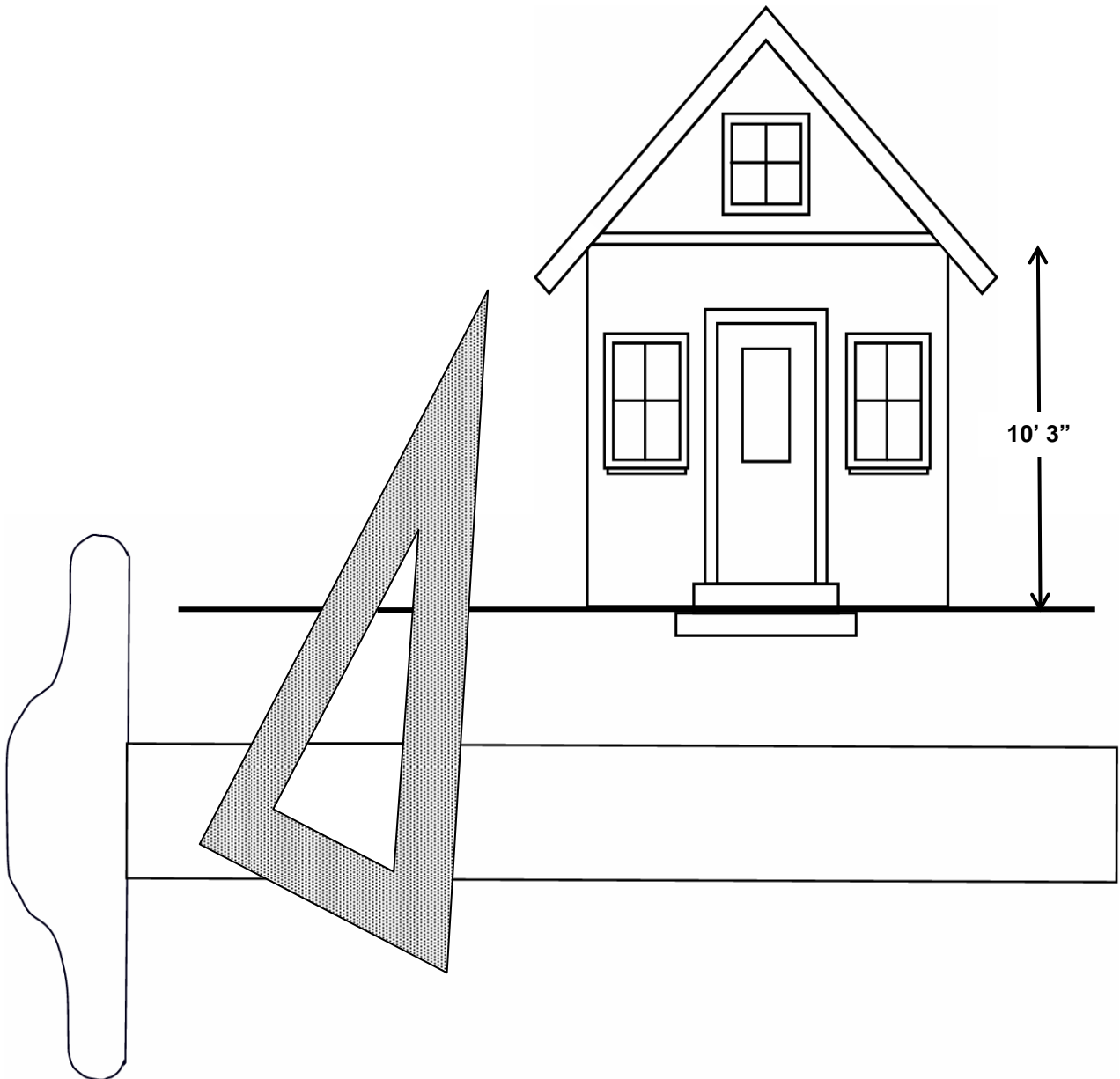


# Planning Guidelines

Of the  
**Truro Homes Association  
Architectural Control Committee**

Revised - July 2004



**PLANNING GUIDELINES OF THE TRURO HOMES ASSOCIATION  
ARCHITECTURAL CONTROL COMMITTEE  
Revised July 2004**

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# PLANNING GUIDELINES OF THE TRURO HOMES ASSOCIATION ARCHITECTURAL CONTROL COMMITTEE

Approved by the Board of Directors July 22, 2004

## INTRODUCTION

### **Preface**

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The Architectural Control Committee (ACC) of the Truro Homes Association (THA) is charged with the duty of preserving the architectural character of the community. Article VI - "Architectural Control" and Article VII - "Protective Covenants and Restrictions - of the **Truro Homes Association Declaration of Covenants, Conditions, and Restrictions** define the general scope and nature of the Committee's responsibility in dealing with specific situations and requests and detailing the responsibilities of individual lot owners with respect to making exterior addition or change or alteration on a lot.

The accompanying guidelines have been adopted by the Truro Homes Association Board of Directors to assist homeowners in submitting their proposals for consideration. These guidelines may be modified or changed from time to time whenever sufficient evidence is presented to the Architectural Control Committee and the Board of Directors to warrant a re-evaluation, or whenever experience gained in dealing with specific requests demonstrates the necessity for reconsidering a previously established position. Appropriate means will be taken to notify homeowners in the event of modification or change in these guidelines.

### **Background information**

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To conform to the covenants each request must be specifically approved in writing by the Committee prior to commencement of construction even though the proposal conforms to the guidelines.

The Committee will consider only written requests; oral requests will not be considered.

The Committee may refuse permission for a request which would not be in harmony with the community as a whole.

If a request is rejected by the Committee, the Applicant may appeal that decision to the Truro Homes Association Board of Directors.

The Committee will consider written complaints from homeowners concerning violations of covenants. If the Committee determines that a violation has occurred, it will take appropriate action to correct the situation, including possible referral to the Board of Directors.

According to the Truro Homes Association Attorney, architectural controls are generally enforceable in court, by the assessment of monetary charges by the Board of Directors, or identification of non compliance in any disclosure package requested at time of sale by the ACC. Homeowners who proceed with construction or modification without approval of the Architectural Control Committee do so at their own risk.

## PRESERVING YOUR PROPERTY VALUES

### **Restoration, Maintenance and Repair**

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#### **Definitions**

Restore: To bring back to a previous, normal condition.

Repair: To restore to sound condition after damage or injury; to fix, renew or refresh.

1. Restoration Work: Work performed with the intent to bring back the structure to previous normal, original condition. The original design shall be preserved.
2. Repair Work: Work performed to restore a structure to sound condition. If done with the same or similar materials, so that the appearance (texture, color, and design) of the original structure is not changed does not require committee approval.

### **Re-staining and Repainting**

1. No person shall paint the exterior of a building a color different than the original color of said building without the proposed color having been approved by the Architectural Control Committee appointed by the Board.
2. Materials and Color: In general, only those areas that are painted may be repainted. Only those areas that are stained may be re-stained. Unpainted surfaces and unstained areas such as brick shall remain unpainted and unstained.

#### **No Color Change**

If your house is in the original colors or colors previously approved for your house by the Architectural Control Committee, no approval is needed to repaint using these same colors. If you are in doubt, please check with the Architectural Control Committee.

#### **Color Change**

Exterior color changes will be approved only if the proposed color is similar to the colors originally employed in the community. Samples of the original colors are available from the Architectural Control Committee.

### **Children's Play Equipment**

1. Children's play equipment such as sand boxes, swings, slides, and tents does not require approval of the Committee provided that such equipment is not located forward of the rear of the house line and every reasonable effort has been made to shield such equipment from view of the street.
2. Tree houses will not be approved.
3. Permanent skateboard ramps will not be approved.

### **Exterior Lighting**

Exterior lighting shall not be directed in such a manner as to create an annoyance to the neighbors.

### **Exterior Signs**

Except for temporary real estate signs no larger than four square feet in area, no sign of any kind larger than two square feet in area shall be displayed to public view on any lot. Illuminated signs are not permitted.

### **Laundry**

Clothing, laundry, and wash shall be aired or dried in the rear yards of the lots where it is not visible from the street.

### **Trailers, Boats, Campers, and Related Equipment**

#### **On Your Property**

1. Storage of boats and boating equipment, campers, trailers and related equipment outside the house or garage on a lot requires prior approval of the Committee. Storage locations will be carefully assessed as to the effect on neighboring lots and the view from the street.
2. The Committee will not consider an application for permanent storage of such equipment unless the application is accompanied by an application for a screen design meeting these guidelines. Such a screen shall be designed so as to shield the view of this equipment from the street and neighboring lots.
3. Permanent storage of camping and boating equipment within view of the street will not be permitted.
4. The storage of unlicensed vehicles on your property is prohibited.

#### **On the Street**

The storage of unlicensed vehicles and various types of commercial vehicles on the street are subject to County laws and regulations.

## ENHANCING YOUR PROPERTY

### **Building Alterations and Additions**

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#### **1. General**

- a. Additions, exterior alterations, modifications, or changes to an existing building, and new detached structures shall be approved in writing by the Committee before work is undertaken.
- b. Additions, exterior alterations, modifications, or changes to an existing building shall be compatible with the design character of the original building.
- c. Only the exterior materials existing on the parent structure or compatible with the architectural design character of the community will be approved.

#### **2. Renovations and Remodeling**

##### **Definitions**

**Renovate:** To restore to an earlier condition; to improve by repairing or remodeling.

**Remodel:** To remake with a new structure.

Improvements, repair work, and remodeling which change the original materials or appearance, shall be submitted to the Architectural Control Committee for approval.

- a. Roofs and gutters shall not be changed from the original in color, texture or design without approval.
- b. Doors, garage doors, and windows shall not be changed from the original in color, texture, or design without approval.
- c. Siding or brickwork changed because of unavailability of the original materials or improved technology shall be approved before replacing.
- d. A new structure shall be contiguous with the parent structure. The Committee may require installation of additional landscaping or screening if, in its opinion, such additional landscaping or screening is necessary.
- e. Detached structures are not allowed.

#### **3. Awnings**

No awnings will be approved if visible from the street.

#### **4. Replacement Windows, Entry Doors, and Garage Doors**

If changed from the original, replacement windows, entry doors, or garage doors must be approved by the Committee. Replacements shall be compatible in size, shape, color, and style of the original house and its trim.

### **Fences and Screens above Grade**

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#### **1. General**

- a. Fences and screens above grade shall be approved in writing by the Committee before undertaking installation.
- b. Front yard boundary fencing is prohibited.
- c. Fences and screens will not be approved if installation will obstruct sight lines for vehicular traffic.
- d. Fences and screens shall be harmonious with the architectural character of the community.

#### **2. Height and Length Restrictions**

- a. Property fencing shall not exceed four feet above grade, and shall be at least fifty percent open.
- b. Ground level free-standing screens shall not exceed six feet in height and sixteen feet in length. Excessive use of screening is discouraged.

### 3. Materials and Finish

- a. Fences or screens may be constructed of natural stone, masonry or timber. Wood<sup>1</sup> fences or screens will be approved if the design is in general conformity with the architectural design of the community.
- b. The Committee will not approve an application for chain link metal as property fencing.
- c. If only one side of a fence or screen has finished material, that side must face the public side of the individual lot.
- d. Fences or screens, if painted or stained, must match the parent structure or be in harmony with the rest of the community.
- e. Designs for open property fencing containing woven wire mesh will be considered for approval by the Committee only if:
  - i. Wood<sup>1</sup> is the predominant visual factor.
  - ii. Wire mesh is an integral part of the design.
  - iii. The wire is a welded steel fabric, no larger than 16 gage, 1-inch square or 2-5/8 by 2-inch rectangular mesh.
  - iv. The welded steel fabric is installed with the wires running horizontally/vertically.
  - v. The wire is nonreflecting (Rubbing with vinegar may dull brightness).

### **Decks, Deck Screens, and Deck Rails**

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#### 1. General

- a. Decks, deck screens, and deck rails shall be approved in writing by the Committee before installation.
- b. Decks, deck screens, and deck rails shall be harmonious with the architectural character of the parent structure.
- c. Wood<sup>1</sup> shall be the predominant visual factor of decks, deck screens and deck rails.

#### 2. Height and Length Restrictions

- a. Decks and deck rails must be constructed in accordance County regulations.
- b. Deck rails shall not exceed four feet in height above the level of the deck.
- c. Deck screens shall not exceed six feet in height above the level of the deck and shall not exceed sixteen feet in length.

### **Retaining Walls and Exterior Stairs**

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#### 1. General

- a. Retaining walls shall be approved in writing by the Committee before installation.
- b. Retaining walls that divert ground water on to adjoining properties or which otherwise substantially change existing drainage patterns will not be approved.
- c. Before approving retaining walls more than three feet in height, the Committee may require the applicant to provide the Committee with professional assurances as to the stability and structural integrity of the wall.

#### 2. Materials

Retaining walls and exterior stairs shall be constructed of natural stone, masonry or timber. Concrete or cinderblock retaining walls will not be approved.

### **Driveways, Patios, and Paving**

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1. Extensions, widening, or re-routing of existing driveways shall be approved in writing by the Committee before work is undertaken.
2. No large expanse of paving on a lot will be approved if the area is visible from the street, community property, or neighboring lots.
3. The County ordinances also limit extent of paving on property.

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<sup>1</sup> Wood, wood composition or products that appear similar to wood.

## **Exterior Antennae**

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Antennae are defined as, devices used for the receipt of video programming service, or internet services, including direct broadcast satellite dish (DBS), television broadcast antennae, and multipoint distribution service antennae (MDS).

Types of antennae that transmit signals that disrupt the reception of radios and television set of neighbors are prohibited. Types of antennae not specifically recognized by the FCC rule are prohibited.

### **1. Application/Notification**

Applications for the location of exterior antennae shall be submitted to the ACC.

### **2. Size**

DBS and MDS dishes may not exceed one meter (39.39 inches) in diameter.

### **3. Location**

Preferred placement sites are (a) at the rear of the lot, (b) on the rear deck of a home, and (c) at the side yard of a home, providing that the antenna is no more than six inches above the height of the roof or deck railing or fence. Antennae shall be permanently grounded.

Other alternate locations will be considered only with (a) written certification from the owner that installation of the antenna in the approved locations would not afford sufficient signal strength or adequate reception and (b) a precise statement describing the alternative location where sufficient signal strength would be adequate for reception. The Committee reserves the right to verify that adequate signal strength is unavailable at the preferred location and may require the Owner to move the antenna.

Owners are prohibited from installing antennae on the common areas of the Association.

## **Swimming Pools**

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Permanent backyard swimming pools will not be approved.

## **Hot Tubs**

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Hot tubs shall be approved in writing by the Committee before installation. Use of wood<sup>1</sup> skirts to conceal the hot tub and related equipment is encouraged.

## **Solar Panels and Equipment**

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In accordance with Federal law, solar panels are approved. Panels shall be flush mounted to the roof and shall not be visible from the street. The ACC reserves the right to require relocation of panels to a feasible location less visible, or intrusive.

## **Skylights**

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The Committee will review applications for skylights. Skylights shall be installed parallel with the existing roof surface, and with less than a 12-inch projection above the existing roof line.

## **Landscaping and Planting**

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1. Landscape work and planting in general do not require approval of the Committee.
2. Vegetable gardens are restricted to the rear yards and shall not be visible from the street.
3. Live trees over four inches in diameter measured two feet above the ground may not be removed without prior written approval of the Committee.
4. Trees, hedges, and shrubs which restrict sight lines for vehicular traffic shall be cut back or removed.
5. Front yard garden ornaments and sculpture shall not be over two (2) feet tall unless approved by the Committee.

## PROJECT REQUIREMENTS

### General Requirements

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1. ACC approval of a project does not eliminate the necessity of obtaining the required county building permits or other governmental approvals.
2. Obtaining a county building or work permit does not relieve the applicant of the responsibility of obtaining approval of the Committee.
3. Approval of a project by the Committee does not negate the applicant's responsibility to execute the project in a workman-like manner.
4. Storage of materials prior to, during, and after construction should, if possible, be in an area not visible from the street.
5. Committee approval includes the right to inspect the completed project to assure the execution of the approved plan.
6. Projects should be completed as expeditiously as possible so as not to create a nuisance or annoyance to the neighborhood. The project should be completed within 6 months unless extended by the Committee.

### Submittal Procedures

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1. Submit requests for changes required by the Covenants and Guidelines of the Truro Architectural Control Committee. Address requests to the Chairman, Truro Architectural Control Committee, at the address listed in the current edition of Truro Trails.
2. Requests for architectural changes must include the following information, as appropriate:
  - a. A letter, in duplicate, briefly describing the project.
  - b. Drawings, including plans, elevations, and details, as necessary to completely describe the location of the project on the site, and the nature, kind, color, shape, height, length, and width of the project. Applications shall include a copy of the lot survey or a similar drawing indicating the approximate location of neighboring houses.
  - c. Specifications describing the specific nature and kind of materials to be used, and workmanship are required in sufficient detail for the Committee to make a decision. For fences, screens and similar projects, the specifications shall be included in the letter of request.
  - d. Written evidence that abutting neighbors, or those to whom the project will be visible (e.g. across the street) are aware of the proposed project.
  - e. Samples or photographs of similar completed projects may be included and are encouraged, if they help explain the project.
  - f. For major additions or modifications to existing houses complete detailed drawings and specifications are required.
3. Submittals to the ACC for review must be received no sooner than 15 days and no later than 5 days before the ACC meets (generally the second Tuesday of each month). Other submissions shall be considered untimely and improvidently filed, unless the Committee waives this requirement. Electronic requests for architectural changes will not be considered.
4. Applicants should allow at least 45 days prior to start of work when submitting requests. If a request is incomplete or insufficient for the Committee to render a decision, the chairman will notify the applicant that the application is rejected. Complete applications will be reviewed by the Committee within the 30 day time prescribed for review.

## **Approval Procedures**

1. Requests will be considered at a regular meeting of the Committee. The Committee will hold regular meetings each month, if there are requests to be considered. A minimum of three committee members shall constitute a quorum. Open meetings of the Committee will be held in the Community Center.
2. The Committee will generally approve projects that are in full compliance with the current Planning Guidelines of the Truro Homes Association Architectural Control Committee, as published by the Board.
3. The Committee will respond to the request in writing within 30 days of receipt by the Committee of a timely request or a revised timely request meeting requirements of these guidelines. If the Committee fails to respond to a submittal within 30 days of receipt of a complete and adequate request, approval by the Committee will not be necessary.
4. In the event a request is denied, the Committee response will include their rationale for the decision in writing.
5. The Committee will report requests for significant external modifications in Truro Trails, including the Committee's decision to approve or deny a request, as appropriate.

## **ENFORCEMENT**

### **Background**

The architectural covenants are enforceable as written against a landowner for noncompliance. The Truro Homes Association or an aggrieved landowner has the right under the document to enforce compliance. Non-enforcement of the covenants by the Homes Association may ultimately result in litigation.

Under the Property Owner's Association Act, Virginia law, the Truro Homes Association must now provide the prospective purchaser of a home with a statement as to whether the home is in compliance with the Covenants. A violation of the covenants not specifically identified in this statement to the purchaser is deemed waived.

As a result of these changes in Virginia law, the following enforcement guidelines have been adopted by the Homes Association.

### **Board Enforcement Policy**

1. Board policy is to pursue enforcement.
2. Board policy requires the Architectural Control Committee to provide timely responses to requests for variances from the architectural covenants in accordance with the covenants and these guidelines.
3. Board policy requires the Architectural Control Committee to provide timely notice, in accordance with the procedures established by Virginia law, to prospective purchasers of violations of the architectural covenants. Noncompliance will be identified by the committee and the purchaser so notified. Waivers of noncompliance and variances to the covenants may be requested by the Owner at the time of sale, but will only be considered in accordance with procedures and standards of the covenants and guidelines.
4. Accurate record keeping is required. Records will be established for each lot.
5. A regular biennial review will be made of properties.

6. Overview - There are several enforcement mechanisms available to the Board of Directors. The most important tool is negotiation. Where there is a violation of the covenants or guidelines, every effort will be made to negotiate a reasoned and viable solution.
  - a. If negotiations fail, the Board will turn to mediation. Every reasonable effort will be made to persuade the homeowner to engage in mediation, particularly using the procedures and offices of Fairfax County.
  - b. If these efforts fail, the Board will pursue more rigorous remedies. Under the recent changes to Virginia law the Board may (1) suspend membership rights in the TCC, or (2) levy monetary charges in the amount of \$50 for a single violation or monetary charges in the amount of \$10 per day for each violation of a continuing nature. These daily charges may accrue for up to 90 days for each continuing violation. This process requires notice, a hearing, and other procedural safeguards, which are outlined in the Association's Due Process Procedures Policy. If the accrued monetary charges are not paid a lien can be placed on the property.
  - c. Or, the Board may ask the Fairfax County Circuit court for a court order enjoining the violation. In these circumstances we will refer to the matter to our attorneys for appropriate action.
  - d. One of the most effective tools for achieving compliance is the resale disclosure package notice that each owner of a lot within Truro is required to provide to any to new purchaser under Virginia law. This notice advises the buyer and seller of ACC guideline and covenant violations. This notice, in effect, restarts the obligation. At the time of a proposed sale of a home reasonable effort will be made to achieve compliance over the long run, rather than cause immediate economic hardship to the landowner. For example, if the paint color is improper, or the roof an inappropriate color, the notice becomes a vehicle by which the issue may be resolved with the new purchaser agreeing that when the house is repainted the new color will be x rather than y.

### **Records**

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Reasonable enforcement efforts require that statements of compliance to new purchasers be timely and accurately provided. This means the Association records on each home will identify compliance or noncompliance, permissions and denials granted by the Architectural Control Committee, and notices of noncompliance previously provided to the Owner. Records will be kept for each home in order to assure that the notices to prospective purchasers are accurate. These records are generally available to each homeowner to inspect unless excluded from review under provisions of Section 55-510 of the Virginia Property Owners Association Act. In fact, review of these records is encouraged.

Homeowners are encouraged before the sale of their home to have the buildings reviewed for compliance and urged to save permissions and authorizations granted by the Architectural Control Committee.

### **Grandfathering**

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The Board also recognizes that there needs to be a process for grandfathering nonconforming uses - uses that are at variance with the guidelines but have been in existence for over 5 years. The Board reserves the power in certain cases to provide homeowners advance notice in writing that at the time of sale the association will notify the prospective purchaser that the variance will be considered waived conditionally or completely.