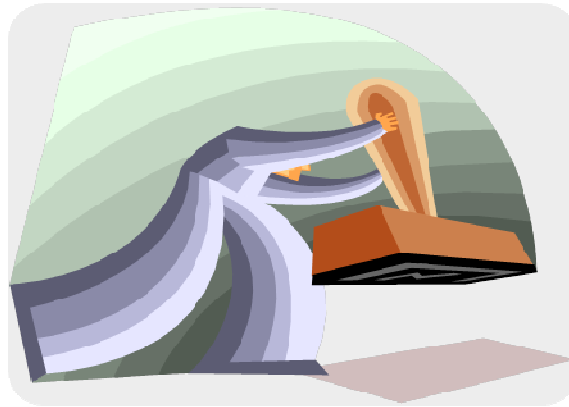




Architectural Control Committee Handbook



“No house, garage, outbuildings, fence, or other structure shall be built, erected, placed or altered on any residential lot in the unit or subdivision unless and until the building plan, specifications and plot plan have been reviewed in advance by the Architectural Board, and the same has been approved conditionally or otherwise.”

1969 CC&Rs Use Covenants

The Architectural Control Board (ACB) has developed guidelines that mutually benefit all property owners in order to preserve the overall value of Copper Cove at Lake Tulloch Owners' Association. The ACB meets on the second and the fourth Wednesday of each month at 6:00 p.m. at Black Creek Park, 920 Black Creek Drive.

If You Are Planning to Build in Copper Cove

1. The ACB requires that you submit two complete sets of drawings, including two copies of the plot plan and two copies of plans for the septic system, if applicable. Plans must include total square footage.
2. All Plans must be approved by the ACB **PRIOR** to the submission to the county Building Department for receipt of a permit and/or start of construction.
3. One set of ACB- approved plans will be made available to you.
4. **As soon as grading on the property has begun, notice of intent must be sent to the association office. This should be a simple explanation of your intentions after grading is completed.**
5. No deviations from the approved plans shall be undertaken without written approval of the ACB.
6. Do not store trash or other material cleared from the property, on the lot, on an easement, or on any adjacent property after completion of construction.
7. Prior written approval must be obtained from the ACB to construct or install on your lot any temporary living quarters for use before, during, or after construction.
8. It is highly recommended that anyone building in Copper Cove ascertain the location of the property pins, and any easements for their lot(s).
9. If you have any questions, please feel free to call the associations' office at 209-785-2688.

General Requirements

- A. **Garage:** An attached garage, either directly or with a breezeway that's a minimum of 8' wide or greater is required. Homes of 800 to 1100 square feet shall have at least a one-car garage. Homes of over 110 square feet shall have at least a two-car garage. Garages attached by a breezeway should not exceed 1000 sq ft. Breezeways should match roof material on house.
- B. **Roof:** Roof pitch of 3.5/12 or greater with overhangs of at least 16 inches including gutters.
- C. **Square Footage:** Every home must be at least 800 square feet.
- D. **Gutters:** Fascia and gutters are required on all buildings (metal storage buildings excepted)
- E. **Approval Tag:** The approval tag given by the ACB must be displayed where it is visible from the road while construction is ongoing, failure to comply could result in fines to the property owner.
- F. **Skirting:** Skirting shall be provided to hide all under floor equipment.
- G. **Non-Residential Outbuildings:** An outbuilding is separate from, but accessory to, a main house. In residential zoning, outbuildings are acceptable for storage, shop and garage use only. No outbuilding shall be erected larger than 24x32 feet. No outbuilding shall be erected with a wall height over ten feet.
- H. **Signs:** Any lot owner may display on same lot a sign, not to exceed 24x36 inches, advertising the property for sale. No other advertisement signs shall be displayed except as approved by the ACB in writing.
- I. **Time Limits:** There shall be a time limit of one (1) year for completion of building exteriors. Extensions of the time limit are subject to ACB and Calaveras County approval.
- J. **Manufactured Housing:** Any residence or other building that is manufactured off-site and is moved onto a lot, must meet all of the architectural standards and requirements contained in the CC&Rs, these ACB Procedures, and the State and County Codes.
 - 1. Must show that the home is federally certified
 - 2. Home plans must be no older than ten (10) years from the permit allocation date.

General Requirements (Cont)

- K. **Home Business:** Home businesses require the approval of the ACB. Failure to comply with this section is cause for legal action. This section was adopted in the By-Laws in 1990.
- L. **Fence:** Not to exceed six (6) feet in height. Variance and County Approval must be submitted to ACB to extend this height requirement. (5/20/14)
- M. **Retaining Walls:** County approval required for retaining walls that are over 4' in height measured from the bottom of the footing to the top of the wall. (5/20/14)
- N. **Storage Containers:** Can be used for storage while a house is in construction. Time limit not to exceed one (1) year from start of construction. Must have approval from the ACB prior to setting up on lot. (5/20/14)

Extracted from the 1969 CC&Rs Use Covenants

- (a) That no dwelling unit to be occupied as a residence with a floor areas of less than 800 square feet shall be placed or maintained on said property.
- (b) That no building shall be erected nearer to any side line than 5 feet nor shall be located closer than 20 feet from the front or street line, and shall be no closer than 20 feet to the rear line.
- (c) That no basement, tent, shack, garage, barn or other outbuildings erected in the unit shall, at any time, be used as a residence temporarily or permanently, nor shall any structure of temporary character be used as a residence, except as herein provided.
- (d) That during the construction of a single family or multiple family residence, a house or trailer may be used as a temporary dwelling, provided that such use of the house trailers must be approved in writing by the ACB and the County of Calaveras for a period of time which shall not exceed a total of one (1) year.
- (e) Individual sewage disposal systems will be designed by a person familiar with the latest research in this field and sound principles of engineering and subject to approval of the Calaveras Health Department.
- (f) The pedestrian and equestrian ways shall be reserved where shown on the map and shall be subject to the use of pedestrians, animals, and emergency and utility vehicles, so as to provide reasonable access to and from the streets and roads so as to serve the subject lot and all other lots in the subdivision.
- (g) That all lots subject to these provisions, conditions, restrictions, and covenants shall be and remain the size and dimension shown on the county map save and except where a change in lot size and dimension shall be approved by the ACB and the County of Calaveras.

No house, garage, outbuildings, fence or other structure shall be built, erected, placed or altered on any residential lot in the unit of the subdivision unless and until the building plan, specifications and plot plan has been reviewed in advance by the ACB and the same has been approved conditionally or otherwise.

Said review and approval shall include, without being restricted to, topography, finish, ground elevations, landscaping, drainage, color, material, design, artistic conformity to the terrain and other residences in the area and architectural summary. Said requirements as to the approval of the architectural design shall apply only to the exterior appearance of said improvements. It is not the intent of these restrictions to control the interior layout or design of said structures.

Architectural Control Board Responsibilities

- A. Architectural Control Board Members- All members shall be appointed by Copper Cove at Lake Tulloch Owners' Association Board of Directors. The Architectural Control Board (ACB) shall have a minimum of three (3) eligible members of Copper Cove at Lake Tulloch Owners' Association. Non-members may be appointed at the discretion of the Board of Directors.
- B. Procedures- The primary purpose of these procedures shall be to provide a means of attaining the objectives of the Conditions, Covenants and Restrictions (CC&Rs) and to provide a standard guide of administration for the ACB.
- C. Review of Plans- The ACB shall meet and review submitted plans within the guidelines set forth in the CC&Rs and these procedures.
- D. Violations-The ACB shall respond to and determine the validity of reports of said violations, within the guidelines of the Bylaws, the CC&Rs and the ACB procedures, and act to correct said violations. In the event the ACB cannot correct said violations, the matter shall be referred to the Board of Directors for resolution.
- E. Variances- Variances may be authorized where it is shown that because of special and unusual circumstances, strict application would cause an undue or unnecessary hardship. The Board of directors will approve/disapprove all requests for variances and may attach conditions to protect and achieve the purposes of the procedures. Lot line adjustments require a variance.

Variance Procedures

Variances

Variances may be authorized where it is shown that because of special and unusual circumstances, strict application would cause an undue or unnecessary hardship. The Board of directors will approve/disapprove all requests for variances and may attach conditions to protect and achieve the purposes of the procedures. Lot line adjustments require a variance.

Procedure

1. Plans that may need variances may be submitted for preapproval.
2. Application for variance forms may be obtained from the Association office.
3. Request for variances should be submitted to the ACB when plans are submitted for review.
4. Any request that requires a county variance must be approved by the ACB **PRIOR** to submission to the County.
5. The variances granted will be the minimum to alleviate the hardship.
6. The applicant shall have the right to appeal in writing to the Board of Directors concerning any action taken by the ACB.

Variance Fact Sheet

What is a Variance?

A variance is a permit issued to a property owner to allow for deviations from regulations that when applied to some EXTRAORDINARY physical characteristic of the property denies the property owner the rights enjoyed by other property owners in the vicinity.

What standards are used for granting a variance in accordance with the State law?

Under the state Zoning Law, a variance may be granted only when special circumstances applicable to the property exist, including size, shape, topography, location or surroundings. Government Code Section 65906 emphasizes the DISPARITIES between properties. An applicant's need for a variance must be due to peculiar circumstances and conditions and be special or unique in contrast with that of other property owners in the same district.

How do you determine when these special circumstances exist?

The most important determining factor is whether the property differs from the other properties in the vicinity. For example, the grant of a variance for a mobile home park in the mountainous area was reversed by the court where the findings only described the subject property, not the differences between it and other properties in the area. Specifically, the fact that the property had rugged terrain and three stream beds running through it was not relevant in the absence of evidence that other property in the zone was not similar.

What standards are used to define "hardship?"

The hardships may be unique and must be related to the application of zoning restrictions to a specific property. For example, when peculiarities of size, shape or grade of parcel are unique, circumstances are met. Generally, hardship solely of a financial or economic nature making it more expensive to develop a proposed structure is improper to satisfy the "hardship" requirement. The grant of a variance is intended to bring the property into parity with others in the vicinity and must not grant special privileges over and above those enjoyed by such other properties in the vicinity and zone.

Can an argument be made that the variance should be granted because similar variances have been granted?

This argument is generally not valid. For example, in one case the plaintiff sought variances from a lot split ordinance which prohibited development of a substandard parcel. The plaintiff claimed discrimination because of the availability of prior variances to other owners of substandard parcels. In rejecting this contention, the Supreme Court held that there was no merit to plaintiff's claim of discrimination in that each situation was unique and could be distinguished.

What other options are available?

There are a number of options available to the landowner to solve the problem without getting a variance. One option is to reduce the size of the proposed development. Often, the proposed encroachment into the setback is only a few feet. In that case, a slight reduction in the size of the development would result in meeting the setbacks. The other option is to find another suitable location in the site. If other locations in the site are available, the findings required to grant the variance will be extremely difficult to make.

Fire Prevention

Fire Prevention: California State law requires property owners to maintain a defensible space no less than 100 feet from each side of a structure, but not beyond your property line. Within this perimeter, clearing an area of 30 feet immediately surrounding your home is required. This area requires the greatest reduction in flammable vegetation. The fuel reduction zone in the remaining 70 feet (or to the property line) requires thinning of trees and shrubs, and removal of lower tree limbs, but will depend on the steepness of your property and the vegetation. In addition remove any tree shrub or other plant that extends within 10 feet of the outlet of a chimney or stovepipe. See page 8 for details.

All Lots without Structures: You are encouraged to maintain a 30 foot clear area around your property line.

100' DEFENSIBLE SPACE Make Your Home FIRE SAFE



Contact your local CAL FIRE office, fire department,
or Fire Safe Council for tips and assistance.
www.fire.ca.gov

Why 100 Feet?

Following these simple steps can dramatically increase the chance of your home surviving a wildfire!

A Defensible Space of 100 feet around your home is required by law.¹ The goal is to protect your home while providing a safe area for firefighters.

1 "Lean, Clean and Green Zone."

– Clearing an area of 30 feet immediately surrounding your home is critical. This area requires the greatest reduction in flammable vegetation.

2 "Reduced Fuel Zone."

– The fuel reduction zone in the remaining 70 feet (or to property line) will depend on the steepness of your property and the vegetation.

Spacing between plants improves the chance of stopping a wildfire before it destroys your home. You have two options in this area:

- a Create horizontal and vertical spacing between plants. The amount of space will depend on how steep the slope is and the size of the plants.
- b Large trees do not have to be cut and removed as long as all of the plants beneath them are removed. This eliminates a vertical "fire ladder."

When clearing vegetation, use care when operating equipment such as lawnmowers. One small spark may start a fire; a string trimmer is much safer.

Remove all build-up of needles and leaves from your roof and gutters. Keep tree limbs trimmed at least 10 feet from any chimneys and remove dead limbs that hang over your home or garage. The law also requires a screen over your chimney outlet of not more than ½ inch mesh.

1. These regulations affect most of the grass, brush, and timber-covered private lands in the State. Some fire department jurisdictions may have additional requirements. Some activities may require permits for tree removal. Also, some activities may require special procedures for, 1) threatened and endangered species, 2) avoiding erosion, and 3) protection of water quality. Check with local officials if in doubt. Current regulations allow an insurance company to require additional clearance. The area to be treated does not extend beyond your property. The State Board of Forestry and Fire Protection has approved Guidelines to assist you in complying with the new law. Contact your local CAL FIRE office for more details.



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