, an application along with all applicable fees must be submitted to the ARB. The ARB may be contacted regarding any questions about additions or changes to exterior.

- B. Fees for Major Exterior Renovations, Repairs or Improvements**-Additional access fees may be required by Wolf Laurel Roads and Security.

C. Minor Exterior Renovations, Repairs or Improvements -An approval application shall be necessary for minor changes to the exterior of the building, i.e., deck enclosure replacement of roof, painting, window replacement, regrading of driveway.

Application/Inspection Fee: \$25-\$100 (Non-refundable)

The application/inspection fee will be determined based upon the number of staff hours needed to administer the application and to make site visits to ensure compliance with the Architectural Guidelines. Applications will be reviewed, and decisions rendered within 14 to 60 days from the date received by the ARB. Construction must begin within 12 months after plan approval and completed 12 months after project commencement.

Any change or variation of the project from the original application will require resubmission of an application to reflect the modifications. The new application may require additional fees for review and inspection. Failure to notify the ARB of plan modifications and/or failure to submit new application materials may result in a fine of up to \$100 per day until revised application is submitted and approved.

**APPLICATION FOR APPROVAL OF THE ARCHITECTURAL REVIEW
BOARD FOR CONSTRUCTION OF/OR MODIFICATION TO
STRUCTURES WITHIN BLUE MOUNTAIN**

DATE_____

Architectural Review Board
Blue Mountain Owners' Association
P O Box 1150
Mars Hill, NC 28754

The undersigned hereby makes application to the Architectural Review Board (ARB) of the Blue Mountain Owners' Association) to erect (or alter) a structure at the location designated on the Attached Application for Building Permit and agrees to comply with all ordinances and laws of the State of North Carolina regulating construction and habitation of dwellings.

Further, the owner, contractor, and/or their agents confirm that they are familiar with the Amended and Restated Declaration of Covenants, Conditions, Restrictions And Easements for Blue Mountain At Wolf Laurel, and the Rules and Regulations of the ARB. The applicant(s) agree to abide by the requirements of these documents.

The required fee of _____ is attached to this application.

Owner_____

Date_____

Contractor_____

Date_____

Attachments:

- 1)Application for building permit
- 2)Application Fee
- 3)Septic System Permit
- 4)Contractor License Number
- 5)Site Plan
- 6)Building Plan (2 set
- 7)Landscape Plan (2 sets)