

# ARCHITECTURAL REVIEW GUIDELINES

## Wellington Park

Date: August 2020  
To: Wellington Park Homeowners  
From: Board of Directors-Wellington Park Homeowners Association, Inc.

The Board of Directors has completed and approved the attached ARCHITECTURAL REVIEW GUIDELINES.

These guidelines provide a consistent standard to follow in planning any exterior changes to your property, but they are not intended in any way to supersede the Restrictive Covenants.

They are distributed to current homeowners. They can also be found on the “Documents” page of the Wellington Park (WP) website- <https://wellingtonpark.sentrywebsites.com/> Please **retain this copy** as part of your permanent papers to refer to now and in the future. These guidelines should also be made available to prospective buyers of your home.

Please find the Architectural Request Form on the WP website which can be downloaded, filled in electronically & emailed to the Community Manager at the Management Firm. No request for a change can be considered unless accompanied by the application form and appropriate exhibits.

Return completed applications to the Management Firm whose address is shown on the application form. Provided you have no outstanding monetary obligations to the Association, the application will be accepted by the Management Firm. The first day of the thirty-day review and approval period will begin upon receipt of your application by the Community Manager. All accepted applications are then forwarded to the Architectural Review Committee (ARC) by the Community Manager.

Please read and follow these guidelines because you MUST obtain approval IN WRITING from the Architectural Control Committee BEFORE the start of any exterior change. This written approval is also required by the Town of Cary before any permits will be issued.

Because the Committee is made up of part-time volunteers, we need up to thirty days to act on an application, so please do not commit to labor or materials until you have received approval. If no response is provided from the Community Manager within 30 days, the application will be considered approved.

### I. INTRODUCTION

In a planned community such as Wellington Park, the question naturally arises as to how to maintain a harmonious, quality development. The answer at Wellington Park is the Architectural Review Guideline process outlined in these pages. This process provides a meeting ground between private interests and the broader interests of the community and adjacent property owners.

Basic control for maintaining the quality of design is provided through the Restrictive Covenants filed with the Register of Deeds in Wake County for each phase of the Wellington Park subdivision. These Covenants run with the land, are binding on all homeowners and should be fully understood. The Covenants can be found on the Documents page of the WP website. Every homeowner is subject to the Covenants to assure that standards of design quality will be maintained to enhance the community's overall environment and protect property values.

The Restrictive Covenants establish an Architectural Review Committee (ARC) to be made up of three or more representatives who are to be appointed by the Board. The Covenants require the Committee's prior written approval of any exterior change, addition, or alteration to any property. Such changes include any building, fence, wall or other structure-that may be added or altered. It requires that the plans and specifications show the nature, kind, shape, height, materials, and location of the same be submitted in writing so they may be reviewed by the ARC as to harmony in external design and location in relation to surrounding structures and topography.

The Architectural Review Committee is charged with conducting the review of all applications for exterior changes and to respond to the applicant within thirty days of receipt of the application. If an application is denied, the applicant may appeal to the Board of Directors. The Board may reverse or modify the Committee's decision by a majority. If the Committee fails to act upon a request for a change within thirty days after acceptance of the application, approval will not be required and the Architectural Review section of the Restrictive Covenants will be deemed to have been in compliance.

The Guidelines on these pages are the procedures and standards applied by Committee and the Board to assist the association and its members in the design review process. We hope the Guidelines serve as a positive tool to assist you in the full and free use of your property in a manner that is consistent with the aesthetic and harmonious development of our community

## **II. REVIEW CRITERIA**

The Architectural Review Committee evaluates each application on its individual merits and determines the standards for what is considered "valid", "sound", "attractive", "appropriate", "aesthetic", and "harmonious". The Committee's decisions are based on the following standards as guidelines.

### **Landscaping and Environment**

The exterior change must not unnecessarily destroy or blight the natural landscape or the achieved man-made environment.

### **Relationship of Structures and Adjoining Property**

The proposed change must relate harmoniously among its surroundings and to existing buildings and terrain that are visually related to the change.

### **Protection of Neighbors**

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

### **Design Compatibility**

The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting. Compatibility is defined as harmony in style, scale, materials, color, and construction details.

- A) Scale: The three dimensional size of the proposed change must relate satisfactorily to adjacent structures and its surroundings.
- B) Materials: Continuity is established by use of the same or compatible materials as used in the home.
- C) Color: Color may be used to soften the design but must be consistent with the residence color scheme.

### **Workmanship**

The quality of work must be equal to or better than that of existing structures. Poor practices may cause the owner problems and may be visually objectionable to others.

### **Timing**

Any property change may be built or installed either by owners or by a contractor. However, projects that remain uncompleted for longer than 30 days are required to request an extension by contacting the ARC via the Community Manager. Projects that are visually objectionable (i.e. trash left on property) or are a nuisance/safety hazard for neighbors and the community will be required to make changes to come in compliance with ARC regulations. Projects can be shut down if the homeowner does not comply with ARC guidelines or requests for changes. All applications must contain a proposed time period from start to completion of construction. If the proposed time period is considered unreasonable, the Committee may disapprove the application.

DO NOT PURCHASE MATERIALS OR COMMIT TO ANY CONTRACTOR in anticipation of instant approval by the Committee. Wait until you have received written application approval prior to purchasing or committing to such work. Remember many design changes require a permit from the Town of Cary and the Town will not issue a permit without the written approval of the Committee. Please try to plan well in advance to allow time to have your application processed. Although the majority of applications are handled within two weeks, during the busy/vacation seasons, processing may take up to thirty days.

### **III. DESIGN APPLICATION REVIEW PROCEDURES**

The Association's procedures for application, review, inspection, appeal, and enforcement of design review are outlined in this section.

#### **Objectives:**

The Architectural Control Committee, in examining each application for design approval, considers whether or not the exterior change is in compliance with the Restrictive Covenants and the Architectural Control Guidelines outlined herein and briefly outlined below:

- A. To preserve and enhance property values in the community,
- B. To maintain a harmonious relationship among structures, vegetation, topography, and the overall design of the community.

#### **Application Procedure:**

Complete the Application form and attach all required exhibits. Include full details of the proposed change. If the change is structural, fencing, or grading, please submit a plan and outline specifications. Talk to your neighbors about your change. They may be able to offer valuable input. Be sure to include such information

as type of material, size, height, color, location, etc.

Mail, email or hand deliver the application to the Community Manager. Incomplete applications will be returned and, thus, may cause further delay. The Committee will review accepted applications within thirty days and a decision will be sent you in writing by the Community Manager. An application with all necessary information will be considered by the Committee on its individual merit, using these guidelines as the basis for making a decision.

### **Review Procedures:**

During the Committee's consideration of an application, a Committee member (or members) may view the site and talk to the applicant or neighbors about the proposed change.

A quorum of the Committee is a majority of the total number of people currently serving on the Committee.

The Committee considers the application and any data or comments received from immediate neighbors and other interested parties.

The Committee will vote to approve it, approve it conditionally, or disapprove it. If the change is conditionally approved or disapproved, the Committee must inform the applicant, in writing, the reason or reasons why it was not approved as submitted.

The Committee will then inform the Community Manager of its decision and the management firm will then respond, in writing, to the applicant. The management company keeps copies of ARC requests.

The Committee may inspect work in progress and request (either orally or in writing) the applicant to correct any non-compliance with the approved design.

### **Appeal Procedure:**

If the applicant disagrees with the decision of the Committee in its review or inspection, the following process is followed for an appeal.

- 1) Within fifteen days after receipt of a notice of disapproval the applicant should file a written appeal with the Board of Directors by emailing the Community Manager to request a hearing.
- 2) The Board of Directors establishes the date and time the appeal hearing will take place. A majority vote of the HOA Board is required to reverse the ARC's decision.

### **Correction Procedure:**

**Remedies:** An exterior change made without the required approval of the Committee, or the Board on an appeal, constitutes a violation of the Restrictive Covenants. A violation requires removal or modification of the work at the expense of the property owner, or payment of damages and expenses incurred by the Homeowners Association in an effort to have it removed or modified. Changes made to the exterior of the house or yard without getting approval first, can result in a fine of up to \$150.

**Reports:** The Committee may inspect authorized construction in progress and the community in general to identify violations. Additionally, all residents have the right and responsibility to bring apparent violations of any provisions of these Architectural Review Guidelines or Covenants to the attention of the Committee or Board by emailing the Community Manager.

The Committee investigates each reported violation and attempts to bring the owner into compliance. Should the owner fail to follow through on the Committee's proposed resolution or some other resolution which is acceptable to the owner and the Committee, the Committee will turn the problem over to the Board of Directors for continued resolution with the resident. This could lead to the Association filing legal action against the owner.