

Architectural Review Guidelines

Milan Woods Subdivision

Durham, NC

Revised 5/06

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INTRODUCTION

Purpose of Design Guidelines

Milan Woods is a Planned Residential Development. Simply stated, this means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and congruity could be defined and written based on the covenants and on precedence established by the Board of Directors and design features approved by an Architectural Review Committee (ARC). Given the aforementioned, each homeowner would then have some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values. These Design Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner.

The architectural standards and use of restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the Milan Woods Subdivision. Article VI, Section 2 of the Milan Woods Homeowners Association Restrictive Covenants supports the creation of the Milan Woods Architectural Review Committee (ARC).

In addition to setting standards, the Architectural Guidelines establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the community are developed and maintained with the consistency and quality that attracted you to Milan Woods.

Government Permits

To the extent that Durham City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Design Guidelines or the Restrictive Covenants, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Restrictive Covenants and the Architectural Guidelines (in that order) shall prevail.

Review Structure

Architectural control and design review for Milan Woods is handled by the ARC, whose three members shall be appointed by the Milan Woods Homeowners Association, Inc. (Article VIII Section of Covenants).

The ARC has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in Article VII of the Restrictive Covenants. The ARC shall review plans and specifications for all modifications and landscaping on any Dwelling or Lot, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may promulgate additional design standards and review procedures consistent with these Architectural Guidelines. The Board of Directors will be responsible for any appeals made relative to the decisions made by the ARC. Information regarding the “appeals process” can be found on page 7.

DESIGN REVIEW PROCESS

Review of Modifications

The review of modifications shall require the submission of an application to the ARC. An application form can be found as APPENDIX A to this document. Additional application forms can be secured through the Management Company. Depending on the scope of the modification, the ARC may require the submission of all or some of the plans and specifications listed below. In the alternative, the ARC may require a less detailed description of the proposed modification.

Application Process

The ARC will require a minimum of two (2) sets of any modification plans in addition to the submission of an application.

These sets of plans should be submitted to the following address:

Management Company
C/O Milan Woods Community Association Manager
PO Box 71294
Durham, NC 27722
(919) 471-4280 fax

Generally, drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, and setbacks (distance from property lines) for all proposed improvements. These drawings should include a “site plan” and an elevation plan along with any additional information which could help the ARC visualize the project. For further descriptions of the five (5) elements that follow [floor plan, elevations, roof plan, exterior finishes and other], please refer to applicable sections of this document.

Floor Plan

Showing decks, patios, stoops, retaining walls related to the residential dwelling, trash enclosures, HVAC equipment and utilities, and interior spacing of rooms and connections to driveways and walkways.

Elevations

Front, rear, and side exterior elevations (drawings) of improvement showing building materials and finishes and indicating the maximum height of the residential dwelling as necessary for the scope of the project.

Roof Plan

Showing slopes, pitches, and gables unless reflected in the other plans.

Exterior Finishes

Showing the exterior color scheme (including two (2) samples and/or color chips, lighting scheme and other details affecting the exterior appearance of the proposed improvements.

Other

Such other information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, and other features.

Review Criteria: Recommendations/Variances

While the Architectural Guidelines are intended to provide a framework for modifications, they are not all inclusive. In its review process, the ARC may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors; however, the ARC will not grant approval for a proposed modification that is inconsistent with the Design Guidelines, unless the ARC grants a variance.

Variances may be granted in some circumstances which include, but are not limited to, topography, natural obstructions, hardship, or environmental considerations. The ARC shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not result in a material violation of the Restrictive Covenants. No variance shall be effective unless in writing and supported by all members of the ARC.

Review Period

Each application and plan submittal shall be approved or disapproved within 30 days of receipt of all materials required by the ARC (Article VIII of the Restrictive Covenants). The decision shall be based upon a majority vote of the ARC members and shall be rendered in one of the following forms:

1. “Approved” - The entire application as submitted is approved.
2. “Approved as Noted” - The application is not approved as submitted, but the suggestions for curing objectionable features or segments are noted. The applicant must correct the plan’s objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. “Disapproved” - The entire application as submitted is rejected in total.

4. "Variance" - Designated as an exception from the stated guidelines for a specific reason.

If the ARC fails to respond within 30 days, approval shall be deemed granted.

As a condition of approval under this section, each Owner and all successors-in-interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.

Approval of plans for any proposed modification shall not set a precedent for future applications.

Appeal

If an initial application is **disapproved**, an Applicant shall have the right to appeal by resubmitting the application information and documents set forth above to the ARC. The second submittal shall be considered only if the Applicant has altered the plans for modification or has new information, which would in the ARC's opinion, warrant reconsideration. If the Applicant fails to appeal a decision, the ARC's decision is final. In addition, if the second application is not approved, the applicant may appeal the second decision of the ARC to the Board of Directors by submitting the revised application. Appeals will be reviewed at the next regularly scheduled Board Meeting provided the basic design guidelines set forth in this document are met and the Board is supplied with the application documents at least 7 days prior to the scheduled Board meeting. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 30 days.

Durham City/County Approval

The review and approval of plans and specifications by the ARC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ARC that work completed or in progress on any Dwelling or Lot is not in compliance with these Design Guidelines or any approval issued by the ARC, the ARC shall, directly or through the Board, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Restrictive Covenants and these Architectural Guidelines and the homeowner (property) may be subject to a daily monetary fine.

Time to Commence

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn unless the applicant requests, in writing, additional time from the ARC.

Time to Complete

The ARC shall include, in any approval, a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be completed within 180 days of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ARC may approve or disapprove.

Changes After Approval

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ARC prior to implementation of such changes. Close cooperation and coordination between the Applicant and the ARC will ensure that changes are approved within 15 days.

If Durham City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ARC, the Applicant must notify the ARC of such changes and receive approval from the ARC prior to implementing such changes.

Enforcement/Waiver

In the event of any violation of these Architectural Guidelines, the Board may take action set forth in the By-laws, Declaration of Protective Covenants and certain sections of NC Statue 47F of the Planned Community Act. The Board may also remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Board

may be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Dwelling/Lot upon which such violation exists.

DESIGN STANDARDS

The following specific site criteria shall apply to all proposed modifications within Milan Woods unless a variance is granted by the ARC. These guidelines may be modified from time to time and are not inclusive of all architectural standards which may be adopted by the Milan Woods Homeowners Association, Inc. Applicants are responsible for obtaining all necessary building permits.

Accessory Buildings

1. An accessory building must be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. An accessory building's roofing materials shall match those of the main residence. And no accessory building may be wider than 12 feet, longer than 16 feet or taller than 15 feet from the ground at any point when installed.
2. Any utilities servicing accessory buildings shall be installed underground.
3. Accessory buildings shall be located in the rear yard and must be skirted and/or buffered by vegetation. The ARC reserves the right to make recommendations as necessary regarding this issue.
4. Accessory buildings must be located per City of Durham ordinances and must not encroach on any sewer and/or drainage easements or landscape buffers.
5. No contractor or builder shall erect, on any Lot, any temporary building for use in connection with construction on such Lot. However, the ARC, may in its sole discretion, waive this requirement for temporary construction trailers during the construction of residential structures or improvements. Such temporary buildings shall be removed from the Lot within ten (10) days after a certificate of occupancy is issued for the residential structure or when the improvement has been completed.

Additions and Expansions

The approval of the ARC is required for any addition to or expansion of a residence. Materials as well as style shall match the existing residence.

Air Conditioning Equipment

Unless otherwise permitted by the ARC, no window air-conditioning unit shall be installed which faces the street.

Antennae and Communication Dishes

Any exterior antennae or sending/receiving devices mounted on the exterior of a dwelling and that are visible from the street requires approval of the ARC. Satellite dishes do not need to be approved as long as they are no larger than three feet in diameter and are mounted attached to the house, out of view from the streets of the neighborhood. If an acceptable signal cannot be obtained, please submit your signal verification along with your application for approval for a different location.

Awnings

The installation of awnings on the front of the residence or side(s) of the dwelling that faces the street is prohibited.

Birdbaths, Birdhouses, Birdfeeders and Statues

All statues in the front and side yards must be made of stone, concrete, wood or metal and be no greater in size than 36" tall, 24" wide, 36" long. Statues must be natural or painted as long as structure/statue is well maintained. The placement of more than three birdbaths or bird feeders in any front or side yard requires the approval of the ARC.

Statues or yard ornamentation that is located in the rear of the yard and which is not visible from the street is not subject to review.

All structures in the front and side yards (i.e., lighthouses, wishing wells, windmills, etc.) must be made of stone, concrete or wood and be no greater in size than 60" tall, 36" wide, 36" long. Structures must be natural or painted to match primary residence as long as paint is well maintained. The placement of more than three structures in any front or side yard requires the approval of the ARC.

Automobile, Boats, Trailers, and Unlicensed, Unregistered or Inoperable Vehicles, Commercial Vehicles and Tractor Trailers

No house trailers shall be permitted on any Lot (Article IX Section 2a-c of Covenants). Boats and other water craft, trailers, RVs, campers, camper shells, and related leisure vehicles or attachments shall not be permitted on any Lot except in areas where they cannot be viewed from the streets.

Any unregistered, inoperable, and/or unlicensed vehicles must be kept in the garage of the residence or offsite.

Automobiles shall not be allowed to be parked on unpaved sections of the lot/yard. The City of Durham Unified Development Ordinance Section 10.2.3 (A) does not allow parking anywhere on the property except designated driveways.

No commercial vehicles are allowed to park that are more than 35 feet in overall length, eight feet in width or 12 feet in height unless in the act of loading and/or unloading as per the City of Durham Unified Development Ordinance Section 10.2.3.

No tractor trailer or tractor trailer cab(s) are allowed on any street or lot, unless in the act of loading and/or unloading.

Compost

One compost pile or container measuring not more than three feet in diameter and three feet in height may be permitted on the rear yard if such is adequately screened, so as to conceal them from view of neighboring residents and the streets. Owners shall be responsible for ensuring that compost piles are maintained in a manner, which does not emit odors or attract rodents or insects. If such compost pile does emit odors or attract rodents or insects, the Association may levy appropriate sanctions. Compost piles located in the front yard shall not be permitted.

Decks

Owners shall secure the approval of the ARC before installing decks. Decks must be constructed of wood and other materials similar to that of the residence and, if painted or stained, must be painted a color similar to or generally acceptable as complementary to the residence. Decks must be installed as an integral part of the residence or patio area. Any such deck must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Construction shall not occur over easements and must comply with the applicable Durham County and City requirements.

Gazebos and Greenhouses

The approval of the ARC is required prior to the construction or placement of any gazebo or greenhouse. Any gazebo or greenhouse must be an integral part of the landscape plan and must not obstruct an adjacent property owner's view.

Holiday Decorations

Exterior decorations may not be put up more than 30 days in advance of a holiday and must be removed no later than 30 days after the holiday, this does include icicle lights.

Hot Tubs and Saunas

The approval of the ARC is required for the installation of any hot tub, Jacuzzi, sauna or spa. Any hot tub, Jacuzzi, or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs, Jacuzzis, or Spas shall be located at the rear of the property and shall be installed in such a way that is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners are required to install safety features such as locks or covers for these items when such are not in use. These requirements are governed by applicable City and County ordinances.

Paint

The approval of the ARC is required for all **changes** in exterior painting. Review criteria may include, but shall not be limited to, the sheen of paint, the home's architecture, any existing stone or brick accents, roof color, and neighboring properties' colors. Primary colors for all exterior building surfaces must complement the architectural theme of the house and must consider the continuity with surrounding houses while maintaining variety of exterior colors in the community. Please include duplicate paint sample cards for all colors.

Pet Houses

No stable, poultry house, rabbit hut or other similar yard structure, with the exception of a doghouse, shall be constructed or allowed to remain on any Lot. Any structure must be well maintained, located in the rear of the yard, and shall be of a reasonable size to accommodate your animal. These structures must be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. These structures must be no taller than 4 feet, no longer than 4 feet and no wider than 4 feet in size and must be made of wood or plastic materials.

Pets shall not be permitted to run free outside the confines of the owner's property line. Pets being walked throughout the neighborhood must be on a leash. Animal waste shall not be permitted to be left on private property, public streets, sidewalks, or right of ways. Owners shall accept full responsibility for their animals and their animal's waste or be subject to the City of Durham's Animal Control Enforcement.

Playhouses

A playhouse shall be considered an accessory building and the applicable standards apply.

Pools

Permanent in-ground and above-ground pools are prohibited within Milan Woods. Temporary pools are to be located in the rear of the property where it is not visible from the front street. When the temporary pool structure is not in use, the structure must be stored in an enclosed area not visible to adjacent property owners.

Recreational Equipment

Basketball goals must be maintained and remain intact. Broken rims, shattered backboards or damaged equipment shall not be permitted. ***Basketball goals may not be attached or installed on the front of the dwelling or garage.*** Freestanding pole-mounted backboards are permissible whether permanent or sleeve-set. The review of yard pole-mounted backboards shall be based upon, but not limited to, the following considerations: proximity of goal to property lines and streets and proximity of goals to neighbors' living areas, landscaping and vehicles. Ten-foot portable basketball goals may be permitted provided such goals are stored out of view when not in extended use. Any such equipment shall be set back a reasonable distance from adjacent property lines so as to avoid disturbances of neighbors and shall not obstruct neighbor's views of open spaces. No basketball goal either permanent or portable shall be allowed in the street or right of way.

Roofing

The approval of the ARC is required for a roof material, style, or color change. No approval is necessary for replacement of like/similar material, style and same color.

Siding

Owners shall seek the approval of the ARC before installing or replacing siding, which differs from original style.

Signs

No sign whatsoever shall, without the ARC's prior written approval of plans and specifications, be installed, altered, or maintained on any property or on any portion of a structure visible from the street, except one temporary sign per dwelling that advertises property for sale

Temporary Structures

Temporary structures are prohibited. The approval of the ARC is required for tents other than camping tents that are used for occasional overnight sleeping. Approval by the ARC is also not required for temporary canopies that are erected for special occasions.

Trash Containers

All trash, recycle bins, and yard waste containers shall be stored in a neat location either on the side or rear of the Lot. Per the City of Durham Municipal Code Section 10-66 Receptacles on Street: No receptacle may be placed or remain upon any public street on any other day than collection day.

Utilities

Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

Woodpiles, Equipment, Tanks, Etc

All equipment and woodpiles shall be kept and maintained in the rear yard only.

LANDSCAPING AND SITE STANDARDS

Landscaping is an essential element of design in the neighborhood and is also an integral part of maintaining property value and neighborhood continuity. Preservation of existing vegetation must be considered in establishing and maintaining the landscape design.

Yard Maintenance

All front yards must have grass or a low ground cover or well maintained gardens.

Any grass or ground cover taller than 8 inches is considered not maintained in a neat and orderly condition.

A garden that is greater than 50% weeds in the judgment of the community manager is considered not maintained in a neat and orderly condition.

Any yard with unsightly contents, including but not limited to: yard debris, tires, mattresses, junk cars, excessive numbers of children's toys not removed on a frequent basis or other debris will be considered not maintained in a neat and orderly condition.

Any property areas that are not maintained in a neat and orderly condition will result in the notification of the homeowner by the community manager. After 30 days without improvement, professionals may be hired by the community manager to maintain these areas and the costs will be billed to the homeowner as specified in the covenants VII Article 7, Section 2 and a hearing may be held and a fine imposed.

Mailboxes

As the mailbox tends to be the first visible aesthetic element to the visitors of our community, the ARC has selected the following standard: All mailboxes shall be either metal or plastic with house number clearly displayed. All mailboxes and support post shall be well maintained and replaced if damaged or rusted. Numbering of the post is permitted. (Article X, Section 9)

Drainage

Drainage of the property must conform to all Durham City and County requirements. All drainage and grading must be indicated on the proposed plans submitted to the ARC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ARC. The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.

Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, pounding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.

Fences

No fence or wall of any kind shall be erected or altered on any property without prior written approval of the ARC. Approval is not required for the installation of underground electric dog fencing. All fences must be installed with the finished side of the fence facing outward from the owner's dwelling/property. The support structure side of the fence should face the owner's dwelling. All fences are subject to a maximum height of six feet with posts extending no more than six inches above the top of the fence.

Location:

Fences location will be done on a case by case basis dependant upon lot.

Unacceptable: Front Yard

Materials:

Unless otherwise approved, all fences shall be either dog ear, gothic, gothic, or picket style six-foot privacy fencing constructed of "unpainted" cedar or pressure treated wood or split rail or rough sawn fence constructed of unpainted cedar or pressure-treated wood. "Chain link", plastic or other fencing materials are not permitted. Stained (transparent or opaque) fencing shall be consistent and complementary to the dwelling. Metal or chain-link dog runs or fences shall not be permitted under any circumstances.

Maintenance:

All fences or walls shall be well repaired and maintained. In the event a fence or wall is damaged or destroyed, the Owner shall repair or recondition.

Paving: Driveways

Owners shall secure the approval of the ARC prior to extending, expanding, or repaving any driveway. Only concrete paving materials shall be permitted.

Retaining Walls

All retaining walls require approval by the ARC. Such walls shall be properly anchored to withstand overturning forces. Stonewalls shall be made thicker at the bottom than at the top to achieve stability. All retaining walls shall incorporate weep holes into the wall design to permit water trapped behind them to be released. Timbers for walls or other landscape use should be treated to resist decay. Walls shall not be located so as to alter the existing drainage patterns. Retaining walls must be repaired and maintained. In the event a retaining wall is damaged or destroyed, the owner shall repair or recondition.

LIMITATION OF LIABILITY

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the ARC, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Association the ARC nor the officers, directors, members employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against the Association, the ARC, or the officers, directors, members employees, and agents of any of them to recover any damages.

APPENDIX A

Milan Woods Home Owner's Association Architectural Review Application

While preparing this "Architectural Review Application", you are encouraged to contact the management company and the chairperson of the ARC to discuss the proposed improvements. The review process starts when all materials and fees have been received by the management company.

Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

Description of proposed home improvement or change (specify location, materials, color, etc.):

Checklist: (for applicable items 1-4, please include three (3) sets of documents)

- | | | |
|---|-----------|----------|
| 1. Is the elevation plan included (drawings of front/rear views): | _____ Yes | _____ No |
| 2. Are exterior finish samples included: | _____ Yes | _____ No |
| 3. Other (which may include roof plan, landscaping plan etc.): | _____ Yes | _____ No |

Send this application along with other appropriate materials and drawings to:

Morgan's Property Management, LLC
C/O Milan Woods Community Association Manager
PO Box 71294
Durham, NC 27722
(919) 471-4280

Management Company Use Only

Date Completed Materials Received: _____

Signature: _____

Architectural Review Committee Use Only

Date Materials Received: ____/____/____

- _____ Approved
- _____ Approved as Noted
- _____ Disapproved
- _____ Variance

Remarks:

ARC Signature: _____ Date: ____/____/____

ARC Signature: _____ Date: ____/____/____

ARC Signature: _____ Date: ____/____/____