



PO Box 677, Atlantic, VA 23303

**EAGLE'S SOUND PROPERTY OWNER'S ASSOCIATION
ARCHITECTURAL REVIEW COMMITTEE CONSTRUCTION APPLICATION**

Eagles Sound Estates (ESE) is a restricted residential community subject to the provisions of the Eagles Sound Estates Subdivision Declaration of Protective Covenants, Conditions, Easements and Restrictions, dated July 18, 2003, filed with the County of Accomack, Virginia. The protective covenants describe the conditions, easements, and restrictions that pertain to each lot developed in ESE. Each lot owner is therefore legally obligated to comply with the provisions of these covenants. All lot owners should have been provided a copy of the covenants prior to the purchase of property in ESE. Any potential purchaser can obtain a copy of the covenant document from their real estate agent, the seller of the property or via the ESPOA Website: <http://www.eaglessoundpropertyownersassociation.org/> on the Public Documents page.

Any structure proposed to be built or modification to an existing structure on any lot within ESE is subject to the review and approval of the ESPOA Architectural Review Committee before any construction or lot modification may legally begin.

Lot Owner(s) Contact Information for Application**Lot owner's Name:** _____**Lot owner's Mailing Address:** _____**Lot owner's Contact Info:** Phone: _____ Email: _____**Lot owner's Phase and Lot Number:** Phase#: _____ Lot Number#: _____**Builder Information****Builder's Name and Contractor's License #:** _____**Builder's Address:** _____**Builder's Contact Info:** Phone: _____ Email: _____**Builder's Website:** _____**Builder's Model Name:** _____**Square Footage****Total Square Footage:** _____ **Garage Square Footage:** _____

Living space square footage (actual conditioned space) including any space outfitted for future space complying with local building code (measured to outside of exterior wall). Garage square footage (measured to outside of exterior).

Structure height will be:

One story height

One- & One-half story height

Two story height

Three story height

1. Height of planned foundation from graded ground level: _____ (minimum required is 2 feet)
2. Height of completed first floor from graded ground level: _____
3. Total height of completed structure from graded ground level to tallest element, including chimney and chimney cap: _____ (maximum per ESE Restrictive Covenants is 35 feet)

Project Specifications

Foundation:

Materials – stone, brick, cedar face skirting, drivit/parging: _____

Color: _____

Siding:

Materials: _____

Color: _____

Roof:

Pitch: _____

Materials: _____

Color: _____

Accessory Trim:

Railings:

Materials: _____

Color: _____

Shutters:

Materials: _____

Color: _____

Required Plans to be sent electronically: PresidentESPOA@gmail.com

Please initial each included

A: Floor Plans - _____

B: Elevations - _____

C: All detached structures (i.e., garage, shed, gazebo, etc.) - _____

D: Site plan - _____

E: Preliminary landscape plan - _____

NOTE: Trees identified on landscape plan must be varieties that do not exceed 35 feet high at maturity.

Planned Construction Schedule

Expected start date: _____

Expected completion date: _____

Site Plan Details

- Location of house on lot to be marked on property and site plan.
- Location of all detached structures on lot to be marked on property and site plan.
- Identify location of trees 8" or more in diameter scheduled for removal on property with identifying ribbon and on-site plan.
- Lot corners to be marked on the property.
- Location of dock on lot to be marked on property and on-site plan – wood construction only not treated with creosote or tar.

Height Verification Requirement

All Eagle's Sound Estates home construction projects over one (1) story are required to provide height verification to certify compliance with the ESE Restrictive Covenant height limit of 35 feet and to ensure adherence to the ARC approved construction plan. Height verification must be provided by an independent engineer via a letter to the ESPOA ARC at two progress points in the construction:

1. Measurement verification will be required upon the completion of the first story from the graded ground level which includes the height of the completed foundation.
2. Measurement verification will be required upon the completion of the home construction project from the graded ground level to the highest element, including any chimney and chimney cap.

A member whose construction project exceeds the 35 feet restriction or is determined during construction that it will exceed the 35 feet restriction as described in Article 1.1 in the ESE Restrictive Covenants will be referred to the Board of Directors for corrective action which could include legal proceedings, reconstruction or other remedies commensurate to the infraction.

Height verification letters must be sent electronically to: ESPOAPresident@gmail.com

Signature

Date

OWNER(S)

Print Name(s)

Signature(s)

Date

Owner's Acknowledgements

Please initial

I/We understand and agree (please initial below):

1. _____ all ESPOA dues and special assessments, if any have been paid and are currently up to date. I/we understand that all dues and special assessments, if any must be paid in full before any consideration of this application is made.
2. _____ that approval by the Committee shall in no way be construed as verification of the suitability of the location, validity of structural design, suitability of water flow or drainage, location of utilities, or other qualities of the proposed project being reviewed. Such review is limited to compliance with ESPOA requirements.
3. _____ that approval by the Committee shall in no way be construed as to pass judgement on whether the proposed project being reviewed is in compliance with applicable building and zoning codes of Accomack County. NOTE: Accomack County requires a building permit for "Accessory Buildings" over 256 square feet (sheds, detached garages, etc.), "New Construction", "Swimming Pools" (above-ground and in-ground) and "Additions" as well as other construction activities. I/We have checked with Accomack County at building@accomack.va.us to verify these requirements.
4. _____ that no work on the project shall begin until written approval of the Committee has been received by me. If work is begun prior to approval, I may be required to return the property to its former condition at my own expense if this application is disapproved wholly or in part; and I may be required to pay all legal expenses incurred by ESPOA.
5. _____ that there shall be no deviations from the plans, specifications, and location approved by the Committee without prior written consent of the Committee. Any variation from the original application must be resubmitted for approval.
6. _____ that I authorize members of the Committee or its agent to enter upon my property to make one or more routine inspection(s) during construction.
7. _____ that it is my responsibility and obligation to obtain all required building permits, to contact Miss Utility, and to construct the project in a workmanlike manner in conformance with all applicable building and zoning codes. I/We have attached a copy of the approved Accomack County building permit and an Accomack County Erosion and Sediment Control/SWM Plan and Land Disturbing Permit.
8. _____ that I am responsible for any damage and all costs to repair roadways, greenspace or community property that results from the proposed construction.
9. _____ the ESPOA ARC may engage or consult with architects, engineers, planners, surveyors, attorneys and others, and any person seeking ARC approval agrees to pay all fees incurred by the ARC in connection with such approval.

_____ I/We have reviewed and agree to comply with the provisions and restrictions of the ESE Declaration of Protective Covenants. My builder/contractor, including ALL sub-contractors, delivery and servicing companies has been provided a copy of the ESE Declaration of Protective Covenants, Conditions, Easements and Restrictions and understands they are required to exhibit adherence to all provisions described within the Covenants, respect for all ESPOA Officers and Board of Directors charged with enforcement of said Covenants and respect for the neighborhood as stated by said Covenants.

_____ I/We have made my/our builder/contractor, including ALL sub-contractors, delivery and servicing companies aware that construction work hours are restricted to the following: Monday – Friday 6:30 AM – 6:30 PM, Saturday 7 AM – 4 PM, No Sunday work permitted without an approved written exception from the ESPOA President. Exceptions may be granted only for weather related extenuating circumstances to protect the building under construction and the construction site.

_____ I/We will provide an electronic quarterly report to the ESPOA ARC detailing accomplishments, unforeseen obstacles/impediments toward completion, if any, and strategies to overcome obstacles/impediments, if needed to PresidentESPOA@gmail.com

ANY KNOWN DEVIATION(S) FROM THE PROVISIONS AND RESTRICTIONS OF THE ESE COVENANTS WILL REQUIRE A REQUEST FOR AN ARCHITECTURAL EXCEPTION (AE). ANY CHANGE FROM THE ARC APPROVED PLAN REQUIRES AN ARCHITECTURAL EXCEPTION APPROVAL PRIOR TO CONSTRUCTING THE CHANGE. A FORM FOR REQUESTING AN AE IS ATTACHED TO THIS APPLICATION.

LOT OWNER(S) AGREEMENT AS TO COMPLETION

The Declaration for ESPOA provides that “**Construction of any building once commenced shall proceed without delay and be completed within twelve (12) months.**” Failure of the Owner to comply with such completion requirement, excluding any approved extension, or delay caused by cessation of work before construction of any building once started and before completion thereof for a continuous period of ninety (90) days shall be prima facie evidence of an attempt to abandon the same in its partially completed state and subject to the assessment of delay damages as provided below.

I/We understand and agree (please initial below):

1. _____ If the owner shall neglect, fail, or refuse to provide for the completion of work within twelve (12) months, then Owner does hereby agree to pay to Association as liquidated damages and not as penalty, the sum of \$25 per day for each calendar day beyond the specified completion date. The parties agree to this arrangement due to the impracticability and difficulty in ascertaining the true value of the damages the Association will incur as a result of such delay, and said sum per day is agreed to be a reasonable estimate of the amount of such damages which the Association shall sustain.

2. _____ If the delay in completion is due to Acts of God, any federal, state or local law, rule or regulation, or any other cause which is beyond the reasonable control of the Owner, Owner shall not be liable for any delay damages incurred by Association.

Signature

Date

OWNER(S)

Print Name(s)

Signature(s)

Date

Please submit this application, required documents and information to:

Eagles Sound Estates Architectural Review Committee
PO Box 677
Atlantic, VA 23303

Applicant will be notified within 30 days of receipt of Construction Application as to approval or rejection of proposed construction.

Date of Receipt: _____

Date of Approval: _____

Date of Rejection: _____
(Explanation attached)

**Eagles Sound Property Owners Association
Architectural Exception/Change Request Form**

Exception Requested: _____

Justification why this exception should be granted (attach additional page, if needed): _____

Exception Requested: _____

Justification why this exception should be granted (attach additional page, if needed): _____

Submitted by: _____
Print Name

Signature

Date