

HOMEOWNERS ASSOCIATION  
HANDBOOK  
FOR

*Valley Springs*  
*Homeowners Association*

PURCELLVILLE, VIRGINIA

[www.valleyspringshoa.org](http://www.valleyspringshoa.org)

## NEW OWNER INFORMATION

Below is some important information regarding the process for making an application for an architectural modification. Some general things to remember are:

1. Any external modification to your property needs to be approved beforehand by the Association's Architectural Review Board. **Do not hire anybody, buy any materials, or start any work until you have the approval.**
2. In some Associations, members of the Board of Directors have application forms, and you can always get one by calling the management office.
3. All applications for changes will be dealt with promptly; most Covenants give the ARB sixty (60) days to give you an answer, but you should normally get one much sooner.
4. All applications (with attachments) should be sent to the management office to start the process.

The purpose of design controls is to assure residents that the standards of design quality will be maintained. This ensures protection of property values and enhances the overall environment of the community.

The ARB evaluates all submissions on the individual merits of each application. The characteristics of the house type and the individual site are taken into account when evaluating the particular design proposal. This is because what may be acceptable in one instance may not be in another. When a proposed modification has a possible impact on adjacent properties, it is suggested that the applicant discuss the proposal with neighbors prior to making an application to the ARB. It may be appropriate in some cases to submit the comments of your neighbors with the ARB application.

**Pre-Improvement Application:** Before any Owner undertakes any improvement of his or her Lot or makes any alteration of the improvements on his or her Lot, the Owner must file an application with the Architectural Committee. The application form/checklist provides information that is necessary for the Architectural Committee to use in determining the scope and detail of the proposal. All information requested on the application as specified in these Guidelines must be completed; otherwise, the application will be considered incomplete and will be returned.

Each application is reviewed on an individual basis. There are no "automatic" approvals, unless provided for specifically in the Guidelines. An Owner who wishes to make an improvement that is identical to one already approved by the Architectural Committee is still required to submit an application. An improvement that is appropriate for one Lot might not be appropriate for another Lot. Additionally, each improvement/change to any Lot must be documented and remain in the permanent file maintained on each Lot.

**Key information which must be included on the application (as applicable) is:**

- A. Site Plan – a site plan is most easily prepared by submitting a copy of the property plat. Proposed changes should be indicated, including dimensions and distances from adjacent property and houses.
- B. Drawings and Photographs – a graphic description should be provided, and may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, exterior elevations for proposed structure, and if appropriate, plans or provisions for landscaping or grading, etc. should be shown as they affect the applicant's house, and as they relate to adjacent properties. In any case, the sketch, diagram or photograph must be accompanied by written description.
- C. Fences – wood use, color, style, height, copy of your plat, and type/color of the finish.
- D. Painting – color must match the pre-approved colors for the particular unit. Any change in color must be approved by the ARB.
- E. Patios, Decks and Fences – size, material, copy of the plat showing location, and finish. Must be located in the backyard. Decks must be constructed of cedar, redwood, pressure treated lumber or a preservative type finish applied. Deck stains are subject to "color chip" approval by the Architectural Review Board. Patios may be built as a concrete slab, stamped concrete, stone or of brick.
- F. Playhouses, sandboxes or other elevated structures can be located only in rear yards and the height of such structures shall not exceed six (6) feet.

After review of such plans and a review of the structure location staked in the field, if applicable, the Architectural Committee will inform the Owner of its approval or disapproval of the final plans. The Architectural Committee will have sixty (60) days within which to approve the Owner's final plans within sixty (60) days after submission, the final plan will be deemed to have been approved provided that the plans are consistent with the HOA Architectural Guidelines and governing documents. No Owner may erect, under any circumstances, any building structure or other improvement that violates any of the provision of these Guidelines. Upon the Architectural Review Board's and Board of Directors' approval of an Owner's final plans, written approval evidencing and attesting to the Association's approval of the Owner's plans and specifications will be furnished the Owner by the Board of Directors. Thereafter, the Owner must obtain all required governmental permits, including contacting "Miss Utility" before proceeding with construction.

#### **ARB Review Criteria:**

1. Validity of Concept – the basic idea must be sound and appropriate to its surroundings.
2. Design Compatibility – the proposed modification must be compatible with the architectural characteristics of the applicant's house, the adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.
3. Location and Impact on Neighbors – the proposed modification should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage. For example, fences may obstruct views, breezes or access to neighboring property; decks or larger additions may cast unwanted shadows on an adjacent patio or property or infringe on a neighbor's privacy.
4. Scale – the size of the proposed modification should relate favorably to adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.
5. Color – color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house such as roofs, siding and trim should be matching in color.
6. Materials – continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house. For instance, horizontal siding on the original house should be reflected in an addition. On the other hand, an addition with siding may be compatible with brick.
7. Workmanship – workmanship is another standard which is applied to all exterior modifications. The quality of work should be equal to or better than that of the community. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.
8. Timing – projects are to completed within forty-five (45) days from the time construction begins, unless otherwise stated in the application to the ARB. Exceptions are considered on a case by case basis. Anything over forty-five (45) days could become a nuisance and safety hazard for neighbors and the community.
9. Completeness of Application – if the information presented is sufficiently incomplete a written response will be forwarded explaining what needs to be included in order for a review to be performed. Once all details and data are received, the ultimate decision of the ARB will be sent by letter to the applicant's address.

#### **Appeal of an ARB decision:**

An appeal may be made if it appears that one of the following situations has occurred.

1. Proper procedures were not followed during the administration and review process.
2. The decision was arbitrary and had no rational basis.

To initiate the appeals procedure, applicants or other affected residents must submit a written request for an appeal within twenty (20) days of the applicant receiving the ARB decision. The appeal will be referred to the Board of Directors for review at the next regularly scheduled meeting of the Board.

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## SECTION I

### Introduction

All residents benefit from the planning and design that have been an important part of the development of your community.

The purpose of design controls is to assure residents that the standards of design quality will be maintained. This, in turn, protects property values and enhances the community's overall environment. This booklet is designed to address exterior alterations made by homeowners to their property.

### Declaration of Covenants, Conditions, and Restrictions

The authority for maintaining the quality of design in the community is founded in the Declaration of Covenants, Conditions and Restrictions which are a part of the deed to every property. The covenants establish both a Homeowners Association and the Architectural Control Committee.

These Covenants are binding on all homeowners current and future. In event that a conflict between the provisions of this handbook and of these declaration of Covenants, the Declaration of Covenants control. These covenants should be fully understood by each homeowner.

## SECTION II

### OBJECTIVES

The overall objective of this document is to serve as a guide to both the members of the Architectural Control Committee and homeowners in maintaining and enhancing a carefully designed environment. These guidelines and standards address improvements for which homeowners will most often submit applications to the Architectural Control Committee. They are not intended to be all inclusive or exclusive, but rather serve as a guide to what improvements may be made in the community.

The specific objectives of this booklet are:

*- not intended to be all inclusive or exclusive but rather serve as a guide -*

- To assist homeowners in preparing an acceptable application to the Architectural Control Committee.

- To increase homeowner's awareness and understanding of the Declaration of Covenants, Conditions and Restrictions.
- To describe the organization and procedures involved with the architectural standards established by the Declaration of Covenants, Conditions & Restrictions.
- To illustrate basic design principles which will aid homeowners in developing exterior improvements that are in harmony with the immediate neighborhood and community as a whole.
- To provide uniform guidelines to be used by the Architectural Control Committee in reviewing applications in light of the goals set forth in the *Founding Documents of your community* and the actions of the Board of Directors.

### SECTION III

All exterior alterations require the approval of the Architectural Control Committee:

#### Architectural Modifications Requiring Architectural Control Committee Approval

All improvements, alterations, repairs, change of paint colors, excavations, changes in grade or other work which in any way alters the exterior of any Lot, permanently or temporarily, or the exterior appearance of one's property must be approved by the Architectural Control Committee. Once a plan is approved it *must be followed* or a *modification* must be approved by the Architectural Control Committee unless otherwise specified in this document.

Each application is reviewed on an individual basis. There are not any "automatic" approvals, unless provided for specifically in these guidelines. For example, a homeowner who wishes to construct a deck or fence identical to one already approved by the Architectural Control Committee is still required to submit an application. The one exception involves structures such as decks which are offered as builder options and are shown on original site plans. These structures, if built to exact option specifications, have already been approved by the Architectural Control



Committee and therefore do not require an application. However, the homeowner should provide a copy of the sales contract with the builder addition highlighted to the Association.

#### SECTION IV

##### Architectural Submissions Format

A sample of the form which must be used in applying for approvals is attached at Exhibit "A". Generally, the following items should be a part of every application.

##### A Site Plan

A site plan is most easily prepared by submitting a copy of the house location plat. Proposed changes should be indicated including dimensions and distances from property lines.

##### Material and Color

Specify materials and provide samples of the colors to be used as well as an indication of the existing colors and materials. Where materials and/or colors are compatible but different from those of the existing structures, samples of color chips should be submitted for clarity.

##### Drawings and Photographs

A graphic description should be provided, and may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. If appropriate, plans or provisions for landscaping or grading, etc., should be shown as they affect the applicant's house, and in the case of attached houses, as they relate to adjacent houses. In any case, the sketch or photograph should be accompanied by a written description.

##### Review Procedures

All applications should be submitted to the Architectural Control Committee, whether it be permanent or temporary. The application will be reviewed for completeness. If the application is complete the review process may begin. If not, the application will be returned to the homeowner for additional information. The Architectural Control

Committee has a set number of days to review a completed application per the declaration. The decision of the Architectural Control Committee will be sent by letter to the applicant's address. Failure of the Architectural Control Committee to act upon any request submitted to it within specified days from date received by the managing agent, shall not be deemed to have been approved as submitted. The committee will also send a written response to all requests. The committee will meet as necessary to review applications within the specified time frame.

**Appeal of an Architectural  
Control Committee  
Decision**

An appeal procedure exists in the event that a homeowner disagrees with the Architectural Control Committee's decision.

To initiate the appeals procedure, the applicants or other affected residents must submit a written request for an appeal within fifteen (15) days of the applicant receiving the Architectural Control Committee decision. The appeal will be referred to the Board of Directors for review.

**SECTION V**

**Architectural Control  
Committee Review Criteria**

The Architectural Control Committee evaluates all submissions on the individual merits of each application. The characteristics of the house type and the individual site are taken into account when evaluating the particular design proposal.

The following criteria represent in more specific terms the general standards that will be used in reviewing and evaluating such application and design.

**Validity of Concept**

The basic idea must be sound and appropriate to its surroundings.

**Design Compatibility**

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

Location and Impact on Neighbors

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage.

Scale

The size of the proposed alteration should relate well to adjacent structures and its surroundings.

Color

Color may be used to soften or intensify visual impact. The colors used should be the same as those used on the existing exterior.

Materials

Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house.

Fences and decks must be constructed with pressure-treated, unpainted lumber or unstained lumber.

Workmanship

Workmanship is another standard which is applied to all exterior alterations. The quality of work should be equal to or better than that of the community. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.

Timing

Projects are to be completed within six months from date of approval, otherwise it could become a nuisance and safety hazard for neighbors and the community.

Storage of material should not be on common area and if damage is done the owner is responsible for the repair.

SECTION VI

Enforcement Procedures

The following procedures will be taken by the Architectural Control Committee to enforce the rules and regulations as set forth in these guidelines:

1. All owners and residents of Community shall comply with all the provisions of the Articles of Incorporation, Declaration of Covenants, Conditions and Restrictions, the By-Laws and all Rules and Regulations. Failure to comply with the aforementioned documents shall be grounds for an action to recover damages or for injunctive relief, for suspension of voting rights, for foreclosure of liens or any other legal or equitable relief deemed appropriate.

*- an appeal must be submitted in writing within fifteen days -*

In the event any rule or regulation of the Community Homeowners Association is violated, the owner shall be notified of the violation by certified mail, return receipt requested. Notice shall be sent to the address shown on the books of the Management Agent.

2. If the owner is a non-resident, a copy of the violation notice shall also be sent to the tenant, at the unit address, by first class mail.
3. The owner shall have the right to appeal any violation citation. The request for appeal must be submitted in writing, and received in the offices of the Management Agent within fifteen (15) days of receipt of the violation notice.
4. In any instance where the violation presents a health or safety hazard, the Management Agent may take immediate action, at the owner's expense, to correct the violation. Notification to the owner of the action taken and the costs incurred will be made by certified mail, return receipt requested.
5. In the event the owner does not bring the violation into compliance within fifteen (15) days, or submit a request for appeal within fifteen (15) days of the date receipt of the violation, the Board of Directors may proceed with enforcement procedures as indicated in the Declaration of Covenants, Conditions & Restrictions.

Please note that failure of the Architectural Control Committee to enforce any provision, covenant, restriction, or rule and regulation shall in no event be deemed a waiver of the right to do so thereafter.

Right of Entry

As stated in the Declaration of Covenants, Conditions & Restrictions, "There is hereby granted a blanket easement to the Association, its directors, officers, agents and employees, to any manager employed by or on behalf of the Association, and to all police, fire, ambulance personnel and all similar persons to enter upon the Property in the exercise of the functions provided by this Declaration and the Articles, Bylaws and rules of the Association in the event of emergencies and in performance of governmental functions."

SECTION VII

Guidelines

It is the homeowner's responsibility to secure proper building permits and to ensure that plans conform to county guidelines.

- contact "Miss Utility" before digging -

The guidelines which follow address a broad range of exterior alterations for which homeowners frequently submit an application to the Architectural Control Committee. It would be impossible to address each specific design condition, as a result, these guidelines present the principle factors which should be considered when developing a design. More specifically, these guidelines define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative. As stated earlier, all projects are to be completed within six months from date of approval.

The individual merits of each application will always be considered by the Architectural Control Committee. The use of these guidelines should assist the homeowner in gaining timely Architectural Control Committee approval. The applicant who follows the guidelines should expect approval or rationale as to why the application was not approved.

Note that "Miss Utility" should be contacted for location of cables and/or pipe work prior to any digging when constructing decks, fences, etc.

These guidelines should in no way restrict the homeowner in the design of a well thought out alternative approach.

### Amendments to the Architectural Control Committee Guidelines

The Architectural Control Committee will try to conduct an annual evaluation to determine if the guidelines need to be amended. It is anticipated that any changes would be primarily additive and would not involve substantive changes of the existing guidelines.

#### 1. Fences

Fences must follow the line of the property. No front yard fencing is permitted and side yard fencing will be permitted. However, side yard fences may not be installed further forward than the front point of the house. Fences shall be unpainted and unstained pressure-treated wood. The style of fencing for single family detached homes will be decided on a case by case basis.

Chain link fencing or other galvanized metal fencing will not be permitted, stockade fencing will not be permitted.

All fences must be maintained in "new" condition and straightened as required. Should fences not be properly maintained and kept upright and straight by the homeowner, the Association may make any necessary repairs and bill the homeowners.

#### 2. Storage Sheds

Sheds must be designed to respect the "visual rights" and aesthetic interests of neighbors and must not exceed eight (8) feet in height.

#### 3. Patios And Decks

Patio and Deck Location - Patios and decks should be

located in rear yards. Side yard locations will be evaluated on their individual merits. When patio or deck schemes include other exterior changes, such as fencing, lights, plantings, etc., other appropriate sections of these guidelines should be consulted prior to application.

a. Decks

- All decks are to be of unstained, unpainted, pressure treated wood. No solid screening will be allowed. Applications must include a site plan showing size of deck, location as it relates to applicant's house, and a description of the details of railings, trellises, posts, stairs, steps, benches, etc. as required to clearly describe the proposal. Please include the height of deck off the ground.
- Second floor decks should be constructed far enough away from party walls to allow for any future repairs in that area which may become necessary.

b. Patios

Patios need not have Architectural Control Committee approval.

4. Trellises, Arbors, Privacy Screens

Lattice privacy screening on decks may be approved by the Architectural Control Committee if installed in conformance with the following criteria:

- a. Screening may not be installed as a free standing wall or as a fence
- b. Lattice work must be installed with framing
- c. Lattice work must be incorporated as a part of the overall deck design and connected to the unit
- d. Lattice work may not be installed in place of deck railing.
- e. No solid screening will be allowed.

Any request for screening will be reviewed on a case by case basis and should be incorporated into the overall design of the deck or patio. In general, anything of this nature must be approved by the Architectural Control Committee.

5. Storm And Screen  
Doors/Windows

All storm doors must be approved by the Architectural Control Committee. No plastic covering will be permitted on the exterior (outside) doors or windows.

a. Doors

Front storm doors must be full view or modified full view, straight forward, clear, unfrosted, uncolored glass and without ornamentation such as, but not limited to, scallops, scrolls, and imitation gate hinges.

Storm or screen doors must be painted the same color as the entry door behind them or the surrounding wood trim.

b. Windows

Storm and screen window frames must match the trim of the house or be white.

6. Sun Control Devices

Awnings, trellises or other sun control devices must be approved by the Architectural Control Committee.

7. Recreation And Play  
Equipment

Home owners often express interest in swing sets, basketball backboards, playhouses, etc. Most equipment of this sort is commercially available but is often less than pleasing in appearance. Creatively designed equipment is encouraged. The guidelines listed below are provided in an effort to reconcile the need for play equipment with the goal of minimizing its visual impact.

The general rule is to require rear yard fencing to screen the equipment from view of neighboring property owners. This policy may be waived by the Architectural Control Committee for units which have no adjoining property owners to the rear of their lot or for those who have written consent that the equipment will not be objectionable to neighboring property owners.

In general, all exterior play equipment must be placed in rear yards and should minimize the negative visual and physical impact to the community and be well maintained. No peeling, rusting, falling apart, or extreme fading will be permitted. Consideration must be given to lot size, equipment design and size,



amount of visual screening, etc. All play equipment not within a fenced yard or extending above the height of the fence must be approved by the Architectural Control Committee.

8. Major Exterior Changes

Major alterations are generally considered to be those which substantially alter the existing structure either by subtraction and/or addition. Major building alterations include, but are not limited to, construction of porches, greenhouses, rooms, fireplaces, chimneys, other additions to a home, etc.

More specifically, the design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent houses. The location of major alterations should not impair the views, or amount of sunlight and natural ventilation on adjacent properties. Pitched roofs must match the slope of the roof on the applicant's house. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well to the location of exterior openings in the existing house.

If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.

Construction materials must be stored so that the impact on neighboring properties is minimized. Excess material should be immediately removed after completion of construction.

9. Antennas

Exterior antennas and satellite dishes are prohibited.

\*\*\* See addendum page 22 regarding FCC ruling.

10. Dog Houses And Runs

Dog houses must be compatible with the applicant's house in color and material or match a natural wood fence and must be located where they will be visually unobtrusive. In addition, they must be in rear yards. Dog houses will be reviewed on an individual basis.

11. Exterior Decorative Objects

Exterior decorative objects including but not limited to bird baths, wagon wheels, sculptures, fountains, ponds, stumps, driftwood piles, and free-standing poles of all types are permitted only in rear yards and under cover of a fence line.

12. Outside Lighting  
Electronic Insect Traps

Electronic lighting should be chosen so as not to light up any area beyond that of the applicant's property. Cases of darkened common areas should be brought before the grounds committee. Electronic insect traps shall not be installed or maintained in such a way as to cause discomfort to adjacent owners from noise and may only be operated during those times when the immediate area protected by the trap is occupied by the owner or his guests.

13. Exterior Painting

All color changes must be approved by the Architectural Control Committee. Repainting or staining a specific object to match its original color need not be submitted.

Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing, and other appurtenant structures.

Change of exterior colors should be in conformance with established neighborhood guidelines or selected from one of the existing neighborhood colors.

14. Flagpoles

Homeowners wishing temporary flagpole staffs which do not exceed six feet (6') in length and are attached at an incline to the front wall or pillar of the house or dwelling unit need not have an application.

15. Barbecue Grills

Barbecue grills should be placed in the rear of the house and as far as practical from the adjacent property lines.

16. Compost Piles

Compost piles are prohibited.

17. Hot Tubs/ Pools

Plans for hot tubs and pools must be submitted to the Architectural Control Committee. Copy of County

approval should be submitted with detailed plans. Descriptions of trellises, privacy screening, etc are requested for approval.

Above ground pools are prohibited. Kiddie pools are allowed in rear yards only.

#### 18. Exterior Unit Air Conditioners

Air conditioning units from windows are prohibited.

Exterior ground units may be added to or relocated only when they do not interfere visually with neighbors. Exterior ground units shall be oriented so as not to discharge hot air onto neighbors' property.

#### 19. Clotheslines

Clotheslines are prohibited unless they meet screening in criteria, i.e., behind privacy fence and below fence line.

#### 20. Gutters And Downspouts

Gutters and downspouts must match those existing in color and design and must not adversely affect drainage on adjacent properties.

#### 21. Attic Ventilators

Attic ventilators or other mechanical devices requiring penetration of the roof should be as small in size as functionally possible and should match the roof or be mill finish. They should be located on the back side of the roof and not extend above the ridge line.

#### 22. Trash Cans

Containers shall not be placed for pickup prior to 7:00 pm on the evening prior to pickup. Trash must be in securely tied plastic bags and must be placed at curbside. At all other times trash containers are to be kept in rear yard, and as inconspicuous as possible.

#### 23. Firewood

Firewood shall be kept neatly stacked, located in rear yard of residence, and must be kept within your lot. Under no circumstances is firewood to be stacked in the common area.

Piles larger than two cords require approval. Piles longer than 6' should be 2 rows deep minimum. Piles must not exceed 4' in height for safety. Firewood piles must contain firewood only, no storage of debris.

Location should be in such a manner as to minimize visual or physical impact. In certain cases, screening may be required.

24. Real Estate Sales/Rent  
And Miscellaneous Signs

Real estate signs must meet County regulations with respect to size, content and removal. Signs may only be placed in the yard of the property available. Homeowners will be limited to one sign per property.

All signs must be removed 48 hours after contract acceptance.

Real estate for sale signs will be permitted on common property only between Saturday 9:00 AM and Sunday 5:00 PM. Any sign standing beyond approved hours will be removed.

All miscellaneous signs, including but not limited to yard sales, etc. must be put up no sooner than forty-eight (48) hours prior to and taken down no later than twenty-four (24) hours after the event.

25. Solar Panels

Solar panels are permitted on case by case bases and must maintain a low profile in appearance.

26. Landscaping And  
Vegetable Gardens

Care should be exercised in the planting and maintenance of trees and shrubs on your lot to prevent obstruction of sight lines required for vehicular traffic. It is the responsibility of the homeowner to ensure that their lot is mowed and all gardens must be neatly maintained throughout the growing season; this includes removal of all unused stakes, trellises, and dead growth. Vegetable gardens must be in rear yard, Side yard requires Architectural approval with acceptance by neighbors affected by view of vegetable garden.

Consideration should also be given to type of trees to be planted, specifically with regard to size of mature trees, and how the roots will affect water lines and underground cables, etc. If such plantings result in complaints by neighbors, the Architectural Control Committee will consider appropriate measures to resolve the problem.

## 28. In-Home Business

Municipality and the Declaration Of Covenants, Conditions & Restrictions regulates in-home businesses. In addition to municipality control the Association is concerned about the impact of in-home business on the residential character of the neighborhood and on adjacent neighbors. Therefore, customer oriented businesses are not allowed.

For non-customer oriented businesses, the following special requirements must be met:

- a. Permit obtained from municipality.
- b. Copy of Permit on file with the Association's office.
- c. No sign or other advertising device of any nature shall be placed upon any lot.
- d. No exterior storage of business-related materials will be allowed.
- e. No commercial vehicles will be allowed.

Although the Association does not expressly prohibit in-home day care services, the above requirements must be met. Care should be taken so that this service does not cause an annoyance to neighbors or interfere with the rights of other homeowners relating to the "quiet enjoyment" of their property.

## SECTION VIII

### General Maintenance Guidelines

Property ownership includes the responsibility for maintenance of all structures and grounds which are a part of the property. This includes, but is not limited to items such as mowing grass, removal of trash, and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety.

**Exterior Appearance**

Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, fences, sheds, and playground type of equipment.

**Mowing**

Turf areas need to be mowed at regular intervals, maintaining a maximum height of 6 inches and a minimum height of 2 inches. Changes to this requirement may be made according to specified plans.

Planted beds must be kept in a neat and orderly manner.

**Lawn and Garden Fertilization**

All soil should be tested before fertilizer is added especially in areas where drainage will flow into ponds. Special care should be taken not to over-fertilize or to fertilize lawns and gardens where there is the least chance of runoff.

**Trash Removal**

Each resident is responsible for picking up litter on his property and preventing windblown debris from originating on his land.

At no time is the Association Open Space (common ground) considered a dumping ground for inorganic debris. Organic debris such as leaves, grass clippings and branches may not be dumped in Open Space (common ground).

Removal of trash and debris from all Association areas accumulating from resident usage will be completed as necessary. Remember that the removal of trash costs the Association dollars, and voluntary resident and Neighborhood cleanup, in addition to controlling litter at the source, saves everyone money.

**Erosion Control**

Each resident is responsible for seeing that their lot area is protected from erosion and that storm drain structures are not blocked so as to cause additional erosion problems.

Pesticides and Herbicides

Pesticides and herbicides may be applied according to label instructions for the specified problem. Emphasis should be placed on organic/biodegradable materials in order to ensure the least harm to the natural environment. Care in application is extremely important. Avoid use of pesticides and herbicides if at all possible, but when necessary use with caution and follow instructions.

SECTION IX

Pet Control

As stated in the Declaration of Covenants, "No horse, pony, cow, chicken, pig, hog, sheep, goat or other domestic or wild animal shall be kept or maintained on any Lot; however, common household pets such as dogs and cats may be kept or maintained, provided that they are not kept, bred or maintained for commercial purposes and do not create a nuisance or annoyance to surrounding Lots or the neighborhood and are in compliance with applicable municipality ordinances."

Specific rules and regulations governing pets have been adopted by the Board of Directors. They are as follows:

1. The Board of Directors has extended permission to the municipality Animal Warden to enforce all applicable portions of the County Ordinance in regard to all animals and pets within the common areas.
2. Owners and all other persons who are owners and/or custodians of pets shall not allow such pet to run at large in the Community. A dog or cat shall be deemed to run at large while roaming, running or self-hunting or when not restrained by a dependable leash and controlled by a responsible person as defined by the municipality Ordinance.
3. All pets must have appropriate shots, licenses and tags, as required by municipality Ordinance.

4. Pet owners shall be responsible for immediate clean-up and proper disposal of pet wastes deposited. Kitty litter shall be disposed of in a tightly sealed plastic bag and placed at curbside on normal trash collection days.
5. Residents or guests who own pets shall ensure that their pets do not become a nuisance to other residents in the Community. Actions which may constitute a nuisance include, but are not limited to: barking, crying, scratching or being hygienically offensive.
6. Pets shall not be chained or leashed on any common area.
7. Pet owners shall incur any and all costs for repairing damage to common areas caused by their pet(s).
8. Pet owners must respect the private property of others. Pets are not allowed to trespass on private lawns and should be walked in common/public areas only.
9. Residents should report any violations of the above items to the municipality Animal Control and violation of item 4 to the Health Department.
10. Any other violations should be reported in writing to the management company with specific information as to name and address of violator, time and date, and description of pet.

## SECTION X

### Vehicle Control

Specific rules and regulations regarding vehicles have been adopted by the Board of Directors. They are as follows:

#### General

- a. No unlicensed vehicles, including but not limited to motorized bicycles, motorcycles, mini-bikes, go-karts, etc. shall be operated on



or parked upon any common area of Community.

- b. Minor repairs begun on vehicles by an owner or his assigned agent, while on any area, must be completed within 48 hours from the starting time of the repair. Major repairs (including but not limited to engine transmission, rear end overhaul) are prohibited.
- c. Dumping, disposal of leaks of oil, grease, or any other chemical, residual substances, or any substance of particles from holding tanks of vehicles of any type (as a result of the repair, maintenance, or carelessness) is not permitted on any areas. Disposal must also conform to environmental regulations.
- d. The dumping of motor oil and other petroleum products into the storm sewers is a direct violation of the State Water Control Law and may lead to civil penalties and clean-up costs for the responsible person(s).
- e. Motor vehicles shall not be operated in common areas without permission from the Board or management company.
- f. Owners of vehicles will be held liable for all costs to repair damages to common areas caused by negligence, repair operations on the vehicle or storage of any combustible, dangerous or other wise hazardous material on common areas (regardless of the type of container).
- g. Parking of motor vehicles with commercial lettering, including but not limited to vans, trucks, taxicabs, buses, or cars are prohibited in Community. Trucks greater than three quarters (3/4) of a ton in size are prohibited in Community.
- f. Non-resident owners may not use any parking areas for the storage of any vehicle, including

but not limited to motorcycles, boats, trailers, campers, etc.

- g. Operation of any motor vehicle in violation of the Code of municipality, as amended, is prohibited. Consent is hereby given by the Board of Directors to all appropriate law enforcement officers who are hereby empowered to enforce all motor vehicle laws in the streets and common areas of Community.
- h. Vehicles parked on property must be in compliance with the governing municipalities laws. Violations of this rule shall result in the posting of Notice on the vehicle directing removal of the vehicle or correction of the violation within five (5) days. All actions shall be coordinated with the municipality Police Department in accordance with the applicable requirements of the Code of Municipality as amended.
- i. The Board of Directors shall be empowered to have vehicles which are in violation and any vehicles as defined in the Code of Municipality, as amended, removed from the common areas, at the owner's risk and expense, provided proper notification has been given to the owner.

### Recreational Vehicles

Recreational vehicles to include, but not limited to, motor homes, boats, travel or camping trailers shall not be kept on any lot or in the common areas or parking areas unless assigned space is provided by the Board of management company.

### SECTION XI

#### Estoppel Certificate

An Estoppel Certificate is required by the Architectural Control Committee and state law to be completed and issued to your settlement attorney prior to the closing of the sale of your home. This certificate provides information on the current status of assessment payments and on the existence of any architectural violations. The Estoppel Certificate helps to protect the future buyer against unknown

problems with past owners' architectural changes or past-due assessments. If everything is in order, it also protects the seller from potential law suits involving violations of the Covenants by subsequent owners.

**\*ADDENDUM TO GUIDELINES**

**Satellite Receivers**

The FCC has ruled that a Homeowners Association cannot prevent the installation of a satellite dish which is less than 1 meter in diameter.

## **Amendments to Valley Springs Homeowner's Handbook and Covenants (2002)**

### **1.) Fences**

Add: "Clear seal and Cabot Clear Solution 3000 Natural Stain" are permitted".

### **2.) Decks**

Add: "Trex brand decking in Natural or Winchester Gray, and Timbertech brand decking in Natural are permitted. Clear seal and Cabot Clear Solution 3000 Natural Stain" are permitted".

## **Amendments to Valley Springs HOA By-Laws (2005)**

### **1.) Article IV (Board of Directors; Selection; Office), Section 1 (Number and Qualification)**

"The initial number of Directors shall be three (3), which number may be increased to as many as five (5) or decreased to as few as two (2) by a majority vote of the Directors..." ADD: "In the event that the number of Directors is reduced to two (2), and there are differing opinions amongst the Directors regarding a consent action item, the item shall be opened initially to members of the Architectural Review Committee and then if necessary to the membership as a whole for approval by a simple majority vote".

### **2.) Article V (Meetings of Directors), Section 1 (Regular Meetings)**

"Regular meetings... shall be held on a regular basis at least two (2) times per year without notice..."

### **3.) Article VII (Officers and Their Duties), Section 7 (Multiple Offices)**

"The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one of the other offices, except in the case of special offices created pursuant to this Article" ADD: "In the event that lack of membership participation impacts Article IV, Section 1 or Article VII, Section 7 of these By-Laws, this requirement may be waived at the discretion of the Board of Directors".

## **Amendments to Valley Springs Homeowner's Handbook and Covenants (2015)**

*Amendments to the Architectural Control Committee Guidelines (Page 8) Section 2: Storage Sheds  
Replace language with the following:*

2.) Storage Sheds - Sheds must be designed to respect the visual rights and aesthetic interests of neighbors and must not exceed 110 inches in height.

# VALLEY SPRINGS HOA

C/O American Management of Virginia  
P.O. Box 151  
Leesburg, VA 20178  
Phone: 703-771-3995 \* Fax: 703-771-4185

**IMPORTANT – PLEASE READ!** Do not fax applications to the office. Faxed applications will not be accepted. You must submit two (2) complete copies of your entire application. Please be sure you have provided all necessary information. Incomplete applications will be returned. Plan your projects in advance. The ARB will not be responsible for deadlines. Please submit only (1) improvement per application to avoid confusion and/or project delays.

## PLEASE PRINT CLEARLY

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

Address: \_\_\_\_\_ Lot#: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (H): \_\_\_\_\_ (W): \_\_\_\_\_ (C): \_\_\_\_\_

Email: \_\_\_\_\_ @ \_\_\_\_\_

START DATE: \_\_\_\_\_ COMPLETION DATE: \_\_\_\_\_

PROJECT TYPE (i.e. Deck, Fence, etc.): \_\_\_\_\_

Detailed Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ARCHIECTURAL REVIEW BOARD DECISION

Approved as Submitted

Approved Subject to: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Suspended Pending Submission of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Denied due to: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
ARB Chairperson

\_\_\_\_\_  
Date

**APPLICATION REQUIREMENTS:**

**You must submit this information as it applies to complete your application. Your application will be returned to you if you do not submit the required material.**

1. Detailed written description of improvement including placement, construction/installation details, etc. (If not provided application will be returned pending additional information). Be as detailed as possible so that the ARB will be able to clearly understand your intent.
2. Plat / survey of your property / lot. Indicate the location of the proposed change(s) on the plat.
3. Sketch, photo or manufacturer's brochure showing the design/style of the improvement.
4. Description of materials. Color / finish of the material – include color samples.
5. Architectural plans/drawings (for major additions/improvements) – construction details. Elevation and overhead view drawings are required for improvements such as decks, screened porches, etc.
6. Grading plan, if applicable.

**NEIGHBOR ACKNOWLEDGEMENT:**

You are required to obtain the signature of the two (2) adjacent property owners most affected by the proposed change. Signature by your neighbors indicate an awareness of your proposed change and **does not** constitute approval or disapproval on their part.

Name: _____	Name: _____
Address: _____	Address: _____
Lot #: _____	Lot #: _____
Signature: _____	Signature: _____

**Applicant hereby warrants that Applicant shall assume full responsibility for:**

- (i) All landscaping, grading and/or drainage issues relating to the improvements (including replacing bonds or escrows posted by Developer currently in place affecting the lot)
- (ii) Obtaining all required City, Town or County approvals relating to said improvements.
- (iii) Complying with all applicable City, Town or County ordinances.
- (iv) Any damage to adjoining property (including common area) or injury to third persons associated with improvement.
- (v) Applicant hereby states that they have read the ARC guidelines and agree that all work performed will be in compliance with those guidelines.

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Owner*

\_\_\_\_\_  
*Date*