

Colthurst Property Owners Association

Architectural Review Committee

When Colthurst Farm was subdivided into lots in June 1958, an independent Architectural Review Committee (AR Committee) was set up to review architectural plans for new home structures, renovations or improvements to existing structures, and other structure additions for compliance with restrictive building covenants recorded in the County Clerk's office in deed book 340, page 411, as amended in deed book 352, page 388 (Colthurst Restrictions). Examples of "other structure" additions are garages, decks, porches, storage/tool sheds, domestic pet shelters, and fences.

The Colthurst Property Owners Association (CPOA) Board of Directors (Board) serves as the AR Committee in performing its duties and may be assisted therein by an Architectural Review Adviser (AR Adviser) appointed by the CPOA President. The AR Committee exists so that Colthurst Farm can remain a special place to live.

For the Colthurst Farm subdivision, the Colthurst Restrictions are recorded in the lot property titles and are binding upon all lot owners. The Colthurst Restrictions require that **before** obtaining a county building permit and proceeding with the work, the property owner ask the CPOA President to have the above-indicated types of structure requests presented for approval or disapproval by the AR Committee. In making such a request, the property owner or a prospective Colthurst property buyer is to provide the CPOA President with the following:

1. Architectural plans in sufficient detail of the above-indicated types of structure requests to determine compliance with applicable points of the AR Committee's Statement of Policy (see pages 2-5) and assess the impact on the existing structure(s) and the use of the lot, including a twenty-five (25) feet setback for the side and rear property lines for other structure additions, excluding fences. There is no "25-foot property line" setback requirement on fences, ground-level terraces/patios, and ground-level stone or brick steps.
2. "Exception" justification (if applicable) for above-indicated types of structure requests violating the Colthurst Restrictions.
3. An architectural review fee payment of \$25 for a new home or \$15 for renovations or improvements to existing structures and other structure additions.

The CPOA President may appoint an AR Adviser to assist with the reviewing of such a request and the making of a recommendation to the AR Committee regarding the approval or disapproval of a Colthurst property owner's planning requests for authorization to proceed with the above-indicated types of structure requests. Also, CPOA President may appoint an AR Adviser to assist with the investigation and the making of a recommendation to the Committee regarding the approval or disapproval of enforcement measures to correct a property owner's violation of the Colthurst Restrictions. Such enforcement recommendations may include litigation to the extent permitted under any applicable county, state, or federal laws. An affirmative vote by at least four (4) of the seven CPOA Board Directors is required to take action on the above-indicated recommendations to the AR Committee.

The integrity and beauty of Colthurst Farm is maintained by its property owners adhering to the following AR Committee Statement of Policy. We appreciate your cooperation

If you have any questions about this policy statement, please contact Saunders Midyette, CPOA President, at 434-293-5410 or smidyette@embarqmail.com

Colthurst Property Owners Association

ARCHITECTURAL REVIEW COMMITTEE

Statement of Policy

February, 2013

1. General

(a) The Architectural Review Committee (AR Committee) operates under the authority of Restriction Number 2 set forth in the Statement of Subdivision of Colthurst Farm, Albemarle County, Virginia. The Statement of Subdivision is of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 340, page 411, as amended by document of record in said Clerk's Office in Deed Book 352, page 388.

(b) All plans submitted to the AR Committee for its review shall be drawn by an architect licensed to practice in the State of Virginia.

2. New Construction

(a) Each submission of plans for new construction shall contain the following drawings:

(i) Plot plan including driveways with contours shown at one foot intervals.

(ii) Four elevations.

(iii) Cornice and all other exterior trim details at minimum acceptable scale of one and one half inches to the foot.

(b) At the time of submission of plans to the AR Committee, there shall be enclosed a fee in the amount of \$25.00.

(c) The AR Committee does not generally specify the type or period of architectural design that is acceptable to it, nor limit the scope, originality or ingenuity of the plan. Sound architectural style, character and continuity are considered of paramount importance, and each submission to the AR Committee will be judged as to its individual merit in relation to the proposed location.

3. Repairs and Alterations

(a) Drawings for proposed improvements and/or alterations to the exterior of existing structures shall be submitted in accordance with the scope of the project. Sufficient detail must be shown to indicate the overall effect of such repairs and/or alterations on the existing structures as well as on the site.

(b) At the time of submission of plans to the AR Committee, there shall be enclosed a fee in the amount of \$15.00.

(c) Homes must be a minimum of (1 ½) one and one-half stories. The ceiling height above finished floor of the second floor area may be 92 inches.

Any house commonly known as a "split level" house in which the area commonly considered as the "first floor" is divided into two different floors levels, such levels being not more than five (5) feet nor less than two (2) feet above or below another level, shall contain a minimum of fifteen hundred (1,500 SF) square feet of living area within the area encompassed by the exterior exclusive of garage and enclosed or open porches.

Any house built with all of the living area on one floor shall contain a minimum of twelve hundred (1,200 SF) square feet of living area within the area encompassed by the exterior walls, exclusive of garage and enclosed or open porches.

4. Use of Land

The land included in Colthurst Farm subdivision shall be used for private residential purposes only, and no building of any kind whatsoever shall be erected or maintained thereon except (a) private dwelling houses, each dwelling house being designed for occupation by a single family; (b) private garages for the sole use of the respective owners or occupants of the building plots upon which such garages are erected, which may contain living quarters for one or more employees of such owners; (c) buildings (including garages in (b) for the storage of noncommercial vehicles, equipment and tools used in the maintenance of the building plot upon which erected, private greenhouses, spring or pump houses, garden shelters and bathhouses accessory to swimming pools; and (d) a building or buildings to shelter domestic pets kept for the pleasure of the occupants of the land. Not more than one residence shall be erected or maintained upon any building plot. A building plot as used in this instrument shall be defined as one or more entire lots shown upon the attached plat or as one entire lot and a part or parts of adjoining lots.

The main dwelling must be constructed before the erection of any secondary building and no structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be used on any lot at any time as a residence, either temporarily or permanently.

5. Approval of Plans

The Colthurst Property Owners Association (CPOA) Board of Directors (Board) serves as the AR Committee in performing its duties and is assisted therein by the Architectural Review Adviser (AR Adviser) appointed by the CPOA President.

No building, boundary fence or wall, or other structure shall be commenced, erected, placed or altered on said land until the plans and specifications showing the nature, kind, shape, dimensions, materials, exterior color scheme and location of such structure shall have been submitted to and approved in writing by the AR Committee, hereinafter designated, or its duly authorized representative; provided that if said committee or its duly authorized representative shall fail to approve or disapprove any proposed plans, specifications or locations within thirty (30) days after the same shall have been submitted to them or him for approval, such plans, specifications and locations shall be deemed to have received the approval of said committee, or its duly authorized representative, as the case may be; and provided further that the approval of such plans, specifications and locations by said committee, or its duly authorized representative, shall be conclusively presumed to have been given unless said committee, or its duly authorized representative, shall, prior to the expiration of sixty (60) days following the full completion of such building, boundary fence or wall, or other structure, bring an action in the Circuit Court of Albemarle County, Virginia, for an injunction against such commencement, erection, placement or alteration or the completion thereof.

The AR committee, or its duly authorized representative, shall have the right to disapprove any such plans, specifications or locations which, in their or his opinion, are not suitable or desirable for aesthetic or other reasons; and in so passing upon such plans, specifications and locations they or he shall have the right to require as many as four elevation drawings to scale together with topographic recordings of the site related to the road on which the land fronts and to take into consideration the suitability of the proposed building or other structure and of the materials of which it is to be built and the site upon which it is proposed to erect the same, the harmony thereof with the surroundings, and the effect of the building or other structure, as planned, on the outlook from the adjacent or neighboring properties.

6. Size and Elevation of Residences

No residential dwelling exceeding two and one-half (2-1/2) stories in height shall be erected or maintained upon any building plot; and any residential dwelling of one and one-half (1-1/2) stories height or more shall contain on the first floor thereof not less than one thousand (1,000) square feet of living area within the area encompassed by the exterior walls of the house, exclusive of garage and closed or open porches, and the second floor or gabled area thereof shall contain not less than five hundred (500) square feet of interior living area within the area encompassed by the exterior walls or roof of the house. Interior living area as herein used means floor area having a ceiling height above finished floor of at least 96 inches. In the case of a one and one-half (1-1/2) story house, the ceiling height above the finished floor of the second floor area may be 92 inches.

Any house commonly known as a "split level" house, in which the area commonly considered as the "first floor" is divided into different floor levels, such levels being not more than five (5) feet nor less than two (2) feet above or below another level, shall contain a minimum of fifteen hundred (1,500) square feet of living area within the area encompassed by the exterior walls, exclusive of garage and enclosed or open porches.

Any house built with all of the living area on one floor shall contain a minimum of twelve hundred (1,200) square feet of living area within the area encompassed by the exterior walls, exclusive of garage and enclosed or open porches.

7. Setbacks

No building or part thereof shall be located on any building plot (except Lots 4 and 5 in Block E which shall have a set-back of 35 feet) closer than 50 feet to any public street or road, except unenclosed covered porches, the floors of which are not higher than the level of the first floor of the building, may encroach on such restricted area by projecting thereon nor more than ten (10) feet, and steps and uncovered porches or terraces may be built and maintained on any part of the restricted area.

8. Free Spaces

No building or part thereof, except chimney projections not exceeding 24" inches, shall be erected or maintained upon any building plot closer than twenty five (25) feet to the side or rear line thereof. Steps and terraces may be built and maintained on any part of the restricted area.

9. Prohibition of Commercial Use or Nuisance

No trade or business of any kind or character not the practice of any profession, nor building or structure designed or intended for any purpose connected with any trade, business or profession shall be permitted upon any of the land shown

upon the attached plat. No nuisance shall be permitted or maintained upon any of the land shown upon the attached plat, nor shall poultry, hogs, cattle or other livestock be kept thereon, with the exception of domestic animals, including ponies and horses, kept as pets by the owners or occupants.

Minor agricultural pursuits incidental to residential use of the land shown upon the attached plat shall be permitted, provided that such pursuits may not include the raising of crops intended for marketing or sale to others.

10. Easements

The subdivider reserves for itself, its successors and assigns, a permanent easement across the rear and both sides of each building plot, within six (6) feet of the boundary lines thereof, for the carrying of utilities or sewage and for the necessary maintenance of such facilities; and nothing shall be done on any building plot that interferes with the natural drainage of surface water to the injury of other property.

11. Sanitation

In connection with the improvement of any building plot in the Colthurst Farm subdivision, such building plot shall be connected to a public sewer or shall be provided with a private septic tank sewage disposal system to be constructed and maintained in accordance with the Sanitation Code and specifications prescribed by the Joint Health Department of the County of Albemarle and City of Charlottesville, Virginia.