Villages of Westminster

# Architectural Review Guidelines

Revised, Effective June 1, 2019

# I. INTRODUCTION

These Guidelines replace the original Guidelines written in 2004 and updated by parts in 2001, 2002, and 2013.

The Architectural Review Committee (ARC) is established by the Declaration of Covenants (recorded in James City County on October 7, 1997). Article V of the Covenants remain the controlling source for action by the ARC. These Guidelines provide interpretation of the Covenants, as determined by the Association’s Board of Directors (BOD). The Covenants (and so the Guidelines) run with the land and are binding upon all homeowners and their renters, and they should be fully understood by all. The cooperation of each homeowner is beneficial to all.

The Covenants provide specific direction on the following:

1. Land Use and Building Type
2. Businesses conducted from residences
3. Subdividing lots
4. Animals
5. Trash, and maintenance by owner
6. No improvements on Open Space/Conservation Area/Easement (common areas)
7. New construction, floor plans, elevations
8. Underground utilities
9. Architectural integrity/additional restrictions, including antennas, fencing, car ports, sheds, etc. {where most violation types arise from}
10. Vehicles
11. Easements

In a planned community such as VOW, our goal is to maintain a harmonious, quality development as the community continues to mature. The ARC role is be a meeting ground between private interests and the broader interest of this community regarding property maintenance, which includes the home and yard. In contrast, the Grounds Committee appointed by the BOD oversees the maintenance of Common Area property, not individual home landscaping, lawn care, or other matters relating to “grounds.”

The intent of these Guidelines is to:

* Insure quiet enjoyment for all residents
* Minimize problems and expenses for the HOA
* Provide for the architectural integrity of the neighborhood
* Protect and enhance property values.

# II. Best Practices

The ARC will follow these Best Practices:

1. The ARC should have at least one representative from each of the four Villages within the VOW. The chair of the ARC shall be appointed by the Board.
2. A periodic review of the Guidelines best serves the community. A schedule for review will be established by the Board.
3. The Guidelines should be consistent with the existing architectural and aesthetic provisions of the Covenants and also reflect the taste, priorities and preferences that have made VOW the community it is.
4. The Guidelines should clarify any vague or missing elements that have created confusion or noncompliance with the Covenants in the past. Cross-references to the Covenants should be applied so residents understand this is not the personal whim the ARC or the BOD.
5. The Guidelines should be consistent with local, state, and federal laws. We should expect lawful compliance with these as well.
6. The ARC and Homeowners should be made aware of any changes and have access to a current copy of the Covenants and Guidelines at all times.
7. If applications for improvements or exceptions to the Covenants and Guidelines are denied, the reason for such denial should be reasonable, justifiable, and made clear. The process of appealing the denial must also be noted on any denial.
8. Applications should be granted only for good reason, and a record of all applications, whether granted or denied, should be maintained by the Association Manager for all properties.
9. Enforcement of the provisions of the Guidelines should be timely, consistent, and documented.

# III. ARC **Review Standards**

The ARC evaluates each application on the individual merits of the application and the standards listed below.

* **Relationship of Structures and Adjoining Property** - The proposed change should relate harmoniously to its surroundings and to existing buildings and terrain that have a visual relationship to the change.
* **Protection of Neighbors** - The interest of neighboring owners and renters should be protected by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design, which may have substantial effects on neighboring property. The ARC will consider the various appropriate criteria and exercise discretion in determining which of the criteria govern in each specific application.
* **Design Compatibility** - The proposed change must be compatible with the design characteristics of the applicant's home and the general neighborhood setting. Compatibility is defined as harmony in style, scale, materials and color.
1. Style: The overall look and feel of the improvement should match that of surrounding properties and of the neighborhood.
2. Scale: The three-dimensional size of the proposed change must relate satisfactorily to adjacent structures and their surroundings.
3. Materials: Continuity must be established by using the same materials as those used in the existing home. Siding materials and shingles must match the existing structure. If the original materials are no longer available, compatible materials may be substituted.
4. Color: Color has a visual impact, and should maintain continuity on the property and within the neighborhood.
* **Workmanship** - The quality of the work must be equal to or exceed that of any existing structure. Poor practices may cause the owner problems and may be visually objectionable to others. For example, a wooden fence not properly treated and maintained may start to decay and become unsightly to the owner and neighboring property owners.

# IV. General Homeowner Compliance

1. Compliance is the responsibility of the homeowner, whether or not they are residents in the VOW. Renters are also responsible for compliance (such as relating to trash cans).
2. A resident of VOW may file a complaint with the ARC through the Property Management Company that a violation of the Covenants has occurred. (Appendix A attached.) The complainant may remain anonymous to the homeowners alleged to be in violation, but only written complaints identifying the complainant will be acted upon by ARC.
3. The members of ARC will not be held personally responsible for determining nuisance, aesthetic value, or similar. The ARC will only be enforcing compliance with the Guidelines, at the direction of the BOD, and congruent with the Covenants. Also, ARC members have a fiduciary responsibility to the entire VOW regardless of their personal preferences or standards.
4. The ARC will conduct site inspections at least twice per year and report violations of the Covenants or Guidelines to the BOD for action. In general, ARC inspections will include a review of the following:

**House Maintenance**

* *Homes* are clean and free of algae/mold
* *Shutters and doors*  do not have paint that is faded or missing shutters
* Storm and screen doors are full-view, or if half view, the non-glass portion is white or matches the exterior main door
* *Trim/eaves/soffits.railings/columns*  are attached and free from wood rot or damage
* *Roofs*  are maintained and not missing shingles

**Property Maintenance**

* + Mailboxes and posts are well maintained, clean from algae/wood rot and standing upright, and clearly display house numbers, and otherwise conform to the neighborhood
	+ Fences are well maintained, clean from algae/wood rot, standing upright and not missing pickets, and meets requirements for height, style, location
* Trash and recycling cans are properly stored
* Obvious construction anticipated or in progress has undergone ARC review process
* Seasonal and lighting decorations are removed timely

**Yard Maintenance**

* Grass is cut to reasonable height and clippings are not in street
* Shrubs are trimmed and maintained, especially near utility access
* Landscape beds are free of dead plant material
* Tree limbs do not overhang roads, obstruct sidewalks, or surround street lights
* Shrubs, trees or other plants do not restrict visibility to roads or driveways
* Plants in pots or urns are not maintained in a driveway and do not restrict passage on sidewalks

**Vehicle maintenance**

* Vehicles parked in the driveway have current license plates and current state inspection
* Vehicles are operable with no flat tire, broken windows, etc.
* Recreational vehicles (such as campers, boats) or utility trailers are not stored on driveways or on the street in excess of allowable time limits to perform regular maintenance, complete repairs or updates, or to load and unload a vehicle in preparation for or immediately following intended use of the vehicle.

# V. ARC Violation Notice Process

Homeowners will be notified in writing of alleged violations of the VOW Covenants or Guidelines.

* 1. The first notice will identify the alleged violation. It will request immediate response or corrective action and notice back when correction is completed. A response can result in a withdrawal of the allegation or a negotiation for compliance.
	2. If there is no response or if corrective action is not taken within 15 days, a second notice will be issued, requesting response or repair within 15 days. It also gives notice that failure to correct can be subject to a hearing and possible financial penalty or legal action.
	3. If there is still no response or compliance, the BOD is notified, and a hearing is scheduled to determine further action. A third notice alerts the homeowner of the hearing. Financial charges are within those allowed by Virginia statues. It also includes notice of suspension of rights to use common areas, such as the pool or clubhouse.
	4. Once the hearing is held by the BOD, a fourth notice is sent that details the findings of the BOD and any assessments that have been made to the homeowner’s account.

# VI. Changes needing ARC applications not specifically addressed in Covenants

As stated above, the Covenants address 11 areas for specific compliance. Items addressed include things like retaining walls, tools, flag poles, pets. Previous versions of the Guidelines added guidance on satellite dishes and solar panels, which have now been superseded by state law so are not included here.

For items not detailed in the Covenants, ARC will review the following:

1. **Back yard storage sheds m**ust be in keeping with character of the neighborhood. Must be permanent, not temporary. Must be permanently attached to the ground either by foundation or anchor system to prevent displacement due to weather. Must meet setback requirements (5’) on side and rear property lines.
2. **Basketball hoops** cannot be attached to the home or garage. Must be placed so they do not violate local, county, or VDOT laws, or impede local traffic.
3. **Recreational vehicles,** such as jet skis, boats, utility trailers, campers or other RVs may not be *stored* at a homeowner’s residence. However, short-term *parking* of up to 72 hours is allowed for maintenance, loading and unloading, cleaning, and other care or preparation. These units are to be parked in a driveway if possible or on the street in front of the owner’s residence so long as it does not impede access by neighbors to their homes or to any emergency vehicle needing to use the road. Inoperable and unregistered/unlicensed vehicles are not allowed beyond 48 hours.
4. **Play sets** such as swing sets, trampolines, tree houses, and soccer nets must be in the back yard. They should be anchored to the extent they won’t become airborne and cause destruction to neighbor if a weather event occurs.
5. **Paint.** Preference is given to colors that are consistent with the original used by the builders of the Villages.
	1. Paint color for doors and shutters that *matches* the existing or original color does not need ARC approval.
	2. Any *changes* to existing paint color for doors and shutters do not need ARC approval IF they are from the **Benjamin Moore Williamsburg** selection (matching is available at any paint provider).
	3. Any change of color that is *not* from the Benjamin Moore Colonial Williamsburg color palette must be submitted to ARC for approval.
	4. All trim must remain white.
	5. Storm or screen doors may be white or match the color of the front main door.
6. **Fences**. Applications are required for all fence installations.
	1. Fences may be made of wood, vinyl, or wrought iron. No chain link or welded wire fencing is allowed. Split rail fencing is allowed.
	2. The maximum fence height is six feet tall, and the minimum is three feet tall.
	3. No setback from the property line is required, although 6” is recommended to avoid encroaching on a neighboring property. If tying into a neighbor’s fence line, written approval of the neighbor must be attached to the Application.
	4. Wooden fences must be painted white or stained natural colors only. Vinyl fencing must be white.
	5. Fences cannot protrude past the front of the house structure.
7. **Landscaping**. Applications for permanent changes such as retaining walls, raised beds, rock fountains or sidewalks in a front yard are required. Permanent changes such as a patio or deck in the back yard require an application. Seasonal surface level flower beds, movable stepping stones, and pathway lighting do not require applications.

# **VII. ARC Change Application Process**

**NOTE: The HOA’s Covenants require prior written approval for any improvements to a lot. Therefore, the cost of labor or materials purchased prior to approval are not recoverable from ARC or the VOW if the Application is ultimately denied.**

1. The owner submits to the ARC, in care of the property management firm, an Application for Architectural Review along with all requested documentation. (Appendix B attached.) Please note the ARC has 30 days to review the application.

**NOTE**: Complete applications will be considered on individual merit, using these documented standards as a basis for decision-making. Out of courtesy homeowners should inform neighbors of proposed improvement(s).

1. The application, noted with the date of receipt by the management company, is turned over to the ARC, provided that all of the information necessary for review is received. A cursory review of the application and request for additional information from the owner may be needed, as detailed below. The 30-day review period will not begin until the application is complete and appropriate for review.
2. The ARC will act within 30 calendar days of receiving the complete application. In many cases the owner will receive a response sooner than this.
3. The ARC's decision will be noted on the application. The owner will then be notified of the decision. The application will show one of the following four decisions.
	1. **APPROVED:** The requested property changes are in compliance with the Covenants, and no exceptions are taken.
	2. **CONDITIONAL APPROVAL:** The overall proposal is accepted IF certain specified changes, limitations or requirements are followed.
	3. **REVISE AND RESUBMIT.** The Application is incomplete, additional information is needed, or changes to plans must be made prior to Approval. Review time is suspended until Application is resubmitted.
	4. **REJECTED:** The application is denied. The owner can appeal to the ARC within 15 business days. Further escalation may require the involvement of the BOD. (See the Appeal Procedure section for more details.)
4. The ARC reserves the right to visit and inspect the site for proposed improvement(s) or the completed improvement. This will be done for two specific reasons.
	1. To ensure that the application is complete or details were followed.
	2. To note any problems that were encountered and to learn any pointers that may help other residents to more easily complete similar projects.
5. Once work has begun on an approved application, it must be completed within 90 days. Applications are valid for one (1) year from the date of approval.

**NOTE:** Many design changes and improvements require a **government-issued** **permit**. Please plan in advance and remember that the ARC has 30 days after all the appropriate information has been received to review applications. It is strongly suggested that the city and/or county be contacted to determine what permits or approvals are required according to those entities’ ordinances. The ARC’s acceptance is not a substitute for approval by the county. It is the homeowner's responsibility to acquire appropriate approvals, permits, etc. from the city and/or county.

# VIII. **Appeal Process**

If the applicant disagrees with the decision of the ARC in its review or inspection, an appeal may be submitted as noted below.

1. Within 15 business days after the receipt of a notice of disapproval, the homeowner must file a written appeal with the ARC at the address of contact for the HOA's management company.
2. Upon receipt of the appeal, the ARC may contact the homeowner and schedule a review of any further information relating to the request and appeal.
3. Should the ARC determine that the disapproval remains, the homeowner may request that the appeal be forwarded to the BOD. This request must be made within 7 days of the disapproval. It is the responsibility of the ARC to forward any correspondence and pertinent information to the BOD at that time.
4. The BOD shall then establish the date and the time that the appeal will be heard. Normally, this will be made at the next scheduled board meeting. A majority vote by the BOD is required to reverse an ARC decision.

**NOTE: No work may progress during the appeal process.**

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**Date of Board Adoption Signature of Board President**

**Appendices:**

**A Report Form for violation of Covenants or Guidelines**

**B ARC Application for Improvements Form**