

**Heritage Estates Property Owners Association
Architectural Checklist - implementing terms of the Declaration and Bylaws**

Sections:

1. Initial residence/outbuildings construction checklist and agreement.
2. Subsequent outbuilding on same lot as residence - checklist and guidelines.
3. Subsequent outbuilding on an adjacent lot checklist and guidelines.
4. Repairs, remodelings, additions, subsequent decks, driveways, other improvements.
5. Rules guiding use of lots without an approved permanent residence.
6. Text of cited governing documents.

Estimated Construction Start Date	Anticipated Completion Date
_____	_____
Owner Signature	Date
_____	_____
HEPOA Signature (Officer or ARC Committee)	Date
_____	_____

Appropriate part of form below is being filled out at;

- Prior to construction
- At beginning of construction
- During construction
- At end of or subsequent to construction

1. New residence construction checklist and agreement

- Lot placement and design drawings approved in advance by ARC (RC&R 2021:9).
- No visible cinder blocks or concrete blocks (RC&R 1999:5; 2021:5).
- No modular homes can be approved except as defined (RC&R 1999:7 & 10; 2021:7 & 10)
- Any such modular homes approved must be constructed off frame, with roof pitch 6/12 or greater.
- All buildings set-back 20' from fronting ROW, except lots 17, 38, 39, 52 and 53 (RC&R 2021:8).
- All buildings set-back 10' from property line of adjoining unconsolidated property (RC&R 2021:8).
- Minimum 1000 heated square footage of each home (RC&R 2021:9).
- All co-constructed outbuildings in accordance with guidelines at RC&R 2021:9.
- Driveways for lots should be checked for placement, drainage, and any existing easements.
- All platted driveway easements on the record map must be observed and respected.
- Following home construction each lot must use off-street parking (RC&R 2021:10b&13).
- Motor homes as a residence only during period of construction only (RC&R 2021:13).
- Twelve (12) month deadline for completion of dwelling/detached garage (RC&R 2021:14).
- Construction deadline extensions are per 2023 Bylaws Article IV, Section 1:d:16. Request in advance!
- Utility easement of 5' exists on all sides of each unconsolidated lot (RC&R 2021:16).
- Owner/Contractor is responsible for any street damage due to construction activity.

2. For adding a subsequent permanent outbuilding on the same lot as main residence.

On lots having a completed residence, or an ARC approved and in-progress construction of such a residence, the Lot owner may also construct free-standing permanent outbuildings as long as:

- Lot placement and construction plans of permanent outbuildings approved in advance.
- All out buildings follow Ashe County and the North Carolina Building Codes.
- Outbuildings shall be constructed in the same style and with the similar materials as the main house.
- Note: there is no minimum size for a permanent outbuilding per the Declaration or Bylaws.
- Outbuildings to accompany a log residence may have log-siding, but any complimentary siding OK.
- 20' building set-back from fronting ROW, except lots 17, 38, 39, 52 and 53 (RC&R 2021:8).
- 10' building set-back from property line of any adjoining unconsolidated property (RC&R 2021:8).
- 5' utility easement of 5' exists on all sides of each unconsolidated lot (RC&R 2021:16).
- New driveways entering lots checked for placement, drainage, and any existing easements.
- All platted driveway easements on the record map must be observed and respected.
- No visible cinder or concrete blocks (RC&R 1999:5; 2021:5).
- Owner/Contractor is responsible for any street damage due to construction activity.
- Record made of construction start date.
- Twelve (12) month deadline for completion of outbuilding (RC&R 2021:14).
- Construction extensions to be requested before deadline (2023 Bylaws Article IV, Section 1:d:16).

3. For adding a subsequent permanent outbuilding on a lot adjacent to the main residence.

On lots having a completed residence, or ARC approved and in-process construction of such a residence, the owner may construct detached permanent outbuilding(s) on an adjoining lot to the lot having such a residence, **as long as said adjoining lot is permanently secured to the lot containing the approved residence.** An acceptable form of securing the lots' future conjoined sales may be accomplished by consolidation with the Ashe County Register of Deeds. Please note that consolidation of the adjoining lot with the lot containing a home does not extinguish the enduring covenanted per lot assessment obligations and the voting rights that pertain to each Heritage Estates lot (excepting those two lots consolidated by the Developer during the period of that entity's rights). See NCGS 47F-103, items 2, 6, 9, 11ii and 11iii; Heritage Estates RC&R 1999:10 and 2021:9, and Heritage Estates Bylaws 2023 Article IV, Sect. 2.

- Lot placement and construction plans of permanent outbuildings approved in advance.
- All outbuildings follow Ashe County and the North Carolina Building Code
- Outbuildings shall be constructed in the same style and with the similar materials as the main house.
- There is no minimum size for a permanent outbuilding per the Declaration or Bylaws.
- Outbuildings to accompany a log residence may have log-siding, but any complimentary siding OK.
- 20' building set-back of 20' from fronting ROW, except lots 17, 38, 39, 52 and 53 (RC&R 2021:8).
- 10' building set-back from property line of any adjoining unconsolidated property (RC&R 2021:8).
- 5' utility easement of 5' exists on all sides of each unconsolidated lot (RC&R 2021:16).
- No visible cinder or concrete blocks (RC&R 1999:5; 2021:5).
- Owner/Contractor is responsible for any street damage due to construction activity.

- Driveways onto lots should be checked for placement, drainage, and any existing easements.
- All platted driveway easements on the record map must be observed and respected.
- Record construction start date.
- Twelve (12) month deadline for completion of outbuilding (RC&R 2021:14).
- Construction extensions should be request before deadline (2023 Bylaws Article IV, Section 1:d:16).

4. Subsequent repairs, remodeling, additions to a residence or outbuilding, subsequent decks, driveways, parking areas, placement of prefabricated storage buildings, and other improvements on the lot containing the residence or a lot consolidated with same.

Except for the obligations to follow local and state building codes and being constructed in the same or complimentary styles/colors and with the similar materials as the main house, there is only the obligation to meet all easements, setbacks, driveway placement and proper drainage requirements as listed below. Otherwise, these types of improvements/additions/repairs are not regulated by HEPOA.

- 20' set-back from fronting ROW, except lots 17, 38, 39, 52 and 53 (RC&R 2021:8).
- 10' set-back from property line of any adjoining unconsolidated property (RC&R 2021:8).
- 5' utility easement of 5' exists on all sides of each unconsolidated lot (RC&R 2021:16).
- New driveways entering lots checked for placement, drainage, and any existing easements.
- All platted driveway easements on the record map must be observed and respected.

5. Lot use and temporary improvements on unconsolidated lots without a permanent residence.

Members' lots owned and used without the benefit of being permanently secured via combination to a lot containing an owner's residence are limited to placement of temporary personal property and such easily removable affixed property improvements as indicated in **Bylaws Article IV, Section 2** (see full text attached below). In addition to unaffixed and temporarily affixed items, any improvements to lots under this heading must also meet the following guidelines.

- 20' building set-back from fronting ROW, except lots 17, 38, 39, 52 and 53 (RC&R 2021:8).
- 10' building set-back from property line of any adjoining unconsolidated property (RC&R 2021:8).
- 5' utility easement of 5' exists on all sides of each unconsolidated lot (RC&R 2021:16).
- New driveways entering lots checked for placement, drainage, and any existing easements.
- All platted driveway easements on the record map must be observed and respected.

6. Text cited from selected Declaration/Covenants and current (2023) Bylaws

RC&R 1999:5 and 2021:5 "No building of any kind shall be erected or allowed to remain on said property if there are any cinder blocks or concrete blocks exposed on any side."

RC&R 1999:7 and 2021:7 "No single-wide, double-wide or other mobile homes or house trailers shall be permitted on the subject premises; provided, however, that nothing herein shall prevent modular homes which have been constructed off frame, with roof pitches 6/12 or greater if approved pursuant to paragraph 10 below. No other modular homes shall be permitted."

RC&R 1999:8 and 2021:8 "No building shall be erected upon the granted premises which is closer than twenty (20) feet from the right of way or closer than ten (10) feet from the property line of any other adjoining tract; provided, however,

HEPOA-ARC checklist, incorporating Declaration and 2023 Bylaws citations

Approved by Board motion dated 11 February 2024

that the 20-foot set-back provisions shall not apply to lots 17, 38, 39, 52, and 53."

RC&R 1999:10 and 2021:9 *"All buildings constructed on the subject premises shall be constructed in accordance with all of the rules and regulations of Ashe County and the North Carolina Building Code, and owners of each granted tract must have the plans approved by the owner/developer of the subdivision, or its successors or assigns. Each home shall have 1,000 or more square feet of finished heated living area, excluding garages, porches, etc. All outbuildings shall be constructed in the same style and with the similar materials as the main house. Outbuildings which are built to accompany a log residence may have log-siding. The Architectural Review Committee (ARC) will provide lot owners with a Construction Checklist, which outlines items with which they must comply, and record the beginning date for construction. The ARC, or Board of Directors acting in its stead, will also examine the building plans and ensure that the finished area meets the minimum size requirement."*

RC&R 1999:11b and 2021:10(b) *"...no parking shall be allowed on the streets. Each lot shall have its own parking area/driveways on the lot once owners have taken occupancy of the home."*

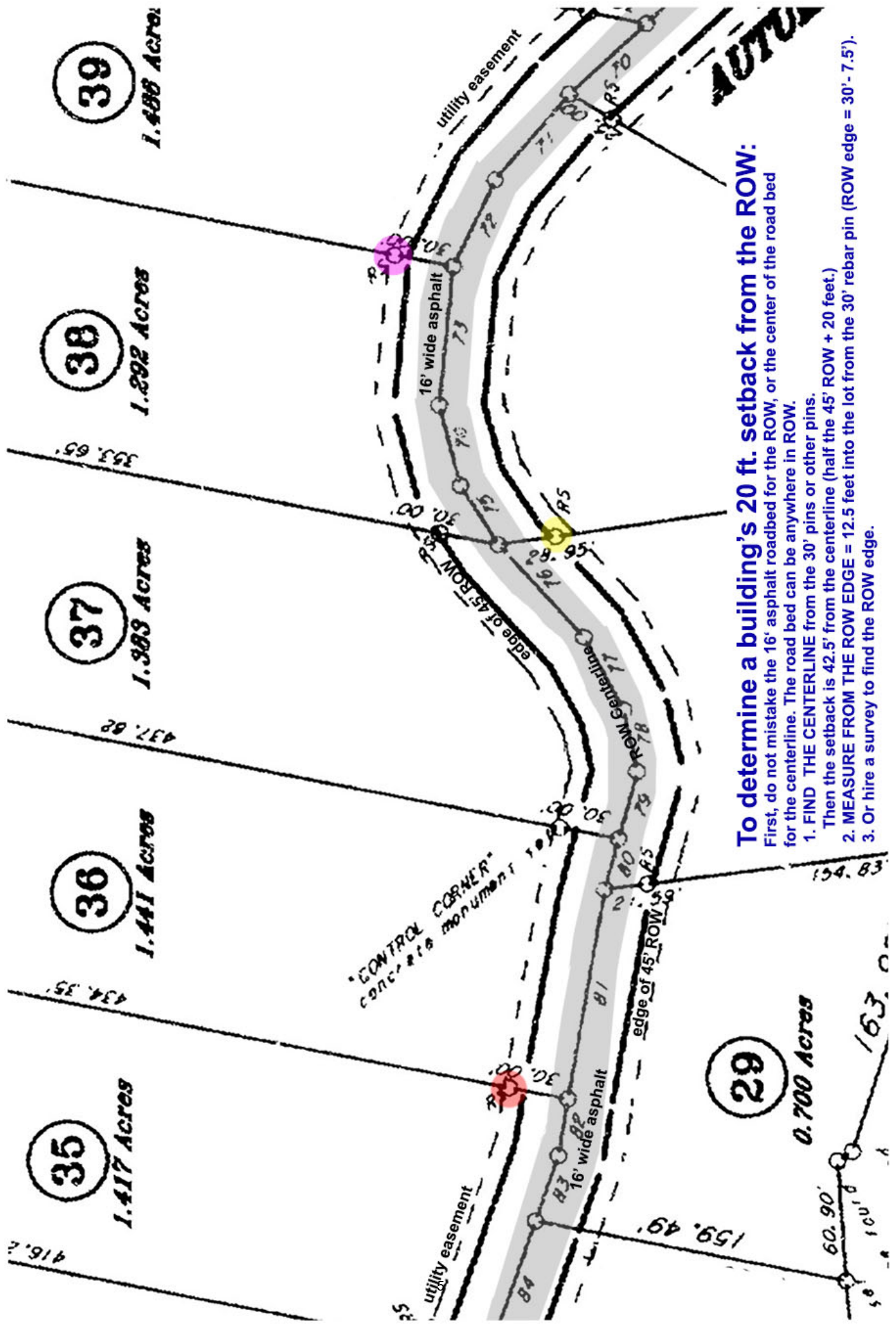
RC&R 1999:14 and 2021:13 *"No motor home shall be used on the subject premises as a residence except during a period of time when the owner of the same has a residence under construction on the subject premises. Suitable parking arrangements shall be made for all motor homes and campers owned by residence owners within the development. The same may not be parked on or within the rights of way of the subdivision streets or within the yards of residence owners."*

RC&R 1999:15 and 2021:14 *"When the construction of a dwelling house or detached garage is commenced by the owner of any lot in said subdivision, the external construction of the same shall be complete and said structure shall be ready for occupancy or use within twelve (12) months from the date construction is started. If construction is not completed within one year, a fee of 40% of the annual dues will be due on the last day of each month that completion of construction is overdue."*

RC&R 1999:17 and 2021:16 *"A five (5) foot utility easement is hereby reserved on all sides of each lot. This may be removed, upon request, by the developer for multiple lot purchases; and it is specifically understood and agreed that, upon lots being combined, this utility easement on the common boundary of the combined tract shall be automatically extinguished."*

Bylaws (Version 2023): Article IV, Section 2 *"As mediated by the Association's regulating interests defined in the Declaration and the Architectural Review Committee checklist, members shall have the right to place on any owned lot(s) non-affixed recreational or decorative personal property (for example, picnic tables, seats, benches, swings, playhouses, tree-houses, birdhouses, bird baths), as well as removable affixed property (such as fences, pathways, stairways, bridges, firepits, landscaping, gardens, gazebos, and transportable storage sheds up to 225 square foot). Members shall only have the right to make permanent real property structural improvements upon their lots, such as unattached outbuildings with foundations, subsequent to an Architectural Committee checklist approval for construction of an approved residence, or legal combination of an adjacent unimproved lot with a residence that has met Architectural Review Committee approval. Definitions for these forms of property are as fixed under NCGS § 105-164.3 (31a, 31k; and 205)."*

Bylaws (Version 2023): Article IX, Section 1(d) (16) *"With regard to the Board's oversight of the Architectural Committee, the Board may consider mitigating circumstances and allow extensions (into a second year only), delaying a determination that completion of construction is overdue and thus subject to penalties."*



To determine a building's 20 ft. setback from the ROW:

First, do not mistake the 16' asphalt roadbed for the ROW, or the center of the road bed for the centerline. The road bed can be anywhere in ROW.

1. FIND THE CENTERLINE from the 30' pins or other pins. Then the setback is 42.5' from the centerline (half the 45' ROW + 20 feet.)
2. MEASURE FROM THE ROW EDGE = 12.5 feet into the lot from the 30' rebar pin (ROW edge = 30' - 7.5').
3. Or hire a survey to find the ROW edge.