

**GENERAL PROCESS FOR APPROVAL REQUESTS WITHIN THE
SCOPE OF THE ELV BOARD OF DIRECTORS
ARCHITECTURAL CONTROL**

Adopted by the ELV Board, July 7, 2021

In accordance with the ELVA Restrictions Agreement dated November 19, 2013, and Policy Letter #004, adopted by the Board on June 7, 2021, Requests for Approvals falling within the scope of the Board of Directors Architectural Control shall be handled as specified below.

I. **Purpose:** The purpose of Architectural Control and this process is to maintain ELV as a beautiful, harmonious, private residential area.

II. **Matters requiring Board Approval**

A. No building, structural additions, walls, fences, or other structures shall be erected, placed or altered on any lot without Board approval in accordance with this policy and procedure.

B. The terms fence, wall, privacy wall and hedge are interchangeable. In general, fences are prohibited with limited exceptions. ***Excepted items still require Board approval.***

1. Exceptions to the prohibition include:

a. Swimming pool security fences

b. Dog runs (Note: Dog run fences are strongly discouraged. The “invisible fence” type electronic fence is the preferred method of restricting a dog to the owner’s property.)

c. Privacy fences or walls for patio privacy and between houses. Such privacy fences shall not extend farther than the rear of the house or patio and not extend beyond the front of the garage or house building. Approved privacy fences of any variety to shield a deck, etc., shall not exceed six (6) foot, six (6) inches in height.

- d. Split rail type fencing may be erected by village perimeter lot owners along the Village perimeter lot line common to their property.
- C. Natural green fences (hedges, etc.) fall under the same restrictions and approval criteria as constructed fences in relation to approval to plant, location, height, type, grade elevation, etc. All lots and premises shall be adequately maintained to prevent excessive growth of shrubs, bushes, trees and similar plantings which obscures the view of lake areas from adjacent residences.
- D. Alterations that do not impact the exterior portion of the structure **do not** require Board approval.
- E. Lake property landscaping in back and side yards in regard to adjacent property views and potential deposits of organic debris into the lake.
- F. Landscaping (boulders, seawalls, plantings, etc.) done along a lake shoreline.

III. Resident Requests for Approval

- A. All requests must be in writing and submitted to the following ELV Board Members:
 - Vice-President at ELVVicePresident@gmail.com
 - Recording Secretary at ELVRecordingSecretary@gmail.com
 - Restrictions Chair at ELVRestrictions@gmail.com
- B. All proposals must include the following:
 - 1. Detailed construction plans, specifications, and a plot plan that details the location, topography and finished grade, shape, height, materials, color-scheme, surface drainage, and grade elevation of the proposed building, structural additions, walls, fences, or other structures

- a. For major structural improvements, such as additions to a home, an Architect shall prepare the plans and specifications submitted to the Board of Directors.
 2. A statement as to the quality of workmanship and materials to be used
 3. A statement regarding how the proposal will impact the harmony of the exterior design within the surrounding area
 4. A statement regarding how the proposal will impact the adjacent neighboring property, including but not limited to the outlook or view from the adjacent property
 5. A statement whether the adjacent neighbors have been consulted regarding the proposed project. Although not mandatory, such consultation among neighbors is strongly encouraged.
- C. No plans or specifications shall be altered and used without the written consent of the Board of Directors. Application for such consent shall be submitted in the same manner as new plans and specifications.
- D. Requests will be automatically denied if the resident has an unfulfilled financial obligation to ELV, including, but not necessarily limited to, unpaid dues and fines.

IV. Board Approval / Disapproval

- A. The Board of Directors shall not be arbitrary in its decisions.
- B. Board approval shall require a majority vote of the Board of Directors.
- C. Board approval or disapproval shall be communicated, in writing, as soon as possible.

- D. The Board, in its sole discretion, may internally form a sub-committee or otherwise designate representatives to assist in evaluating approval requests, and establish additional internal Board procedures to facilitate the timely consideration of requests.
- E. In the event the Board of Directors or its designated representative fails to approve or disapprove such plans and specifications within thirty (30) days after submission or, if no suit to enjoin construction has been commenced prior to completion thereof, approval will not be required and the related covenants shall be deemed to have been complied with, provided said plans and specifications on their face are in accordance with the Restrictions Agreement.
- F. The applicant may waive the provisions provided for in section IV.D. (the 30-day requirement) in order to allow the Board sufficient time to:
 - 1. evaluate the applicant's request for approval;
 - 2. communicate directly with the applicant to address and resolve any concerns the Board or applicant may have regarding the proposal;
 - 3. request additional information pursuant to sub-section G below.
- G. The Board or its designee(s) may request further information from the applicant regarding the approval request, including but not limited to additional documentation or information deemed relevant to the Board's ability to fairly and adequately evaluate the request. If requested, the additional information shall be provided. Failure to provide requested additional information shall result in an automatic denial of the approval request and shall not require consideration by the Board.

V. Commencement of Construction / Approval Automatically Rescinded

Approval of all plans and specifications shall be automatically rescinded by the Board of Directors, unless construction in accordance with such plans

shall have been commenced within six (6) months from the date of the approval.

VI. Completion of Construction

- A. The erection or alteration of any building, structure, wall, fence, or other structure authorized by the Board of Directors or the rebuilding or repair of any such structure damaged by fire or other casualty shall be completed as rapidly as possible.
- B. Should the owner leave any such project in an incomplete condition for more than ten (10) months from commencement of such construction, delays beyond the control of the owner excepted, the Board of Directors is authorized and empowered, in its sole discretion, to tear down and clear from the premises the uncompleted portion of such improvement, or to complete the same at its discretion
- C. Expenses incurred, including reasonable attorney fees, shall be charged against the owner of the lot and shall become a lien upon the lot, with interest thereon until paid
- D. The Board of Directors must give the record owner of the lot thirty (30) days written notice by mail at his last known address of its intention to complete or tear down such structure.