

**MENLOUGH-CULPEPER STREET HOMEOWNERS' ASSOCIATION, INC.**

General Restrictions and the Architectural Review Process Guidelines  
For Property Owners in the Menlough Subdivision, Warrenton, VA

Approved and Adopted at the Annual Membership Meeting on June 1, 2001

## GENERAL RESTRICTIONS AND THE ARCHITECTURAL REVIEW PROCESS

### PURPOSE AND SCOPE

1. The responsibilities of the Architectural Review Committee (hereinafter "Committee") will be carried out with the greatest degree of informality possible while still maintaining a record of transactions. These restrictions are formulated for a fully constructed community and to the extent to which they conflict with the previous covenants, conditions, and restrictions, dated November 24, 1993, as amended, these provisions shall control. Any improvements made prior to ratification of these restrictions are accepted as approved, despite non conformances, until the property is sold. At that time, if the original owner has not corrected the nonconforming improvement, it shall be disclosed as a known defect under the Virginia Property Owners' Association Act and correction shall be a condition of sale.
2. The thrust of the Committee's evaluations will be compatibility rather than conformance. The goal is to maintain a neighborhood which is architecturally attractive, and which displays a degree of home, property, and common area maintenance which enhances property values.
3. The Committee is not generally interested in changes to the interior of houses unless the change would result in a related exterior change. Examples are noise or vehicles blocking neighbors' access. Conditions may arise which, although not defined, are found to be objectionable. The Committee may discuss with the homeowner any condition which, in its judgment, violates the spirit of the restrictions. It is hoped that these discussions can resolve the problem. Disputes arising from this policy will be resolved as described in the "Resolution of Disputes" section of this document.

4. Homeowners are encouraged to seek guidance of the Committee if doubt exists as to the applicability of the restrictions or review process to any contemplated change.

5. The Committee and the Association Board of Directors will not knowingly approve any change which is in violation of any building code or zoning ordinance.

Also, the committee will not ignore a violation brought to its attention.

6. Restrictions and review requirements noted herein can be changed or rescinded by a three-quarters vote of the members of the Homeowners' Association at a regular meeting.

7. Throughout this document the following definitions shall apply:

*"Association"* means the Menlough-Culpeper Street Homeowners Association.

*"Board" or "Board of Directors"* means the Board of Directors of the Menlough-Culpeper Street Homeowners' Association.

*"Committee"* means the Architectural Review Committee as established by the Board of Directors of the Menlough-Culpeper Street Homeowners' Association.

*"Homeowner"* means the record owner or owners as found in the land records of Fauquier County, Virginia.

*"Public view"* means the view from the street upon which the house fronts from one lot corner to the other.

*"Vehicles"* means all passenger vehicles, automobiles, recreational vehicles, travel trailers, mobile homes, boats, trailers, trucks and vans.

*"Shielded from Public View"* means that the item in question is located within a fully enclosed structure or located behind the house such that the item in question is not visible from the street. Vehicles under tarps or within open-sided carports are not considered shielded from public view.

8. Committee approval does not substitute for any required building permit or approval of the Architectural Review Board of the Town of Warrenton. A guide to the requirements for a building permit is provided as Attachment 1. This guide is subject to change and interpretation. Check with the Town of Warrenton if in doubt.

## GENERAL RESTRICTIONS

9. Each lot shall be used as a residence and for no other purpose except for home occupations, home offices, or home professional offices as defined by the Town of Warrenton.
10. Homeowners or occupants shall not permit anything to be done or kept on their lot which would result in the cancellation of insurance on any residence or which would be in violation of any law.
11. Homeowners seeking to rent their property or allow others to occupy it shall first notify the Association. Homeowners shall make this document a part of the lease or any other agreement and these restrictions shall be binding on the occupant. Should the occupant fail to observe these restrictions, both the occupant and the homeowner shall be jointly and severally liable to remedy the situation. Absentee homeowners shall keep the Association apprised of their address and phone number.
12. Dogs, cats and other household pets may be kept so long as they are not kept, bred, or maintained for commercial purposes. The Association will intercede if pets interfere with the intended use of common ground. Homeowners with problems of an individual nature, including noise made by pets, should refer the matter to the Town of Warrenton which has remedies for most pet or animal issues.
13. No rubbish, trash, garbage, other waste materials or material to be recycled shall be kept or permitted on any lot except in containers designed for the purpose and located in appropriate areas shielded from public view. These materials, contained as noted above, shall be set out for pickup according to the procedures set forth by the Town of Warrenton. Containers should not be set at curbside before the evening prior to pick-up and must be removed by the evening of the day of pick-up.



14. No repair or disassembly of vehicles will be permitted, except such minor repair work as is commonly performed by a vehicle owner. Repairs must be made off-street. Vehicles visually under repair or inoperable shall not remain within public view for more than three days. Absence of, or expired license plates, constitutes an inoperable condition.

15. Homeowners shall be responsible for maintaining driveways and entrance aprons in good condition and repairs shall use the same type of materials employed in the original construction and surfacing of the driveways. Total replacement of an asphalt driveway with concrete, or the reverse, is acceptable.

16. No outbuilding, garage, trailer, shed or temporary building of any kind shall be used as a residence, either temporarily or permanently.

17. Long term, or recurring, parking or storage of commercial vehicles, boats, and recreational vehicles is prohibited. "*Long term*" is defined as a parking or storage period of greater than 6 hours during daylight hours, or any overnight period. "*Recurring*" is defined as a pattern of repeat parking or storage of vehicles.

- a. Commercial vehicles and equipment, except cars or light trucks bearing company identification, shall not be parked overnight in the community unless garaged.

Examples include heavy duty vehicles with or without advertising such as stake bed trucks and step vans. Commercial equipment such as trailers, loaders or other machinery shall not be based in the community for transport to work sites.

- b. Recreational vehicles, boats, trailers, and campers or similar equipment must be shielded from public view except for loading and unloading (i.e., in preparation for, or return from, a vacation trip). Loading or unloading duration is limited to 6 hours.

18. Clotheslines and other drying apparatus shall be shielded from public view.

19. Lots shall be adequately maintained (lawn mowed, shrubs trimmed, leaves and dead branches removed, as examples). If the Committee determines a homeowner or occupant has blatantly disregarded this provision (for example, grass 12" high) it shall give the homeowner 15 calendar days to remedy the violation. Notification shall be as

indicated in paragraph 41. If the situation is not corrected within the time allotted, the Association will remedy it at homeowner's expense, including costs of notification.

20. House exteriors and fences shall be maintained in such a way as to present a well kept appearance from all angles of view. Required preventative maintenance shall include painting, sealing, patching, etc. needed to keep houses and fences in essentially as-built condition. Repairs/replacement of missing items (shutters, fascia, roof shingles, etc.) shall be made or a contract entered into for such repair or replacement within one month of their becoming damaged or missing and must be completed as soon as possible. A three-board, dark-stained, border fence has been installed by the developer in some sections of the community. The homeowner upon whose property this fence is situated is responsible for its maintenance in an as-built condition. If the homeowner and adjacent homeowners who share components where the developer-installed fence overlaps property lines mutually agree in writing to remove the fence, the fence may be removed. Signed agreements must be filed with the HOA along with one Architectural Review Board application, which must be approved by the HOA prior to commencing demolition. If fencing is demolished, all materials must be removed from the properties concerned in a safe and workman-like manner. No elements of the demolished fence may remain in place, including posts and post holes, which must be filled completely to remove these safety hazards. Homeowners who have developer-installed fencing on their property and who opt to keep the existing fence in place, accept responsibility for maintaining the fencing per HOA guidelines.

21. Complaints of excessively loud or persistent noise generated by home occupants will be referred to the Town of Warrenton for resolution under its noise ordinance.

22. Under deck storage is allowed if shielded from the view of all adjacent neighbors by plantings or latticework.

23. Toys, portable sports and recreational items may be used in front yards provided they are stored out of public view when not in use. Portable basketball goals adjacent to driveways are acceptable for long term use on front lawns with neighbors' agreement. (For regulation of basketball goals that use part of the street for the playing field, see paragraph 39.)

24. The common ground and trails within the community are provided for the passive recreation of all homeowners in the Menlough community. No part of the common area shall be denuded, defaced or otherwise disturbed without the approval of the Board of Directors of the Association.

25. Yard and garage sales shall not exceed two per lot per year in order to avoid the appearance of being a regular business.

26. Permanently installed play and recreation equipment such as swing sets, slides, sand boxes, etc., shall be located in back yards.



**CHANGES REQUIRING THE APPROVAL OF THE  
ARCHITECTURAL REVIEW COMMITTEE**

27. Structural changes to homes in the historic district, Lots 1, 2, 3, 4, 5, 66, 67, 68, 69, and 70, require approval of the Town of Warrenton Architectural Review Board after approval by the Committee.
28. No building, as an addition to or separate from the existing single family home, shall be erected or placed on a lot without approval of the Committee.
29. No fence, hedge, wall, or other dividing structure shall be constructed without the Association's Architectural Review Committee's approval. All applications are reviewed on a case-by-case basis. Include drawings, permits, material lists, photos, and other supporting information with each application. Applicants are responsible for ensuring that fences are installed within the boundaries of their property.
- a. Wooden picket or wooden rail fencing is recommended.
  - b. Wire fences (chain link, chicken wire, for example) are prohibited. Applications of welded wire utility fencing with 2 x 4 inch openings, to the inside of wood rail fencing to provide a secure enclosure for dogs, is acceptable if painted black.
  - c. Solid fencing (stockade fencing, for example) is discouraged except in short lengths to shield a patio from view, or for similar applications.
  - d. Plastic or PVC fencing or fence materials and fence designs mixing wood and plastic are unacceptable.
  - e. Requests for approval of the installation of basic black metal fencing with vertical pickets and posts, without finials or similar attachments, will be evaluated on a case-by-case basis. Security-style metal fencing is prohibited.
  - f. Fences which create an "alley" between lots are discouraged.
  - g. In the absence of a specific requirement, fences with a mean height of 4 feet are



recommended as being more in keeping with the overall appearance of this community.

- h. Fences are permitted only in back and side yards and are limited in height to 6 feet. No fence shall be installed beyond the front plane (left and right corners) of the residence where the installation of a fence is being considered.

30. No signs except for the following shall be displayed to public view without approval:

Customary name and address signs.

Lawn signs of not more than six square feet in size advertising a property for sale or rent. Election campaign signs provided that they are put up not more than two months prior to the election and are removed within three working days after the election.

Signs of not more than six square feet in size advertising a yard or garage sale provided that they are erected not more than three days prior to the sale and are removed the day of sale.

31. In-ground swimming pools are permitted in back yards with approval. Above ground pools, except portable children's wading pools, are prohibited. Pool related machinery (filters, pumps, etc.) shall be shielded from public view. Hot tubs are permitted with approval if screened from view. .

32. Substantial changes to the exterior of houses require approval. The requirement for a building permit (see Attachment 1) defines substantial for the purpose of this provision. Conversion of garages to other purposes is allowed with approval. Approval will require an architectural rendering of the front or side elevation which demonstrates a seamless, architecturally consistent, and attractive result.

33. Antennas, aerials, solar panels, attic ventilators, satellite dishes, and skylights shall be shielded from public view, on the back slope of roofs, as an example, to the

maximum extent possible while still ensuring proper function. Except for digital satellite dishes that do not exceed 24 inches in diameter, such improvements are subject to approval. Amateur radio antennas are a special case. They are regulated by the Commonwealth of Virginia. Antenna height over the state allowed minimum is subject to approval.

34. Dog houses, kennels, pens or any other structures intended to house dogs are subject to approval as to size, location and materials. The provisions of paragraph 29 regarding the use of wire apply.

35. Enlargement of driveways and parking pads shall be of the same material as currently in place, shall create no drainage problem, and are subject to approval.

36. New or enlarged decks, patios, and related improvements are subject to approval. These improvements should be in back yards. Front and side yard locations will be evaluated on a case-by-case basis. Decks should be of a size and form compatible with the house shape and size and should not intrude on the overall look of the owners' and neighbors' yards. Decks shall be constructed of materials designed for outdoor use (such as treated lumber) and maintained to present a pleasing appearance over time.

37. No statuary greater than 18 inches in height, fountains, awnings, permanent outdoor furniture or other similar objects shall be placed in front yards without approval. Appropriate furniture on front porches is allowed without approval. Appropriate furniture includes cast iron, exterior grade wicker, wood, and aluminum items sold as outdoor furniture. This provision shall not include planter boxes or pots appropriately maintained.

38. Landscaping improvements of small scale, such as foundation plantings, will not require approval. Improvements which change the topography or grade of the lot or involve masonry, dry walls, or other structures require approval. Walls over three feet

high require a building permit. Planting of trees should take into consideration their mature height and circumference. For example, without ample room, oaks and maples can easily overwhelm one's own and neighbors' architectural and landscaping features and create an overall undesirable neighborhood appearance. Trees expected to exceed a mature height of 25 feet, or any tree to be planted within 6 feet of neighbors' property lines, require approval.

39. While street play of any sort is discouraged, the Committee will not object to the use of mobile, commercially available basketball goals placed on homeowners' property such that the street is part of the playing field, only when such street is a cul-de-sac. The Virginia Department of Transportation has curtailed this practice in other communities and may do so here. The Association is not responsible for the safety of persons using such a facility.

40. Free standing flagpoles, with the exception of small, ornamental lawn flags, require Committee approval. Flagpoles in front yards attached to house or garage trim do not require approval. The flag of the United States of America and state flags shall be flown according to patriotic customs and observances.



## COMPLIANCE WITH GENERAL RESTRICTIONS

41. Alleged violations observed by the Committee or reported by any individual will be verified by a site inspection and discussions with the homeowner. The Committee will seek input from other homeowners who might be affected by the alleged violation. If the Committee determines that a violation exists, the Chairman of the Committee will send a letter to the homeowner by U.S. certified mail return receipt requested outlining the specific violation. In the case of an absentee homeowner, a copy of this letter will also be sent to the occupant. The homeowner shall respond to the Chairman of the Committee within 30 days of receipt of this letter addressing removal of the violation and the time frame of its removal. Times required for removal may vary greatly as all situations are addressed on a case-by-case basis.

42. Disputes arising from this process that cannot be resolved between homeowners and the Committee will be resolved as described in the section of this document entitled "Resolution of Disputes."

43. A record of each case will be maintained by the Committee, including the completed Change Approval Request Form, building permit application if applicable, and all related correspondence for a period of 10 years from the date of the application.

**COMPLIANCE WITH CHANGES REQUIRING APPROVAL OF THE  
ARCHITECTURAL REVIEW COMMITTEE**

44. Improvements requiring architectural approval should be described in writing and diagrammed to the extent necessary for review of size, location, materials, color and relationship to other structures of own and neighbors' properties.

45. With as many clarifying documents as necessary, this information should be submitted on a form such as that attached (Attachment 2) or a facsimile. These forms are available from any Committee member or the management office. The Committee may request additional information, if needed, and may do a site survey. It is expected that such additional information can usually be obtained informally and the submitted form annotated accordingly. An approval or disapproval letter will be provided by the Chairman of the Committee no later than 15 calendar days of submittal of a fully documented form. However, the Committee shall make every effort to provide approval or disapproval within four calendar days. In the case of disapproval, the letter will advise the homeowner of the reasons for disapproval and what can be done to receive approval, if applicable.

46. In those cases where the Committee believes neighboring homeowners' interests should be addressed, and the submitted form does not include their approval, the Committee will solicit their inputs.

47. Disputes arising from this process that cannot be resolved between the homeowner and the Committee will be resolved as described in the section of this document entitled "Resolution of Disputes."

48. Construction approved by the Committee should be completed within 12 months at which time approval expires. An extension may be allowed if the delay is beyond the homeowner's control.

49. An action contemplated by a member *of* the Committee which requires approval of the Committee must be approved by ail other members.



## RESOLUTION OF DISPUTES

50. A dispute which cannot be resolved by discussions between the homeowner and the Committee will be resolved as follows:

The homeowner may petition in writing to the Board of Directors of the Association for reversal or modification of a Committee decision. Except for unusual circumstances for which a special meeting of the Board may be called, the petition will not be considered until the next scheduled meeting. An oral presentation by the homeowner to the Board is encouraged. The Board's final decision will be submitted to the homeowner by a letter as soon as practicable after the meeting and every effort will be made to provide the decision within ten calendar days after the Board meeting.

51. Mediation of disputes is encouraged and can be arranged subsequent to the final decision of the Board and prior to resorting to legal remedies.

52. Homeowners are cautioned against starting any project until all disputed issues are resolved.

53. A record of each architectural dispute resolution case will be maintained by the Committee for a period of 15 years from the final decision of the Board.

# TOWN OF WARRENTON BUILDING PERMIT REQUIREMENTS GUIDE

## WHEN IS A BUILDING PERMIT REQUIRED?

Permits are required for all work except ordinary repairs. The state code defines ordinary repairs as installing carpet or floor tile, painting, replacing broken glass and patching plaster or drywall. Although building permits are not required for window, siding and roof replacements, the Town will inspect such replacements free of charge if requested.

This list is subject to interpretation and change by the Town. Homeowners are therefore advised to check the requirements with the Town prior to proceeding.

Work Description	Permit_Required	Plans Required
Room addition	Yes	Yes
Deck	Yes	Yes
Add or relocate interior walls	Yes	Yes
Footers	Yes	Yes
Add or enlarge basement	Yes	Yes
Add carport	Yes	Yes
Enclose carport	Yes	Yes
Add or enlarge garage	Yes	Yes
Masonry walls greater than 3'0" high	Yes	Yes
Retaining walls greater than 3'0" high	Yes	Yes
Install drywall	Yes	No
Install sauna	Yes	Yes
Install prefab fireplace	Yes	Yes
Install chimney	Yes	Yes
Add or enlarge patio, no cover	No	No
Add or enlarge patio, with cover	Yes	Yes
Finish rooms	Yes	No
Install in-ground pools	Yes	Yes
Add dormers	Yes	Yes
Add attic pull-down stairs	Yes	No
Install solar energy equipment	Yes	No
Install siding replacement	No	No
Install roof replacement	No	No
Add or enclose porch	yes	Yes
Replace existing porch	Yes	No
Handicap ramps	Yes	No
Install fences	Yes	No
Install or build a shed more than 150 sq. ft. or more than 8'6"	Yes	Yes
Storm windows	No	No
Replacement windows	No	No
Install awnings	Yes	No
Add basement entrance, or exit	Yes	Yes
Exterior stairs	Yes	Yes
Relocate interior stairs	Yes	Yes

MENLOUGH-CULPEPER STREET HOMEOWNERS ASSOCIATION, INC.

CHANGE APPROVAL REQUEST FORM

Date \_\_\_\_\_

Homeowner \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Lot No. \_\_\_\_\_

APPROVAL OF THE FOLLOWING CHANGE IS REQUESTED:

HOMEOWNER CONSTRUCTED ☐ CONTRACTOR CONSTRUCTED ☐

BUILDING PERMIT REQUIRED YES ☐ *Attach Request* NO ☐

ESTIMATED START DATE \_\_\_\_\_ ESTIMATED FINISH DATE \_\_\_\_\_

\_\_\_\_\_  
*Homeowner's Signature*

\_\_\_\_\_  
*Neighboring Homeowners' Signature and Address if applicable*

Agree ☐ I Disagree ☐ J

\_\_\_\_\_  
*Neighboring Homeowners' Signature and Address if applicable*

Agree ☐ J Disagree ☐ J

*Return form to any committee member.*