

# **CROOKED CREEK BANNER ELK NORTH CAROLINA**

## **DESIGN REVIEW GUIDELINES**

Updated 02/2026

### **Purpose:**

The design guidelines shall govern the rights of an owner, developer, or other entity to construct, refinish, alter, or maintain any improvement upon, under or above any property in the Crooked Creek Development. The legal owner of the subject property is responsible for initiating and managing all activities associated with the construction, refinishing, alteration, and any improvement on their property unless a specific agent is legally designated to act on their behalf. The Design Guidelines shall not be inconsistent with the Declaration of Restrictions, Covenants and Conditions and shall in some cases, more specifically define and describe the design standards for the Crooked Creek Development

### **Responsibility:**

The Design Review Committee (DRC) shall be responsible for the establishment and administration of the Design Review Guidelines to carry out the purposes and intent of the Declaration. The DRC shall review, study and either approve or reject proposed new construction and proposed improvements on any property.

### **New Construction, Improvements and Alterations**

#### **I Site Survey**

A site survey showing the proposed house and driveway location must be submitted to the DRC before any work may begin.

#### **II Tree Removal**

**NO CLEAR CUTTING OF THE PROPERTY IS ALLOWED.** Tree removal shall be limited to removal of those trees necessary to achieve the construction of the dwelling and driveway, as well as an area on the sides and rear to accommodate lawn and garden areas as long as the requirements of Section V, Setbacks, of this document concerning a barrier is maintained. The front of the home may be cleared to the road to accommodate garden areas and lawn. However, every effort must be made to preserve and incorporate the trees on the lot.

The town of Banner Elk has a Tree Preservation Ordinance. Before removing any trees (diseased or damaged) or any part of a tree, and or replacing a tree, a permit must be obtained from the town. Failure to do so could result in a Civil Penalty from the Town of Banner Elk. A copy of the permit must be submitted to the DRC before proceeding with any tree removal or replacement work. Owners must also obtain approval from the DRC prior to any cutting, trimming or removing of trees.

### **III Grading, Erosion, Water Run-off Control Plan (as requested by DRC review)**

Measures shall be taken to return surface water to the street or natural drainage patterns. The builder shall be responsible for ensuring that surface water, both during and after construction, does not cause a problem for the adjacent properties. The builder shall be responsible for stabilizing the property with vegetation or other erosion control devices at the start of construction. The builder and owner are also responsible for maintenance and clean-up of erosion and wash down from the site. Grading of the site is not to be excessive and extensive cuts and fills will not be approved.

### **IV Driveways and Culverts**

Any and all culverts must be constructed with head walls. Driveways should not exceed a twenty percent (20%) grade. Driveways shall be graveled and maintained as soon as possible after start of construction to stop erosion and spillage over to the road areas. ALL driveways shall be paved using either asphalt or concrete prior to completion of the home but may be deferred to the last item done.

### **V Setbacks**

The Town of Banner Elk requires a minimum setback of twenty feet (20') from the property line in the front and ten feet (10') on the sides and rear of the home for our Property Zone Area. Section B (Mid Phase) and C (The Summit) of Crooked Creek is required to use at least this minimum. A natural vegetation barrier in this area shall be maintained from the Lot Lines with adjacent properties. The front of the home is exempt from the barrier if a lawn or garden is installed. Lawn and garden areas on the sides and rear of the property are approved as long as the vegetation barrier is maintained.

Section A (Cluster Homes) is exempt from this requirement due to smaller lot sizes. The Cluster Homes will use a minimum set back of five feet (5') from the property line to the footprint of the house, including any decks. The Cluster Homes shall also maintain twenty feet (20') from the front of the house to the road surface.

### **VI Landscaping**

All landscaping materials on the property shall be compatible with local natural vegetation pertaining to color, mass, and dimension. Prior to starting work, **all new**

**construction, and any plan to do a MAJOR renovation of existing landscaping** requires that a landscape plan drawn to a scale of one inch to ten feet (1":10'), prepared by a professional landscape designer/contractor with required setbacks, be submitted to the DRC for review and approval.

As applicable, the plan should detail all changes to the current landscape, including what trees and/or plantings will be removed, a complete list of proposed new plantings, all beds, location of retaining walls, boulders, mulched areas, etc. The proposed planting list must include the location, type, size, quantity and proposed spacing of each. This is only to ensure the land is not left bare and unattractive and does not prevent the homeowner from designing and planting specific plants and gardens.

Prior to starting any clearing and/or excavation, assurances must be provided to the DRC that any required external third-party requirements have been satisfied. This includes any tree cutting permits from the Town of Banner Elk, "811-Dig Safely" surveys to locate underground cables, electrical wiring, conduits, etc. If any landscaping or new construction project requires a retaining wall, a copy of the County Retaining Wall permit should be provided to the DRC.

Owners upgrading their property with additional trees or plants and no excavation, additional fill dirt, or the removal of trees is involved, can proceed at the owner's discretion without approval of the DRC.

Section II of these Guidelines discusses the procedures for tree removal. Owners should also refer to the Banner Elk Ordinance Sections 152.150 through 152.170 regarding the cutting and trimming of trees on their properties. The ordinance is extensive, so if contemplating trimming or cutting down any tree on your property, the best course of action is to check with the Town Zoning Administrator to determine if a permit is needed. If the work is limited to cutting or trimming trees, a "Crooked Creek Property Owners Association Small Project Form" is not required, but a copy of the Town approved tree cutting permit is to be provided to the DRC.

In summary, yards and landscaping are to be maintained in accordance with the community wide standards of Crooked Creek Development.

## **VII Architectural**

**A.** The overall house plan design shall be compatible with the home designs introduced by the Developer for that area of Crooked Creek and shall not include designs radically departing from the community theme. Specifically prohibited are designs and construction techniques such as log homes, modular or manufactured homes. Also Spanish, Mexican, Colonial design, A-frame, Round or Geodesic Domes or any home more than two stories above the foundation are not allowed. Roofs must have a minimum pitch of 6 to 12 (6/12) and no more than 12 to 12 (12/12). Flat or tile roofs are not approved. Homes in the Cluster Home areas shall be in keeping with the cottage

theme. Cottage style homes are not appropriate elsewhere in Crooked Creek.

**B.** The front of the home shall not exceed thirty feet (30') from ground to the ridge line of the roof. No structure shall be erected, altered, placed or permitted to remain other than one (1) single family detached dwelling not to exceed two (2) stories in height above the basement. A minimum of a one (1) car, attached garage is required. The Declaration states a dwelling shall contain a minimum of 1650 square feet of heated living space. However, this is the MINIMUM required and is not determinative of the actual square footage of approved structures. To maintain architectural harmony throughout the Crooked Creek development, a standard of approximately 2200 square feet of heated space has been established. The standard for homes in the area called "The Summit" is approximately 3,000 square feet of heated space (*ref. map on page 19*). Garages, porches, patios, greenhouses, or other areas, including unheated basements or cellars shall not be considered floor space in meeting these requirements. In the case of a one and a half (1 ½) story or two (2) story home, the main living level shall contain a minimum of 1250 square feet of heated living space. No carports are permitted. In accordance with town requirements, no home in Crooked Creek Zone may exceed forty percent (40%) of the lot. This requirement is waived for the Cluster Home areas due to lot size.

**C.** The exterior material used should be consistent with homes introduced by the Developer and generally should be natural wood or masonry, including cedar, stone, redwood, wood shingles, wood paneling, dimensional lumber and Hardiplank, or similar material. This includes fascia and soffit areas. Materials such as aluminum or vinyl, tile, all brick, or concrete are not acceptable. Stucco is acceptable only when used on foundations and shall be painted the house color.

**D.** Gutters and down spout material shall be aluminum or a similar metal. The color of the gutters and down spouts shall be the same as the house trim or siding.

**E.** Roof material shall be compatible with the materials introduced by the Developer. Acceptable materials include regular and asphalt shingles, wood shingles, slate, composite materials and concealed fastener metal roof panel types (examples: embossed shingle look, standing seam, or similar).

Unacceptable roof materials include any type of tile, flat or built up, or asbestos. Roof color shall be natural or dark, and approved by the DRC prior to installation. Light colored or unfinished roofs of any material are not acceptable.

**F.** Solar Energy Collecting Devices shall not be installed in a location where they would be visible from any street or any area open to common or public access in Crooked Creek. All requests for the installation of Solar Energy Collecting Devices must have obtained prior written approval from the Town of Banner Elk in accordance with Town ordinance, 152.053. Once the Special Use Permit (SUP) is obtained, applications for Solar Energy Collecting Device installations may be submitted to the DRC for review

and approval.

**G.** Foundations of block or concrete shall be veneered. Acceptable materials include brick, stone, stucco, or wood. Painted block foundations are not acceptable. Pier foundations are generally not acceptable except where applied to specific and limited situations and must be approved by the Committee before building. Wood lattice foundations are not acceptable except where applied to specific and limited situations such as below decks.

**H.** Paint. Painted house color shall be muted earth tones and compatible with that introduced by the Developer. Bleaching oils or stains are acceptable. In the case of new homes, paint samples on a six-inch (6") piece of proposed siding must be submitted to the DRC for approval. House and window trim will be handled in a similar fashion. Paint color need not be submitted with the original building request but may be delayed until siding and trim material is on site. However, it must be submitted prior to painting, and there may be some delay of approval as the DRC reviews the color.

The repainting of existing homes is excluded from this submission on siding if the home is to be repainted the original APPROVED color for the house. However, if the original color is not to be used, a sample of the paint on similar siding or wood must be provided to the DRC for approval. Unacceptable colors are any bright or high gloss color including but not limited to pure white. Finishes such as vinyl, aluminum, plastic, other metals, or the use of awnings is not acceptable.

**I.** All propane tank(s), electrical, telephone and television service cable installations shall be underground. No exterior radio, television, microwave or other antenna or antenna dish shall be permitted without the approval of the DRC, and must not be visible from the street, unless functionality cannot be obtained elsewhere.

**J.** No signs of any kind shall be displayed on or from any portion of the property, including political, real estate signs and/or real estate information boxes or tubes, name signs or lighted signs, both movable and permanent, without the approval of the DRC.

**K.** Garage doors shall be either wood or clad material and painted the approved house color. Garage doors matching the approved trim color are acceptable. Unclad metal doors, vinyl, and other synthetic materials visible from the outside, or colors other than specified above are not acceptable.

**L.** No trash, ashes, garbage, or other refuse shall be thrown out or dumped on any land within the property. No burning or other disposal of refuse out of doors will be allowed. Each owner shall provide suitable receptacles for temporary storage and collection of refuse. All such receptacles shall be screened from public view and protected from weather, animals, and other disturbance. It is recommended that receptacles be stored in the garage or covered area to the rear of the dwelling.

**M.** No temporary structures shall be permitted except as may be determined necessary during construction and specifically authorized by the DRC. Porta-Johns are approved and required during construction. Other architectural features or improvements such as, but not limited to, sidewalks, out buildings, fencing, gazebos, mailbox posts with the exception of wooden posts typical throughout the development, and pools must be approved by the DRC.

**N.** Playground/Sports Equipment. Due to the diversity of lot size, lot terrain and the desire to maintain the private wooded nature of Crooked Creek, there can be no blanket approval of sports and playground equipment. An exception can be applied ONLY for children's playground equipment. The following conditions must be met to obtain permission for playground Equipment:

1. The equipment must fit harmoniously into the lot and environment.
2. The installation cannot affect the privacy of the neighborhood.
3. No plastic or metal equipment will be authorized. All equipment must be of wood construction and blend into the landscape.
4. No clearing of trees can be made in the installation process.

If the exception is approved (by the DRC), the equipment will NOT be allowed to be a permanent part of the property. It must be removed, at the owner's expense, if the property is sold or it no longer suits the need, i.e., children of the property owner (parents or grandparents) are grown or no longer reside on the property.

**O.** Grinder pumps are a requirement for the Crooked Creek area to tie into the Town of Banner Elk sewer system, except for the homes located on Mallard Court and Rabbit Run. Individual owners are responsible for the maintenance and repair of the grinder pump systems installed on their properties. It is recommended that owners arrange for periodic inspections of this equipment including the panel box and alarm mechanism. Several contractors are available, and their services range from conducting complete inspections to making any necessary repairs including pump replacements. During the inspection, it may be necessary for the owner to be present to run water through the system, otherwise an operable outside source of water such as a garden hose must be available.

**P.** Mailbox and Mailbox Post

1. Mailbox shall be black in color, or the color shall be approved by the DRC.
2. Mailbox posts shall be constructed of wood. Either 4-inch x 4-inch timbers or 6-inch by 6-inch timbers.
3. Mailbox post should be painted Olympic Pine\* or the color shall be approved by the DRC.
4. If there is trim wood on the mailbox post, the trim should be painted Gobi Beige\* or the color shall be approved by the DRC.
5. Unpainted wood posts are not acceptable.

**\*Note:** Olympic Pine & Gobi Beige is available at Property Management & Maintenance Services, Inc (PMMS) or can be purchased at Sherwin Williams, Benjamin Moore, and Lowe's Hardware.

### **Paint Color Numbers**

- Olympic Pine - Valspar flat exterior, 365 Duramax # 8596N
- Gobi Beige - Valspar flat exterior, # 8203M

**Q.** As stated in the recorded restrictive covenants, construction of the subject dwelling must be complete within one year from date of start. If construction extends beyond a year approval must be given by the DRC.

### **VIII General Restrictions**

These general restrictions augment and add to those contained in the Declaration Document. The restrictions apply during actual construction periods (new construction and for improvements and additions) as well as during the post construction period. This is not an all-inclusive list and is intended to highlight common conditions, actions and behavior generally associated with maintaining the desired appearance and architectural harmony of the property.

**A.** No above ground fencing shall be allowed except that approved by the DRC. In no case is fencing allowed within fifty feet (50') of the street edge on corner lots. Approved fencing must be wood, a PVC type material or underground. Wherever fencing is above ground and visible from the street, it must be broken up with shrubs or trees.

Dog pens may be built rather than fencing the entire lot but must have the same screening and approval requirements if above ground and must be approved by the DRC.

**B.** No laundry or wash shall be dried or hung outside any building.

**C.** No exterior horns, bells, or other sound devices, except security devices will be allowed on any portion of the property.

**D.** No exterior fires will be allowed except within barbeque grills, exterior fireplaces and firepits. The location of the exterior fireplace or firepit must be approved by the DRC.

### **E. Parking Restrictions**

The intent of compliance with parking restrictions within Crooked Creek is to define authorized and unauthorized vehicles and to keep vehicles from illegally parking, specifically:

- Streets should be clear of vehicles at night.

- Cars cannot park at any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 14 feet. Ref: Town of Banner Elk Traffic Code Section 72.02 (Q)
- Property owners are to park their vehicles on the prepared surfaces inside their garages, on driveways and on approved pullovers which are connected to those driveways. Parking on side or front yards is not permitted.
- Trucks, motor or trail bikes, recreational vehicles, motor homes, motor coaches, snowmobiles, campers, trailers, boats or boat trailers, or similar vehicles other than passenger vehicles, pick up and utility trucks with a capacity of half ton or less and SUVs may not be parked on the property except in an enclosed garage.
- Construction and service vehicles will be allowed during the normal course of business.

**F.** No animals, livestock or poultry may be kept on the property except dogs, cats, and other household pets. Leash Laws are in effect within Cooked Creek.

**G.** Any damage to property, sidewalks, landscaping, and grassy areas due to vehicle traffic must be promptly repaired. This applies to damage done by personal vehicles as well as service vehicles.

## **IX Construction Regulations**

### **A. Construction Bond**

A Construction Bond of 5% of construction cost or \$25,000.00, whichever is LESS, will be required for EACH NEW HOME or ADDITIONS to a home, with the exception of deck additions. This Bond will be collected at the time an application is made and will be kept in an account administered by the Board of Directors. All requests to use these funds will be made from the DRC to the Board, which will authorize the spending of these funds. This Bond is to be used to repair out of compliance items such as siding, paint color, grinder pump installation and roofing if not the approved type or color.

The request for out of compliance funds to the Board will only be made after written notification to the owner/contractor of the problem. Funds will be issued if the owner refuses to repair or correct out of compliance items, or the owner has declined to go through the appeal process, or the owner has unsuccessfully gone through the appeal process. Upon completion of the work and receipt of a request from the owner/contractor, and when the home is in full compliance, appropriate funds will be returned to the owner/contractor.

## **B. Architectural Fee**

**New Construction** – A non-refundable fee of \$5,000.00, to be paid by the property owner, will be used by the DRC and Association to pay for any professional services, such as an architect, required to review and process the initial construction approval. Any changes that require additional consultation services by an architect or other entity will be subject to additional fees, but no more than the actual cost associated with the services.

**Additions** – An addition outside of the original footprint and elevation of the house (except deck additions) will be subject to a non-refundable architectural fee, if required by the DRC, amounting to the actual cost of the architect's charges. This fee will be paid by the property owner.

**C.** All decisions of the DRC may be appealed to the entire Board as outlined in the By-Laws. The request for an appeal hearing must be made in writing to the Crooked Creek Board of Directors within 14 calendar days of receiving the decision or disapproval from the DRC.

**D.** No construction may begin without written approval from the DRC. Construction sites must be kept cleaned, orderly and free from litter and debris. Trash containers, bins, etc., if not commercial waste storage bins, shall be emptied weekly or more often if they become full. At no time will any bin/container be allowed to overflow or rise above the sides. Any debris blown or otherwise carried to adjacent lots or the road shall be the responsibility of the owner/contractor. All containers must be on the property. This requirement includes any material spills, such as concrete, dirt, gravel, paint, or other building materials.

**E.** Porta-Johns must be provided for each site or group of adjacent sites. Placement/location (of Porta-Johns) must be approved by DRC. Facilities may not be placed on a roadway.

Below is the North Carolina General Statutes Chapter 143 - that pertain to placement and on-going maintenance for Porta-Johns. Both Avery County and the Town of Banner Elk strongly adhere to Chapter 143 guidance for temporary toilet facilities at construction sites.

- Suitable toilet facilities (i.e. Porta-Johns) shall be provided and maintained in a sanitary condition during construction. An adequate number of facilities must be provided for the number of employees at the construction site.
- Such facilities must be portable, enclosed, chemically treated, tank-tight units. Portable toilets shall be enclosed, screened, and weatherproofed with internal latches.

**F.** All vehicles must be parked on the property or off the road sufficiently to allow easy passage for emergency or service vehicles. At no time will parking be allowed on both adjacent sides of the street or overnight.

**G.** No work will be permitted to begin before 7:30 AM or continue after 6:00 PM, Monday through Friday, or 8:00 AM through 5:00 PM on Saturday. No work is approved on Sunday.

**H.** No burning of brush or construction materials will be allowed at any time.

**I.** Concrete trucks, delivery trucks, dump trucks and/or paving trucks, or any other construction vehicles may NOT be emptied or cleaned within Crooked Creek.

**J.** Any contractor, sub-contractor, or supplier or any of their employees whose conduct while within the Crooked Creek Sub-Division is deemed to be a nuisance shall be restricted from access to Crooked Creek. Contractors are responsible for the conduct of their sub-contractors and owners are responsible for the actions of their contractors.

## **X Application Process**

All applications to build or remodel homes within Crooked Creek shall be made to the DRC using the committee's standard forms prior to starting construction. No work is to start until written approval is received from the DRC. The following is provided as an aid to gathering the REQUIRED documents.

- A.** Exterior views showing front, both sides, and rear elevations with height measurements.
- B.** A Site Plan showing the house footprint (including decks) and Lot Lines. All exterior measurements as well as distances from the footprint, including all decks to ALL Lot Lines as well as Set Back from the road. The plan should also show the location of any retaining walls.
- C.** Square footage of each heated level of the house (new homes).
- D.** Clearing/Tree Removal Plan
- E.** Driveway/Culvert Plan
- F.** Grading Plan to include:
  - A notarized Avery County Single Homesite Grading Affidavit (Land Disturbing Activity) form.
  - Erosion, Water Run-off Control Plan to deal with any issues (current and possible future).
- G.** Landscaping Plan - Retaining walls (stone, wood, or other), walkways, rock gardens, etc.

- H. Type of siding and trim to be used.
- I. Type, design and color of windows to be used.
- J. Type and color of doors to be used.
- K. Type and color of garage doors to be used.
- L. A sample of paint color(s) on a piece of siding and trim.
- M. Type of window trim and color. If different from house trim color, a sample must be provided.
- N. Manufacturer and model of grinder pump to be used.
- O. Roof Shingles - type and color to be used.
- P. An owner who desires to “superintend and manage” the construction of their home in Crooked Creek, in lieu of a licensed general contractor, must submit a verified Owner Exemption Affidavit to the Avery County Building Inspections Department to obtain a building permit. See NC Statute (Chapter 87 – Contractors) for details. A copy of the sworn affidavit is to be provided to the DRC as part of The Crooked Creek construction application process.

**\*Note:** Should a property update or renew a property condition that was not in adherence to the DRC, then (the new update) must adhere to the most current DRC revisions. These updates must be approved by the DRC.

**Application Process Forms to be Completed:**

- Attachment 1 – Application Agreement (page 12)
- Attachment 2 – Required Plans / Type & Color Detail (page 13)

**CROOKED CREEK DRC**

Lot Development & House Construction Permit Application/Agreement

**Attachment 1: Application Agreement**

The undersigned have read and understand all DRC Guidelines and Crooked Creek Governing documents and agree to uphold them. The undersigned will communicate to others in their employ that the Crooked Creek community is governed by covenants and restrictions and that all employees are subject to those covenants and restrictions.

**Owner:** \_\_\_\_\_ Lot #: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**General Contractor:** \_\_\_\_\_

Contact Name: \_\_\_\_\_ License #: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_

Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CROOKED CREEK DRC**

Lot Development & House Construction Permit Application/Agreement

**Attachment 2: Required Plans / Type & Color Detail**

Plans Submitted for Approval by: \_\_\_\_\_ Phone: \_\_\_\_\_

**PLANS REQUIRED**

**Date  
Submitted**

**Date  
Approved**

- |  |       |       |
|--|-------|-------|
| <input type="checkbox"/> House Plan                              | _____ | _____ |
| <input type="checkbox"/> Site & Elevation Plan                   | _____ | _____ |
| <input type="checkbox"/> Clearing & Tree Removal Plan            | _____ | _____ |
| <input type="checkbox"/> Grading & Erosion Plan                  | _____ | _____ |
| <input type="checkbox"/> Driveway, Culvert & Retaining Wall Plan | _____ | _____ |
| <input type="checkbox"/> Landscape Plan                          | _____ | _____ |

**TYPE & COLOR REQUIRED**

Garage Door & Color \_\_\_\_\_

Siding & Trim Color \_\_\_\_\_

Deck & Porch Color \_\_\_\_\_

Window Trim & Color \_\_\_\_\_

Roof & Color \_\_\_\_\_

**CROOKED CREEK DRC**

**Lot Development & House Construction Permit Application/Agreement**

**X Application Process (Continued)**

**Q. Construction Compliance Deposit**

Estimated Construction Cost \$ \_\_\_\_\_

Compliance Deposit (5% of construction cost). The compliance deposit or \$25,000.00, whichever is LESS, is required before start of construction. Please make check payable to Crooked Creek POA and indicate “ Compliance Deposit.”

(For DRC Use)

**Deposit Received: Date** \_\_\_\_\_ **Check #** \_\_\_\_\_ **Amount \$** \_\_\_\_\_

**R. Architectural Fee** (non-refundable) \$5,000.00, to be paid by property owner. (See Design Review Guidelines, IX Construction Regulations, paragraph B.) Please make check payable to Crooked Creek POA and indicate “Architectural Fee.”

(For DRC Use)

**Deposit Received: Date** \_\_\_\_\_ **Check #** \_\_\_\_\_ **Amount \$** \_\_\_\_\_

**XI Applicant Declarations/Conditions**

- A. I/We verify that all information and plans provided on this application will be those used in lot development and construction and to obtain a town of Banner Elk, NC Zoning Permit, as well as an Avery County, NC Building Permit.
- B. I/We agree to provide the additional plans and obtain approval for items called out in Section II of this document. I/We agree that construction activity cannot begin before written approval of the POA’s DRC.
- C. I/We agree to notify the POA’s DRC at each stage listed in Section II for a compliance inspection. I/We agree that if there is a non-compliance item, construction cannot continue until it is resolved either with the DRC or through the Appeals Process.
- D. I/We understand that if an item is not resolved with the DRC or through the Appeals process, Crooked Creek POA reserves the right to use funds from the Compliance Deposit to enter into contractual agreements with contractors or other vendors to bring the issue into compliance. If the funds are depleted, Crooked Creek POA has the right to hold the applicants liable for any unpaid

balances necessary to obtain compliance.

**E.** I /We also understand that these funds will be used to offset any fines imposed by the Board of Directors.

**F.** Crooked Creek POA DRC will perform compliance site inspections and give written approval/disapproval on a timely basis upon notification of completion of each item in Section II.

**G.** Crooked Creek will refund 100% of the Construction Compliance Deposit after all construction receives compliance inspection approval, site is cleaned up and any damage to adjacent property is repaired.

**Application/Agreement**

**I/We accept the above conditions**

**Owner Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**General Contractor Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**CROOKED CREEK  
CONSTRUCTION BOND REFUND REQUEST**

Inspection Requested By: \_\_\_\_\_ Date: \_\_\_\_\_

Lot #: \_\_\_\_\_ Amount of Refund Requested: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Make Check Payable To: \_\_\_\_\_

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**Inspections Completed and Approved**

(For DRC Use)

- Basic Landscaping Complete
- Driveway Complete
- Culverts Complete (if required)
- Grinder Pump Installed (if required)
- Approved Paint, Siding, Trim, Foundation, & Garage
- Approved Roof Type & Color
- Erosion & Water Run Off Sufficient
- Retaining Walls (if required)
- Final Lot Condition

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_

Property Approved for Bond Refund:     NO                       YES

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CROOKED CREEK PROPERTY OWNERS ASSOCIATION  
SMALL PROJECT REQUEST FORM**

This form is to be used for small projects that do not involve new construction or significant alterations to existing property. Examples include but are not limited to re-painting the exterior of home, decks and patios, fences, playground equipment, major landscaping, etc. **Please submit the completed form to the DRC for review and approval (Pat Martin email: pmartin1764@att.com)**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Crooked Creek Address: \_\_\_\_\_  
\_\_\_\_\_

Description of Project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

➤ Will a contractor work on any or all of the project?  Yes  No

➤ If yes, Contractor Name: \_\_\_\_\_ Phone: \_\_\_\_\_

➤ Estimated Start Date: \_\_\_\_\_ Estimated Completed Date: \_\_\_\_\_

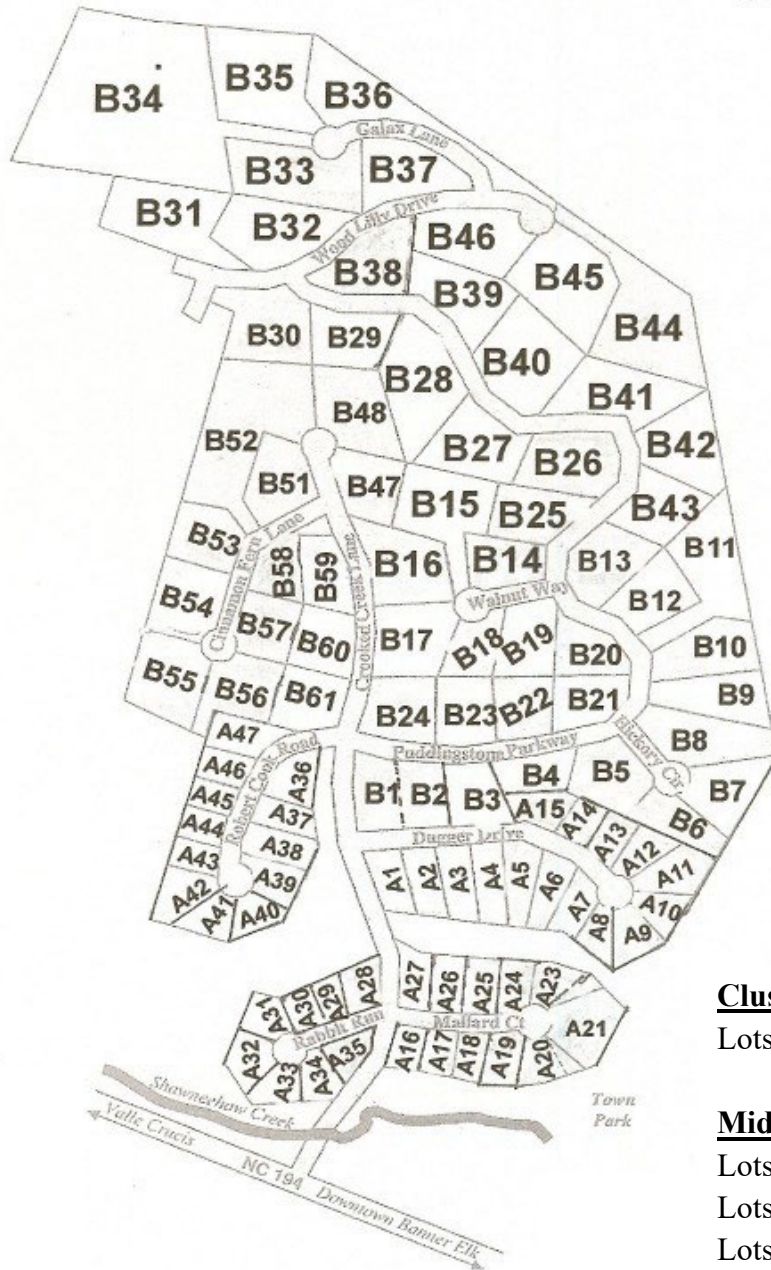
DRC Review.....Approved  Yes  No

DRC Chair: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# CROOKED CREEK BANNER ELK NORTH CAROLINA

4/7/2007



**Cluster Homes: 1650+ sq. ft.**  
Lots A1 through A47

**Mid Phase: 2200+ sq. ft.**  
Lots B1 through B31  
Lots B38 through B43  
Lots B47 through B61

**The Summit: 3000+ sq. ft.**  
Lots B32 through B37  
Lots B44 through B46