

**FALCONS LAIR COMMUNITY SERVICE ASSOCIATION  
ARCHITECTURAL REVIEW BOARD**

**DESIGN AND CONSTRUCTION  
RULES AND REGULATIONS**

New Residential Construction & Exterior Changes, Additions,  
and  
Renovations to Existing Structures

Effective \_\_\_\_\_

FILED OCONEE COUNTY, SC  
ANNA K. DAVISON  
REGISTER OF DEEDS

2024 JAN -8 PM 12:31

Barcode ID: 2401530 Type: DEE  
Recorded: 01/08/2024 at 12:31:00 PM  
Fee Amt: \$25.00  
Oconee, South Carolina, Register Of Deeds  
Anna Davison - Register Of Deeds  
Page 1 of 10  
BK **3023** PG **88-97**



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\$25.00

Ret. — Falcon's Lair Community Service Association

P.O. Box 992, Walhalla, South Carolina 29691 <https://falconslaircsa.com>

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## Scope.

Falcon's Lair Subdivision is a quiet, family-friendly community in Walhalla, SC, situated around the Windsor at Walhalla Golf Course. The Falcon's Lair Community Service Association has a Board of Directors, elected by the property owners at its annual meeting. The Board of Directors then appoints an Architectural Review Board (ARB) consisting of three or more members.

The purpose of the ARB is to "regulate the external design, appearance, use, location and maintenance of the properties and of improvements thereon, including grading, in such a manner as to preserve and enhance values in a harmonious relationship among the structures and natural vegetation and topography." (Article VII, Section 2, Falcon's Lair Declaration of Covenants and Restrictions)

The intent of this document and these Rules and Regulations is to offer guidance to property owners who wish to construct new homes, remodel, or alter the exterior of their properties.

## Vision.

All property owners within Falcon's Lair Subdivision have a common goal and interest – to maintain and protect property values and maintain an attractive, friendly, harmonious neighborhood for all to enjoy. Aesthetics is an important part of that goal. The Covenants recognize that and specifically incorporate aesthetics in its provisions. (Falcon's Lair Declaration of Covenants, Article IX, Section 1. (d)(2))

Property owners and their design professionals are to use original designs and varied materials to avoid a stereotypical home or having all the homes in the community looking the same. It is important to realize that the overall impact of a house design involves considerations of taste and judgment which cannot be reduced to measurable standards such as square footage, setbacks, roof pitch or similar items. A house which meets all of the statistical criteria may be unacceptable for purely aesthetic reasons, and the ARB has the authority to make subjective judgments of this nature. The authority of decisions by architectural review boards, decisions can be based purely upon aesthetic considerations, has been recognized and upheld by the South Carolina courts.

## Section 1. AUTHORITY

1.1 The Architectural Review Board (ARB) derives its authority from the Falcon's Lair Declaration of Covenants and Restrictions (found at <https://falconslaircsa.com>) and which are generally found in Articles VII and IX. Property owners are encouraged to read the Declaration of Covenants and By-laws of the Falcon's Lair community thoroughly. If you do not have access to a computer or printer and would like a paper copy of the Covenants and By-laws, please contact the Board via email at [board@falconslaircsa.com](mailto:board@falconslaircsa.com) and a board member will provide you a copy.

## Section 2. PRIOR APPROVAL REQUIRED

2.1 Any "alteration, repair, improvement, changes in paint color, excavation, changes in grade, or other work which in any way alters the exterior of any property or the improvements thereon" **requires prior approval of the ARB**. This includes building of fences, walls, or any other structure. (Covenants, Article VII, Section 3.)

2.2 "No clearing, grading, building, fence or other structure shall be erected, placed or altered on any lot until the proposed building plans, specifications, exterior color and/or finish, plot plans, showing the proposed location of such building or structure, drive and parking areas shall have been approved in writing by the Architectural Review Board..." (Covenants, Article IX, Section 1 (d)(2))

## Section 3. ARCHITECTURAL REVIEW BOARD

3.1 The ARB meets to review all plans for construction, alteration, remodel, or external change to property to provide recommendations, discuss the general appearance of the community and appropriate actions to improve its aesthetics, and work with owners, architects, builders, and others to ensure that high standards are being maintained.

3.2 By approval of such plans, the ARB assumes no liability for structural design or damage to other property during the approved construction.

3.3 Furthermore, if some portions of the approved plans due to inadvertent oversight by the ARB are in violation of the Covenants, such approval will not later prevent the ARB from seeking enforcement of the covenants.

3.4 The authority of the ARB is derived from the Covenants. In any instance where the information contained herein conflicts with the Covenants, the Covenants shall control.

3.5 In any instance where the information contained in these Rules and Regulations conflicts with the ARB application for approval, these Rules and Regulations shall control.

3.6 Additionally, the decisions of the ARB are not and will not be bound or restricted by any precedent relating to existing residential construction or improvement on any other lot within Falcon's Lair Subdivision.

3.7 The Board and ARB assume no liability as to the adherence to building codes, as that remains the sole responsibility of the owner, along with the architect, plan designer and the builder.

3.8 It is to be understood that any approval of a plan which when completed is not considered desirable for future construction, shall not set a precedent requiring the ARB to approve similar plans on subsequent submissions.

## Section 4. SCOPE OF ARB DECISIONS

4.1 The Covenants grant the ARB authority to approve, modify or disapprove plans based on subjective or aesthetic judgments as well as on objective, quantitative grounds. This authority is limited only by the requirements that the architectural review process not be conducted in an arbitrary or capricious manner. ARB decisions are based on reasonable grounds consistent with the objectives of the Covenants, and the ARB may disapprove any application for the following:

- a) If the application does not comply with the Covenants;
- b) because of the ARB's reasonable dissatisfaction with
  - 1) grading plans,
  - 2) location of the proposed improvements on a lot,
  - 3) finished ground elevation,
  - 4) color scheme,
  - 5) finish,
  - 6) design proportions,
  - 7) architecture,
  - 8) shape,
  - 9) height or style of the proposed improvement,
  - 10) the materials used therein,
  - 11) the kind, pitch or type of roof proposed to be placed thereon,
- c) If, in the judgement of the ARB, reasonably exercised, the proposed improvement will be inharmonious with the development, or with the improvements erected on other lots or parcels. (Covenants, Article VII Section 6)

4.2 The ARB may also disapprove plans, locations or specifications based *upon any reason including purely aesthetic conditions, which in the sole discretion of the Architectural Review Board shall be deemed sufficient.*" (Covenants Article IX Section 1 (d)(2))

## Section 5. WRITTEN NOTIFICATION REQUIRED

5.1 Applicants will be notified in writing of all ARB decisions. Oral representations of ARB decisions shall be non-binding on the ARB.

5.2 No approval of plans/locations and specifications by the ARB shall ever be construed as representing/implying that such plans/locations and specifications will, if followed, result in a properly designed residence or will comply with pertinent law.

5.3 Such approvals shall in no event be construed as representing or guaranteeing that any residence will be built in a good workmanlike manner.

5.4 No implied warranties of good workmanship, design, habitability, quality, and fitness for purpose or merchantability shall arise as a result of approvals made by the ARB.

5.5 No person has been authorized to give any information or make any representation not contained in this document and, if given or made, such information or representation must not be relied upon as having been authorized by the ARB.

## Section 6. APPLICATION AND PROCEDURE

6.1 Application Forms are available on the Falcon's Lair website, can be obtained by contacting the ARB by email at [arb@falconslaircsa.com](mailto:arb@falconslaircsa.com) or request via US Postal Service at: PO Box 992, Walhalla, South Carolina 29691.

6.2 All applications must include the proposed building plans, clearly showing all specifications such as exterior color and/or finished elevations, the plot plans showing existing structures with the location of the proposed new addition, measurements showing distances to the closest property lines to verify set-backs. (Covenants, Article IX, Section 1 (d)(2)). The plot plan for new construction shall also show the topography of the lot before grading and after grading with the structures in place.

6.3 Additional required documents to be included with the application:

- a) A copy of your building permit, which is required by our Covenants. Pursuant to the Covenants Article VII, §5(b), "Building permits (are) required when starting any new external building construction or making additions, alterations, renovations or demolition of existing structures."
- b) A DHEC residential septic system approval (New Construction)
- c) A copy of the sediment and erosion control plans and CEPSI documents at a minimum. (New Construction).

- d) Oconee County and/or SCDHEC may require building or additional permits which must be included in the application as well. If a building permit is not required, please include documentation of why a permit is not required. The Oconee County Building Code can be found at <https://oconeesc.com/building-codes-home>
- 6.4 Grading plans must include copies of any and all permits required by either Oconee County, SCDHEC, or any other governmental entity. The application must also include a Grading and Drainage Plan depicted on a topographical representation or map.
- 6.5 Applications must be submitted in writing, with all required and requested attachments, to the ARB at [arb@falconslaircsa.com](mailto:arb@falconslaircsa.com) or mailed by US Postal service to: PO Box 992, Walhalla, South Carolina 29691.
- 6.6 The ARB reserves the right to request additional written information about any application in order to properly evaluate it. Failure to provide requested information will result in disapproval of an application.
- 6.7 If the ARB fails to approve, disapprove, or modify, in writing, any application within thirty (30) days of receipt; in accordance with adopted procedures, approval will be deemed granted. (Covenants Article VII, Section 4) This does not mean that the process, in all instances, will be completed within 30 days. If all documentation is not included, the application has not been properly submitted and the 30 days does not begin until a **COMPLETE** application has been received. The ARB may also work with the property owner to make modifications or suggestions that may take longer than 30 days. The ARB fully intends to complete the process as quickly as reasonably possible once all documentation, plans, specifications and any other required items have been properly submitted.

## Section 7. MINIMUM REQUIREMENTS IN COVENANTS

The Covenants contain certain restrictions and requirements that the ARB cannot legally change or modify. Please read the Covenants before submitting an application for construction, modification or change in any exterior item. Some of the minimum standards in the Covenants include:

- 7.1 No above ground pools
- 7.2 All exterior construction, additions, alterations, renovations or demolition require a building permit.
- 7.3 All fences shall be at least 48" in height and constructed of black metal, vertical and horizontal.

7.4 No alteration in the exterior appearance of any structure can be made without prior written approval of the ARB

7.5 The Covenants include specific designated minimum square footage for construction as well as minimum setbacks on all lots/properties and other requirements.

**These are just some of the standards contained in the Covenants, and not a full listing. All property owners are bound by the Covenants in full. Please refer to the full Declaration of Covenants and Restrictions. They can be found at the Falcon's Lair website. If you do not have access to a computer or need a copy of the Covenants, please contact the board at [board@falconslaircsa.com](mailto:board@falconslaircsa.com).**

## Section 8. APPEALS

8.1 The Applicant may appeal an adverse ARB decision to the Board of Directors who may reverse or modify such decision by a majority vote of the Directors. (Covenants Article VII Section 4).

8.2 Any appeal must be filed in writing within 30 days of the adverse ARB decision, with a copy of the appeal also delivered to the ARB. **If an Applicant fails to appeal within this time frame, that Applicant forfeits the right to appeal.**

8.3 Upon receipt of the written appeal, the Board of Directors will immediately send a copy of the appeal to the ARB. The ARB then shall have 7 days to file a written response, a copy of which will be sent at the same time to the Applicant who filed the appeal.

8.4 Upon the Board's receipt of the Applicant's written appeal and the ARB's written response, the Applicant may request or the Board may schedule a hearing if they so choose. The hearing shall be held with all parties (the Applicant and one or more representatives from the ARB) present. This hearing shall be held no later than 14 days after all documents have been received. The Applicant and ARB will be informed in writing of the time and date of the hearing. The Board will reasonably accommodate the Applicant and ARB member(s) as to that time and date.

8.5 The decision on appeal by the Board of Directors shall be final and shall be delivered in writing to both the Applicant and the ARB within 14 days of the Board's receipt of the ARB's written response, or, if later, within 14 days of the hearing before the Board.

**All written communications and filings may be done electronically or through the US postal service.**



Design and Construction Rules and Regulations

Falcon's Lair Community Service Association  
Architectural Review Board

Section 9. REVISIONS

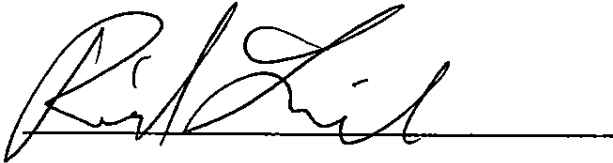
These Rules and Regulations are subject to revision from time to time by the ARB, pursuant to the Covenants.

Falcon's Lair Community Service Association

Adopted March 9, 2023



James R Hellams President



Richard Linder, Secretary

FILED GORRUM COUNTY, SC  
ANITA K. DAVISON  
RECORDER OF DEEDS  
2024 JAN -8 PM 12:31

# ACKNOWLEDGEMENT

STATE OF : South Carolina

COUNTY OF : Oconee

I, Garrett Base, a Notary Public for the State of

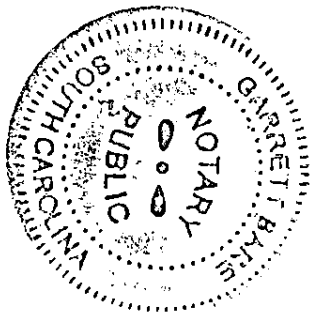
South Carolina, do hereby certify that James Hellams & Richard Linder (grantor/mortgagor) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 7<sup>th</sup> day of January, 2024.

[Signature]  
Notary Public  
State of South Carolina

My commission expires: 7-20-27

(SEAL)



FILED OCONEE COUNTY, SC  
ANITA R. DAVISON  
REGISTER OF DEEDS  
2024 JAN - 8 PM 12: 31.