

Ashbriar  
Homeowners Association Handbook

Nov. 1997

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## SECTION I

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

### Introduction

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 established both a Homeowners Association and the Architectural Control Committee.

These Covenants are binding on all homeowners current and future. 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:

- 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 modifications must be approved by the Architectural Control Committee unless otherwise specified in the 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 builders 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 Submission 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.

#### **Drawing 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 forty-five (45) days to review a completed application. 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 with-in forty-five (45) 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 forty-five day 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 applicant 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 appropriated 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, colors 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.

**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 the date of approval, otherwise it could become a nuisance and safety hazard for neighbors and the community.

Storage of materials 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 Ashbriar shall comply with all provisions of the Articles of Incorporation, Declaration of Covenant, Conditions and Restrictions, the Bylaws 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.

In the event any rule or regulation of the Ashbriar 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 citations. 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 with 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 & Regulations.

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 the Declaration and the Articles, Bylaws and rules of the Association in the event of emergencies and in performance of governmental functions."

## SECTION VII

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

### Guidelines

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 colors 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 the "Miss Utility" should be contacted for location of cable and/or pipe work prior to any digging when constructing deck, 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 on end units (townhouses) and single family detached homes. However, side yard fences may not be installed further forward than the front point of the house for single family homes and the midway point for townhomes. Fences for townhomes must be the same style as the builder has installed and 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 the height of the fence or eight (8) feet for single family homes.

### 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 appropriated sections of these guidelines should be consulted prior to application.

- A. Deck 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 wall to allow for any future repairs in that area which may become necessary.

- B. Patios Rear yard, ground level patios need not have Architectural Control Committee approval if it is contained within a 6-foot privacy fence and gate. If it can be viewed at eye level by neighbors, it must 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 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

Homeowners 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 lots 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 yard 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 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.

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. Doghouses 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 Trap

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 guest.

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.

Changes 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 line.

16. Compost Piles

Compost piles are prohibited.

17. Hot Tubs/ Pools

Plans for hot tubs 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 7:00pm 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 not permitted.

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.

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.

Applications, when required, should include a description of the types and sizes of shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings.

An application IS NOT REQUIRED for landscaping which meets all of the following conditions:

- A. Located at the rear of the unit
- B. Size does not exceed ten (10) feet by ten (10) feet – areas larger than this must be enclosed within a properly fenced yard.
- C. It does not damage property through the flow of water onto adjacent property.
- D. Foundation landscaping (within four feet of the base of the unit) which meets all of the following conditions:
  - 1. Restricted to natural landscaping (i.e. plants, shrubs and trees),
  - 2. Railroad ties, garden timbers or other materials used to construct a boarder or retaining wall which does not exceed eighteen (18) inches in height and remain within four feet of the foundation.

An application IS REQUIRED for:

- A. Hedges more than 2' in height or 8' in length, or other features which in effect become structures, fences or screens and a part of other applications where required.
- B. Rock gardens or rocks or collections of rocks exceeding 24 inches in any direction. All rocks shall be left their natural color.
- C. Railroad ties or garden timbers which form a wall over 18" high or 10' long. Anything over 30" requires a permit for the County. Include a site plan with the location of ties or timbers drawn in, and information on landscaping plans and any grading changes.
- D. Any landscaping or gardens that are not covered in the paragraphs above.

## 27. In-Home Business

Loudoun County and the Declaration of Covenants, Conditions & Restrictions regulate in-home businesses. In addition to County 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 Loudoun County
- 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 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 considered a dumping ground for inorganic debris. Organic debris such as leaves, grass clipping and branches may be dumped in Open Space.

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 Loudoun County 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 County 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 pets to run at large in Ashbriar. 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 County Ordinance.
3. All pets must have appropriate shots, licenses and tags, as required by County 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 resident 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 areas only.
9. Residents should report any violations of the above items to the County Animal Control and violation of item 4 to the Health Department.
10. Any other violations should be reported, in writing, to Koger Management Group, 3554 Chain Bridge Road, Suite 400, Fairfax, VA 22030, 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 vehicle, including, but not limited to motorized bicycles, motorcycles, mini-bikes, go carts, etc. shall be operated on or parked upon any common area of Ashbriar.
- 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 or leaks of oil, grease, or any other chemical, residual substance, or any substance of particles from holding tanks or 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. All motor vehicles shall not exceed the speed limit of fifteen (15) miles per hour while operated in common areas.
- F. All motor vehicles (including motorcycles) shall be operated in the paved parking lot areas only. All motor vehicles (including motorcycles) shall be parked in designated parking spaces only. Each vehicle (excluding motorcycles) shall occupy one parking space only. The vehicle shall not be parked between two spaces, nor shall it be parked diagonally between one or more spaces. Parking in the fire lanes and to the rear areas where access to other common areas is impeded is prohibited, especially along curved curbs.
- G. 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 otherwise hazardous material on common areas (regardless of the type of container).
- H. Parking of motor vehicles with commercial lettering, including but not limited to vans, trucks, taxicabs, buses, or cars are prohibited in Ashbriar. Trucks greater than three quarters (3/4) of a ton in size are prohibited in Ashbriar.
- I. Non-resident owners may not use the parking lot for storage of any vehicle, including but not limited to motorcycles, boats, trailers, campers, etc.
- J. Any unlicensed person is prohibited from operating any motor vehicle on common areas.
- K. All persons operating motor vehicles upon common areas shall conform to all traffic control signs posted in the premises, and in accordance with the provisions of the traffic ordinances of the County of Loudoun and the State of Virginia.
- L. Operation of any motor vehicle in violation of the Code of Virginia, 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 Ashbriar.
- M. Vehicles parked on property must be in compliance with Commonwealth of Virginia and Loudoun County 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 Loudoun County Police Department in accordance with the applicable requirements of the Code of Virginia as amended.
- N. All vehicles parked on any area in public view must be maintained in an acceptable state of repair to meet the following conditions:
  - 1. Powered vehicles must be maintained in an operative condition.
  - 2. Tires supporting vehicles on common areas must be inflated at all times to within 10 PSI of the manufacturer's recommended pressure so that they can be moved in the event of an emergency.
- O. The Board of Directors shall be empowered to have vehicles which are in violation and any vehicles as defined in the Code of Virginia, 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.

#### SECTION XI

##### Estoppel Certificate

An Estoppel Certificate is required by the Architectural Control Committee and Virginia 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 lawsuits involving violations of the Covenant by subsequent owners.

# ARCHITECTURAL IMPROVEMENT REQUEST FORM

## Ashbriar Homeowners Association

To: Architectural Review Board  
c/o LMA, INC.  
P.O. Box 2070  
PURCELLVILLE VA 20134-2070  
540-751-1888

Name Of Applicant: \_\_\_\_\_

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

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

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_

Telephone (H) \_\_\_\_\_ (W) \_\_\_\_\_

Proposed Improvement:

Applicant must submit in duplicate with application the following:

1. Site plan showing size, shape and location of improvement to residence and to adjoining properties (including specific dimension of improvement and distances to adjoining properties).
2. Manufacture's brochure, if available.
3. Color samples, if applicable.
4. Architectural plans/drawings (for major additions/improvements).
5. Grading plan, if applicable.
6. Detailed written description of improvement (If not provided application will be return pending additional information ).

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 the improvement.
- (v) Applicant hereby states that they have read the ACC guidelines and agree that all work performed will be in compliance with those guidelines.

\_\_\_\_\_  
Signature Of Applicant

\_\_\_\_\_  
Date

**ARCHITECTURAL CONTROL COMMITTEE RESPONSE**

Date Application Received \_\_\_\_\_

\_\_\_\_\_ Request approved as submitted.

\_\_\_\_\_ Request approved subject to: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Response suspended pending submission of: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Request disapproved because: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature - ARB Member

\_\_\_\_\_  
Date

# NEW OWNER INFORMATION

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

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 work until you have that approval.**
2. In some Associations members of the Board of Directors have application forms, and you can always get one from ~~Property Management~~ by calling ~~771-3335~~. **LOUDOUN MANAGEMENT ASSOCIATES AT 540-751-1888.**
3. All applications for changes will be dealt with promptly; most Covenants give the ARB 60 days to give you an answer, but you should normally get one much sooner.
4. All applications (with attachments) should be sent to

LMA  
P.O. Box 2070  
PURCELLVILLE VA 20134-2070

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. 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 plot, 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 & Fences – size, material, copy of the plot 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. Playhouse, sandboxes or other elevated structures can be located only in rear yards and the height of such structures shall not exceed 6’.

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 or disapprove the Owner’s final plans after submission. If the Architectural Committee fails to approve or disapprove the Owner’s final plans within sixty (60) days after submission, the final plans will be deemed to have been approved; provided, however, that no Owner may erect, under any circumstances, any building, structure or other improvement that violates any of the provisions of these Guidelines. Upon the Architectural Review Board’s and Board of Director’s 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 the 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 a 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 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.