

**PROTOCOL DEFINING THE SCOPE OF REVIEW BY GOLFVIEW HILLS ASSOCIATION (GHHA) OF  
DWELLING CONSTRUCTION PLANS**

1. GHHA will not review dwelling plans for compliance with DuPage County Building or Zoning Codes. Compliance with applicable DuPage County laws and ordinances is the responsibility of the owner, the architect, and the contractor. DuPage County laws and ordinances are enforced by DuPage County governmental units, not GHHA. Any approval given by GHHA of a structure or building plans is conditioned upon the structure and plans being in compliance with applicable DuPage County Building and Zoning Codes, whether or not such condition is expressly stated in such approval.
2. The materials used should be consistent with high quality home construction. The look and feel of the dwelling, along with its color, must be harmonious and consistent with homes of high quality in Golfview. GHHA will not approve the erection of dwelling designs that are not harmonious with existing designs and dwellings. Examples of designs that may not be harmonious are castle designs, southwest territorial, and adobe designs.
3. In addition, GHHA may review the following elements to determine that they are consistent with the GHHA Protective Covenants:
  - a. Front set back may not be less than 35 feet on Madison Street and 55<sup>th</sup> Street and 27 feet in all other locations.
  - b. Side lot setbacks may not be less than 10 feet.
  - c. The structures on the lot consist of no more than one single family dwelling and a garage for not more than 3 cars. Accessory structures will be reviewed under the Accessory Structures Protocol, and fences under the Fence Protocol.
  - d. The structure is designed for single family residential use and not designed for multi-family or commercial use.
  - e. The ground floor area of the main dwelling structure is at least 1600 square feet if the dwelling is newly constructed or the major part of more than 2 exterior walls are removed or rebuilt.
  - f. On corner lots, the structure, fences, walls, hedges, and shrub plantings do not interfere with sight lines between 2 and 6 feet above the roadway in violation of Article Two, Section 13 of the Protective Covenants.
  - g. The driveway is constructed of concrete, brick, or asphalt, conforms to the grade of the existing ground, and is not closer than 18 inches from the side lot line.
  - h. The lot has provisions for adequate drainage or storm water retention, and structures located on the lot will not create drainage problems for other lots in Golfview. In general, GHHA will require that downspouts and sump pump discharges be tied into drain tiles or tubing that drains to the lake, or to the

street or front yard. No existing drain tiles or other drainage structures may be disturbed without making alternative provisions for adequate drainage.

4. Encroachments.

- a. For purposes of the Covenants, eaves, steps, and open porches are not considered as a part of a building, but they may not encroach upon another lot. Anything else that intrudes into the front yard setback or 10 foot side yard setback is considered an encroachment that violates the Covenant setback requirements.
- b. In general, GHHA hereby pre-approves as variances to the Covenants those encroachments into front and side yard setbacks that are permitted by the DuPage County Zoning Code §37:704.1-B (Permitted Encroachments) (2005 Code) for R-4 Single Family Resident Districts (the “2005 Code”). A copy of the 2005 Code is attached. However, this general approval is subject to the following modifications to the 2005 Code and these exceptions:
  - i. Permitted encroachments expressed as a percentage of the required front or side yard in the 2005 Code shall be calculated as a percentage of the applicable 27 or 35 foot front lot or 10 foot side lot setback required by the Covenants.
  - ii. Architectural entrances and features that encroach are not pre-approved but are subject to ad hoc approval. GHHA will generally waive compliance with Section 4 of the Procedural Protocol requiring notice to and consent from Nearby Neighbors with regard to this approval, but reserves the right, in its discretion, to require it.
  - iii. Chimneys that encroach may not be longer than 5 feet along the length parallel to the lot line.
  - iv. Outside fireplaces that encroach may not exceed 65 cubic feet in volume and may not be higher than 4 feet above grade at any point.
  - v. Patios that encroach may not be higher than 6 inches above grade at any point.
  - vi. Retaining walls that encroach may not be higher than 18 inches above grade at any point.
  - vii. Stoops that encroach may not be more than 6 inches above grade at any point.
  - viii. Wing walls that encroach are not pre-approved but are subject to ad hoc approval. GHHA will generally waive compliance with Section 4 of the Procedural Protocol requiring notice to and consent from Nearby Neighbors with regard to this approval, but reserves the right, in its discretion, to require it.
  - ix. **Pre-approval applies only if the encroachment and its dimensions have been included on the List of Encroachments and the plan drawings as**

**required by the Procedural Protocol, along with setback lines on the plan drawings.**

- c. Window wells and below grade exits that intrude into front or side lot setbacks are considered encroachments that violate the Covenants. Unless they meet the requirements set forth below, they require a separate Covenant variance to be approved by the GHHA Board in accordance with the procedures set forth in the Procedural Protocol. However, the window well or below grade exit is pre-approved without going through that procedure if it meets the following requirements:
  - i. The window well :
    - 1. is no more than 48 inches long parallel to the side lot line;
    - 2. encroaches no more than 36 inches into the side lot at its farthest point;
    - 3. is no more than 3 feet deep;
    - 4. contains a permanently attached ladder to permit exit from it;
    - 5. is covered by a transparent removable cover or metal grate weighing no more than 40 pounds and capable of supporting a person weighing 150 pounds;
    - 6. is comprised of pre-fabricated or manufactured sidewalls, other than poured concrete, that are no more than 3 inches thick, and
    - 7. protrudes as built no more than 4 inches above grade at its highest point.
  - ii. The slope of the ground extending in a radius of 8 feet from any point of the window well or exit shall not exceed 5% except for drainage swales along the lot line.
  - iii. **Pre-approval applies only if the window well or exit and its dimensions have been included on the List of Encroachments and the plan drawings as required by the Procedural Protocol, along with setback lines on the plan drawings.**
- d. GHHA reserves the right not to permit encroachments otherwise pre-approved by Section 4b or 4c in circumstances it judges to be unusually intrusive. An example would be air conditioning units, window wells or exits, or other encroachments in a side yard on a corner where the side lot faces the street. In such circumstances, GHHA will notify the owner if it determines that the encroachment should be processed as a Covenant variance requiring ad hoc approval and notice to Nearby Neighbors.
- e. Amendments made by DuPage County to its 2005 Code are not automatically pre-approved or incorporated as pre-approved encroachments under the Covenants.

5. GHHA hereby grants the following standing waiver and/or variance:

A waiver of the minimum lot size requirement in Article Two, Section 5, provided that no lot may be sub-divided or further reduced in size.

Such variance and waiver shall be effective until revised Protective Covenants have become effective so that such variance and waiver is no longer necessary.

6. Generally, except as set forth in Paragraph 5 above, waivers and variances will only be considered with respect to Paragraphs 3b, for 4-car garages with respect to Paragraph 3c, with respect to Paragraph 3g, and with respect to paragraph 4. Waivers and variances that are not pre-approved in this Protocol must be approved by the Board of Directors of GHHA.

\*\*\*\*\*

***DU PAGE COUNTY ZONING CODE: 37-704: - R-4 SINGLE-FAMILY RESIDENCE DISTRICT.***

“The R-4 single-family residence district is established to preserve and maintain existing single-family areas of the County and permit the continued development of residential uses in areas where public utilities are readily available.

(2005 Code)

**37-704.1: - PERMITTED USES.**

**A. Permitted Uses \*\*\***

\*\*\*

**B. Permitted Encroachments:** The following accessory buildings, structures and uses are permitted and may encroach in the required setback yards as follows:

(F - Denotes front yard; R - Denotes rear yard; S - Denotes interior side yard; CS - Denotes corner side yard)

Use:	Setback or Permitted encroachment into required yard	A. Required Yards			
		F	S	R	CS
Air conditioning window units	May encroach 2'	F	S	R	CS
Arbor	3' Setback	F	S	R	CS
Architectural entrance	5' Setback	F	S	R	CS
Architectural feature (not to exceed 4 feet in height)	May encroach 30%	-	S	R	-
Awning	May encroach 10%	F	S	R	CS
Balcony	May encroach 10%	F	-	R	CS
Basketball: Court, poles, rim, net	10' Setback	-	S	R	-
Bay window	May encroach 10%	F	S	R	CS
Chimney	May encroach 10%	F	S	R	CS

Compressors: For air conditioning units/heat pump	May encroach 10%	-	S	R	-
Deck	15' Setback	-	-	R	-
Dog run	10' Setback	-	-	R	-
Driveway: Side loading attached garage	1' Setback	F	S	R	CS
Driveway: Detached garage, carport and open-air parking space behind the house.	1' Setback	F	S	R	CS
Eave and gutter	Not considered an encroachment.				
Fence. (See also section 37-407 of this article)	3 inches Setback	F	S	R	CS
Firewood	3' Setback	-	S	R	-
Flagpole	10' Setback	F	S	R	CS
Fountain	10' Setback	F	S	R	CS
Gate: Entrance gates not to exceed 8 feet in height and must be at least 50% open	5' Setback	F	-	R	CS
Gazebo	10' Setback	-	-	R	-
Generator	May encroach 10%	-	S	R	-
Gutter and eave	Not considered an encroachment.				
Laundry drying equipment	10' Setback	-	-	R	-
Light standard	5' Setback	F	S	R	CS
Outside fireplace	3' Setback	-	S	R	-

Patio	3' Setback	-	S	R	-
Pond: Ornamental	10' Setback	F	S	R	CS
Porch: Roofed	May encroach 10%	F	-	R	CS
Portico: Open or roofed	May encroach 10%	F	-	R	CS
Recreational structure and equipment	10' Setback	-	-	R	-
Retaining wall	1' Setback	F	S	R	CS
Sidewalk, path and walkway	1' Setback	F	S	R	CS
Sign: (See article XI)					
Statuary	10' Setback	F	S	R	CS
Stoop	May encroach 30%	F	S	R	CS
Sump pump and surface water discharge pipes/ structure	3' Setback	F	S	R	CS
Swimming pool, open air outdoor	10' Setback	-	-	R	-
Tennis court	10' Setback	-	-	R	-
Terrace	3' Setback	-	S	R	-
Trellis	3' Setback	F	S	R	CS
Volleyball court	10' Setback	-	-	R	-
Well head	5' Setback	F	S	R	CS
Wing wall (not to exceed 4 feet in height)	May encroach 30%	-	S	R	CS
	Where a residential development, (attached or detached), is developed as a planned development which contains a Homeowners Association (HOA), and is developed on fee simple lots with rear yards of 20 feet where the rear yard				

Decks, gazebos, patios and terraces: Planned Development:	is adjacent to interior common open space which is at least 20 feet wide, decks, gazebos, patios and terraces may be permitted 3 feet from the rear lot line providing the following:
	1. The HOA has voted to allow said structures 3 feet or greater from the rear lot line.
	2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application.
Docks: Residential development adjacent to private lake:	Where a residential development is developed on fee simple lots and the rear lot lines are adjacent to interior common open space consisting of a lake which extends into the rear yards of the lots and which contains a Homeowners Association (HOA), docks may be allowed within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10') provided the following:
	1. The HOA has voted to allow docks within the rear yards of the lots extending into the lake (common open space) for a distance not to exceed ten feet (10').
	2. The HOA has authorized the encroachment and sent to the County an executed document of approval as part of the building permit application.

(2005 Code; Ord. ZP-T-3-05; Ord. No. T-2-11, Ex. 1(5), (20), 10-11-2011; Ord. No. T-2-12, 10-23-2012)