

**Supplement to EFHA Covenants for Architectural Review Summarizing Board and ARC Actions/Policy 2007-2015**

This document elaborates on the Architectural Review Covenants and their interpretation and application, providing guidelines for architectural review of property owner proposals for alterations of a respective property and concerning the use of each property. The statements herein augment and do not replace or nullify any part of the By-Laws or Covenants that are in effect for Earlysville Forest. A primary objective is to retain the “forest” character of the subdivision as we accommodate the natural aging of the current trees, particular the pines which are reaching the end of their lives and will fall randomly and haphazardly if they are not managed. There is no forest management program or policy for the subdivision other than tree-by-tree; in the absence of a Board-approved, EFHA-wide forest management program, the eventual natural tree-fall will be random, increasingly extensive, and unattractive. Each property owner should develop a plan for replacing trees with hardwoods suitable for the local conditions.

Guiding Objectives:

- To keep Earlysville Forest subdivision, and the individual properties that make up EFHA, attractive, reasonably current in appearance, marketable and competitive with comparable properties in the Charlottesville Metropolitan Statistical Area market.
- To clarify and codify the traditions that have guided Architectural Review decisions from inception except for various lapses in oversight that have occurred at times when delay or inaction may have triggered the default approval of proposals.
- To encourage email as the communication platform so that proposals and actions may be delivered more quickly, efficiently and effectively with electronic documentation as much as possible.
- To explain the basis for some of the exceptions to the Architectural Review and Property Use Covenants apparent in the subdivision.

Specifics

1. Use of white paint
  - a. White paint may now be used for trim, outlining, and doors on houses in Earlysville Forest. Other uses of white paint including on siding, mailboxes, downspouts and chimneys is not acceptable. White paint stands out and makes houses intrude in the natural setting and views. While white paint has been traditionally unwelcome in Earlysville Forest (not in harmony with the surroundings), our aging forestry is falling through natural decline and tastes in housing design and painting schemes have changed. This partial acceptance of white paint permits the subdivision to continue to be attractive and our properties to be competitive in the resale market.
  - b. Gutter and downspout color depends on the background color. With a single-color scheme, they are painted the same color as the background to which they are attached. Multiple-color schemes involving brown or white against other colors have been permitted. The concern, especially about use of white on garage doors (not previously permitted), has been that they will stand out glaringly from the rest of the house and the wooded surroundings. Off-whites that are shaded with the primary (siding) color seem to work really well (see the green house on the corner of Rowan Ct and Earlysville Forest Drive).
2. Earthtone paint colors to blend in (in harmony with surroundings)
  - a. Drabness vs. colorful - bright colors and white remain unacceptable for structures and mailboxes in Earlysville Forest, except as discussed above regarding acceptable, white-paint uses. All changes in

paint schemes MUST be submitted for architectural review and approval. If a home is painted without approval, the owner does so at risk of having to repaint.

- b. Glossy paint is not permitted for any aspect of houses or other structures.

3. Building materials

- a. Cedar siding or HardiPlank - HardiPlank has been approved as an alternative (the only alternative) to cedar siding.
- b. Gutters and no gutters - houses and other structures are not required to have gutters, but they are recommended. A number of houses in the subdivision have experienced water issues because water is not channeled away from the house or around the house.
- c. The Board has determined that metal roofing is not acceptable.

4. Easements

- a. The builder frequently utilized easements to address issues that arose during construction of the homes in the subdivision. For example, there are instances of septic lines running across neighboring property. Driveways have been run across common area and neighboring property. It is essential that property owners be aware of easements across their property and their easements across other property.

5. Setbacks

- a. All projects must comply with setbacks that usually are identified on property plats. Property owners should obtain a copy of the respective plat. It informs the owner of his/her rights and encumbrances and is an essential inclusion with a building proposal that is submitted for architectural review.
- b. The County has determined that compliance with setbacks is the responsibility of the property owner. Since the Association has neither the resources nor authority to evaluate and enforce compliance, it is critical that the property owner make sure that setbacks are respected. Encroachment of a setback can complicate or abort a sale of a property or render it unsalable. Any such difficulty is the sole responsibility of the property owner.

6. Driveways

- a. Driveways may be dirt, gravel, stone or pavement. Black or gray paving or stone is preferred. White concrete is not approvable.

7. Garages

- a. While carports are not acceptable, a garage does not need to have a door or a back wall. However, it must be constructed in a style, materials and color scheme which are consistent with the primary structure (the house).

8. Tree removal

- a. Dead, diseased or leaning trees do not require approval for removal. Property owners are urged to take down those trees without waiting for approval, especially if one or more trees are threatening a structure.

- b. There is no overall plan or guidance for tree management in Earlysville Forest. Thinning of the trees is appropriate but must be proposed for approval with an accompanying plan for replanting so that the forested look (within reason) is maintained. The pines are fairly mature and recently have been victim of ice, wet snow and winds, especially if the ground is saturated. Pine roots are lateral and do not have a good grip. When they come down, it can be very random and disorderly. Owners are requested to fell partially downed trees to the ground to improve the appearance of the subdivision. If you are proposing to take down several healthy trees, some services may reduce the price to reflect a sawmill credit.

#### 9. Fences

- a. Fences generally are to be 48 to 54 inches in height and are not to be solid. The objective is to provide containment while keeping the vistas open for longer natural views. Post and board (2 or 3 board) or split rail are the dominant styles and may be painted with wood-tone stain or left natural (or pressure treated). Often they are lined with 4-inch mesh galvanized wire.
- b. There are a couple of instances of solid fences – one is unapproved and the other was a concession to resolve an issue. Stockade style fences are not permitted.
- c. Lower picket or metal fences have been approved for swimming pool enclosure.
- d. Fences may be stained dark or wood tone, but may not be painted white or bright colors.
- e. Fences may not be erected in front of the front plane of the house. On corner lots, sufficient setback from the corner is essential in the spirit of the requirement that fencing be behind the front of the house.

#### 10. Swimming pools

- a. Existing pools are in-ground. Above ground pools will be considered but will have to include a berm around the pool. That raises the question analogous to a solid fence which blocks off the vista. It is advisable that any pool proposal be for the in-ground style.

#### 11. New Buildings

- a. All new structures must be consistent in style, material and color with the primary structure. There can be only one residential dwelling on a property. Secondary structures may not be self-sufficient with cooking, living, kitchen, bathroom and other features that taken together would support independent living. Building and paint proposals are required.

#### 12. Additions

- a. Additions must be consistent with the rest of the structure in style, materials and color scheme. Building and paint proposals are required.

#### 13. Remodels

- a. Same as additions. Note that architectural review is for the external appearance and features. While the addition review is aided by including the internal designs, the internal design is not under the jurisdiction of architectural review.

#### 14. Roof pitch

- a. Existing roof pitch is to be replicated closely by new structures or additions on a property.

15. Cars and RVs

- a. Recreational vehicles and trailers are not permitted to be stored on a property except inside a garage, per direct language in the Covenants.
- b. No commercial vehicle is permitted overnight in the subdivision on any property if it is not in a garage. An overnight visitor for a few nights a year may be acceptable but not if it is more than a small truck.

16. Businesses in-home

- a. In-home businesses are permitted as long as they have a negligible foot-print in terms of traffic, parking, noise, and visible equipment and other changes that might be apparent to neighbors. The business must be professional in nature and must not involve manufacturing or use or storage of materials which are noxious or flammable or voluminous. Any license(s) required by the County or state must be obtained by the property owner. A proposal must be presented to the Board before undertaking any business that involves in-home visits or scheduled meetings or regular gatherings such as a nursery school. Nursery schools are constrained to 5 or fewer children (regardless of County licensure) including the children of the operator.

17. "Apartments" and rooms for rent and rooms over garages

- a. See discussion of building, additions, and remodeling discussed above. Any room rental must comply with County regulations and licensure. A room may be rented but it may not have a kitchen and full bathtub or shower separate from the primary structure. The properties in EFHA are single-family. Separate self-sufficient rooming-units apart from the primary structure are not permitted.
- b. Property owners may rent/lease their property but the owners are responsible for the behavior of tenants and their guests and for their awareness of and compliance with EFHA by-laws, Covenants and guidelines. Leases and rentals must be consistent with the single-family limitation of the Covenants.

18. Granny flats and extended family accommodations

- a. See discussions above which prohibit independent living structures apart from the primary residential dwelling on a property. The subdivision properties are explicitly for single-family occupancy.

19. Use of property

- a. See Covenants. Since properties are for single-family occupancy, any "apartment" must be less than complete (i.e., must lack a kitchen and full bath that would be necessary for with a separate apartment space). Rental of part of the living space in the primary structure to a non-family member is allowed but that rental and the renter are subject to all the By-Laws and Covenants of EFHA. The property owner is responsible for informing the renter (occupant of apartment) regarding the Covenants and for monitoring/ensuring the renter/occupant compliance.

20. Animals

- a. No dogs are permitted to roam the subdivision. All dogs must be fenced or on a leash. The Covenants clearly define and forbid livestock, such as chickens.

21. Satellite antennae

- a. Satellite antennae are acceptable and may be roof-mount or placed in the back yard. They may not be placed in the front yard or along a street.

22. Roof material/color

- a. Changes in roof color/material must be submitted to architectural review for approval. Submission via email with links to the proposed material and color is the preferred approach.
- b. Metal roofing is not acceptable.

23. Use of Common Property

- a. The Community Garden on the stump lot is Board-approved as a allowed use of the common property.

24. Trails

- a. Trails are maintained by resident volunteers

25. Hunting and Shooting

- a. No hunting or target shooting is permitted in the subdivision with powder or air-powered guns and rifles, bow and arrow, or other weapons that can propel a projectile or pointed object more than 25 feet (i.e., dart boards are okay but that is about it).

26. Solar energy

- a. Panels must be roof-mounted and flush with roof unless an exception is granted. Cannot be angled off roof at a high angle, even though that may be necessary for optimal energy collection.
- b. Panels and frames must be as unobtrusive as possible. It is preferred that the colors blend with the existing colors. Silver-tone frames are not acceptable.

27. Wind turbines

- a. Turbines require a height that makes them unsuitable for the subdivision.

28. Pond Area Use

- a. The Board has determined that pond areas should not be used after dark and are for the use of residents only
- b. Fishing by residents is permitted but catch-and-release is preferred
- c. Trapping of beavers is necessary from time to time to prevent the beavers from causing damage to the dams and interfering with water flow through the overflow culverts
- d. No ATV use of pond access roads or open areas on dams is permitted
- e. No alcoholic beverages are to be present/consumed on the pond areas or any other Common Area
- f. Police may be called if people in Common Areas are behaving in a noxious manner (noise or actions) that are objectionable in the view of residents

- g. Common Areas may be posted "For Resident Use Only"

29. Mailboxes

- a. Stone and brick encasement of mailboxes is unacceptable. There is one existing instance and the owner has been advised that it is not compliant.
- b. The original mailbox style was a large mailbox set on top of a newspaper box which was attached to a wood post set in the ground. The box was painted black or the house color. As mailboxes and their structures have deteriorated over the years, various replacement styles have appeared without architectural review. The property owner is expected to maintain the mailbox, newspaper box and post in good repair and to select black or brown or dark green or the house siding color as the color of the box. Vinyl mailboxes that slip over the wooden post come in dark green or brown or putty color and are acceptable.
- c. Residents are responsible for removing papers and advertising papers from the newspaper slots and picking up papers and advertising from the area around the mailbox, from the driveway and from the frontage along the road for the entire property.
- d. It is permissible to put a small "No Soliciting" sticker on the mailbox on the front lower edge of the newspaper slot/box. The sticker should not be white lettering or white background.

30. Stone and Brick Walls

- a. Approval is required before building walls of any height since they technically are structures/fences.
- b. Landscape edging in stone and pavers of earthtone (gray or brown) color are acceptable but not more than a few courses in height.

31. Glossy Materials and Paint

- a. Glossy plastic fencing is not acceptable. Gloss and high-gloss materials and paints are not acceptable for trim or doors or siding or gutters and downspouts or mailboxes.

32. Project/Work Sites

- a. Property owners must ensure that contractors/workers keep work sites tidy. Sites must be clear of food wrappers, food waste, and loose papers at all times. Projects are to be completed expeditiously and to be cleaned up and cleared of excess materials within a week of project completion.

33. Lawn and Property Maintenance

- a. If a property is not mowed or otherwise begins to look unoccupied, the Board has, in the past, advised the property owner to remedy the situation or the Board will contract for the remedy and send the property owner the bill. There have been instances where the Board has had grounds maintenance work performed and the owner has been billed.

December 18, 2015

The Outgoing EFHA Board of Directors completed and approved this "**Supplement to EFHA Covenants for Architectural Review Summarizing Board and ARC Actions/Policy 2007-2015**" to facilitate continuity in the evolution and application of the Covenants regarding Architectural Review and Property Use in the Earlysville Forest subdivision. This watermarked PDF is a copy of the Supplement which was reviewed by Geoff Alms, Mark Seago, Chris Wells, Jack Raymond, Terri McKay and Charlie Bakewell and approved by Geoff Alms, Mark Seago, Chris Wells, Terri McKay and Charlie Bakewell.

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EFHA Board Member and Architectural Review Chairperson (2007-2015)