

# **POLICIES, PROCEDURES, RULES, AND REGULATIONS FOR THE CONNEMARA WOODS HOMEOWNERS ASSOCIATION**

Effective June 1, 2016

## **1. INTRODUCTION**

Article VI, Section 13 of the Covenants of the Connemara Woods Homeowners Association (CWhA) states that the “Board of Directors (BoD) shall develop and maintain written Policies, Procedures, Rules, and Regulations (PPRR) governing the standards specified in Article VI and their implementation and enforcement.” Section 13 further states that these PPRR “establish criteria for architectural styles or details for items such as fences, colors, set-backs, materials, or other matters relative to architectural control (e.g., window appearance, garage door replacement, shed construction, roof replacement, etc.)”. Although many PPRR can be found throughout the Covenants, this document consolidates the PPRR in one place and provides guidance that is not explicitly stated in the Covenants. However, in the event that there is found any inconsistency between the PPRR and the Covenants, the provisions contained in the Covenants govern.

The BoD is obligated by our Covenants to develop and enforce rules and restrictions to ensure our community is attractive, retains a consistent style throughout the development as the developer intended, and to preserve property values—not to harass residents. Rules and regulations prevent homeowners from doing things like painting their houses pink or storing washing machines in their yards—but rules should not be overzealous or inflexible. In enforcing the PPRR, the Board will always afford each of its members an opportunity for an impartial hearing before imposing any charges or other disciplinary action.

This document also specifies notification procedures, enforcement actions, and assessments (Assessed Charges Schedule) for Covenant violations (page 7).

## **2. ARCHITECTURE, STRUCTURES, AND MATERIALS**

In most instances, an Architectural Change Request (ACR) must be submitted to the Architectural Control Committee (ACC) before changes are made. Exceptions are noted below and in instances where emergency repairs or temporary repairs are necessary. In such cases, a member of the ACC or Board should be notified. Architectural styles, structures, and materials that were approved by the ACC prior to the date of this document do not have to be changed to conform to the specifications below. In several instances, the ACC does not need to be contacted or become involved. These are noted where applicable.

- a. Roofing.** Both Standard and Architectural style asphalt roofing are acceptable. White roof color is not approved. However, a color that incorporates some light colors may be approved. All requests for roofing replacement must be approved in advance by the ACC via an ACR.

- b. Siding Replacement.** Aluminum or vinyl Clapboard/lap or Dutchlap style 4" siding in a color that closely matches the existing siding of your house is acceptable. Examples include Alcoa "twin four" siding and CertainTeed Mainstreet double 4" woodgrain siding. However, due to color fading, it may not be possible to match existing siding. In this event, a homeowner may propose a color that is similar to the existing color and a material and style that has become an industry standard. All requests for siding replacement must be submitted to an ACC member via an ACR and approved by the ACC before commencing the project.
- c. Front & Side Doors.** Original front and exterior side doors (entry to garage) may be replaced with ACC approval. ACC approval is not required for replacement doors identical to those currently installed on your house. The front door may contain frosted glass or a design other than clear glass. The material may be fiber glass, composite material, or metal; wood is not acceptable unless it is protected against rot, discoloration, and fading. Homeowners with houses that have side panels on either side of the front doors may also replace the side panels with a design that is in harmony with the front door. Side doors into garages should be solid and of a design that is in harmony with the front door. Doors may be painted in accordance with the colors identified in the approved paint chart. Side doors can be painted to match the trim or front door color. Note: door paint color is not the same as the 'trim' color in section 1, and has its own paint chart..
- d. Garage Doors.** Both garage doors must match each other exactly in color and style, and:
- Consist of four rectangular horizontal segments, divided similarly into four or six equal panels. The first or second horizontal segment from the top may contain windows. Only frosted or clear, brown, or gray tinted glass may be used.
  - Resin, steel, and aluminum are all acceptable materials for replacement doors. Wood is acceptable only where repairs to existing wood doors are required. As the original wood doors are no longer readily available, replacement doors should not be of the original design or material. The intent is to phase these out when it becomes necessary for a homeowner to replace them.
  - White doors are not acceptable. Factory applied almond or taupe colors are acceptable. Colors that match the trim colors in the pre-approved paint color chart may be acceptable but must be approved by the ACR.
  - Examples of acceptable pre-approved replacement doors are located at 302 Tramore, 314 Tramore, 210 Edenberry, 212 Edenberry, 118 Connemara, 121 Connemara, and 127 Connemara. No ACR is required for garage doors identical to these or for repair of original doors and repainting in an original color. An approved ACR is required for other door styles, window styles, and colors. See Figure 1 for design guidance.
- e. Backyard Structures.** Patios, decks, and screened/enclosed porches that are attached to the house are permitted on the property backyard. They must conform to Loudoun County building requirements and codes. If the structure can be viewed from the curb, the design, location, size, and building material must be submitted to the ACC for approval.

- f. **Walkways.** Existing concrete walkways from the driveway to the front porch may be replaced. ACC approval is not required for repair or replacement of worn or damaged concrete with new concrete in the same footprint. ACC approval is required if the footprint is changed or new materials (other than concrete) are used. Existing or new concrete may be painted (as well as concrete porches) without ACC approval if the color matches the siding. Otherwise ACC approval is required.
- g. **Concrete Foundation Colors.** The paint on the exposed foundation should be kept in good condition. It's recommended that your concrete foundation be painted the same color as the siding. This does not require ACC approval. If you replace your siding, the foundation shall be painted, if necessary, to match the color of the siding. If you want to use a different color, ACC approval is required.
- h. **Driveways.** Driveways should be kept in good condition. Areas where the surface is broken up should be repaired – such repair does not require ACC approval. Resurfacing or sealing an existing driveway does not require ACC approval. However, any change in material (e.g. replacing asphalt with concrete or pavers) or footprint does require ACC approval. Existing lawn/yard areas cannot be converted into driveways or parking spots. You must get ACC approval to widen your driveway.
- i. **Railings and Posts.** All homes in Connemara originally had front porch railings and all have front porch support posts. However, the railing materials were not pressure treated and many rotted and were not replaced. Thus, existing porch railings can be removed, repaired, or replaced with a durable material that closely matches the original. However, Loudoun County codes regarding platforms/decks/porches must be followed which means in some cases railings must be retained or installed. White railings on front porches are not approved. Front porch railings must be painted to match the trim.

Some support posts have also rotted and have been replaced. If your posts need to be replaced, they can be replaced with identical posts (pressure treated wood or resin/fiber material) painted to match your trim. Uncladded replacement posts must be 4" x 4" (width & depth) but various styles are permitted with approval of the ACC. Currently, round posts (columns) are not approved. Square posts with lathed ornamentation in the center are approved (e.g., 127 Connemara). Wood posts may be cladded with a fiberglass or vinyl material but the dimensions with cladding should not exceed 5" by 5".

- j. **Sheds & Free Standing Structures.** Storage sheds, gazebos, and other free standing structures on property backyards are permitted but, except for arbors and trellises, must be approved by the ACC. Small, non-permanent, play-houses (less than 4' width x 6' length x 5' high) are permitted in the backyard without ACC approval. Sheds must conform to the following specifications:

1) The dimensions cannot exceed 8 feet by 10 feet base and 8 foot peak height.

2) If constructed by a homeowner or contractor (not from a kit), the building material must be pressure treated wood or treated composite wood (e.g. exterior plywood). The siding must be 4" lap type (wood, vinyl, or metal) matching the style of the house and, if

necessary, be painted to match the color of the house siding. The roof material must match the house roofing both in color, material, and style.

3) If prefabricated or constructed from a kit, the shed must be of a non-rusting material. If wood, exposed wood must be pressure treated. If possible, the sides should be a lap style similar to that of your house. Siding should be painted to match the color of your house siding.

4) The shed must rest on a solid concrete or concrete block base, painted to match the house foundation.

5) Not more than approximately 25% of a storage shed should be visible from the curb.

**k. Windows.** Windows may be replaced with identical looking windows (style, form, fit, and function) without ACC approval. Otherwise, installation of new windows requires ACC approval. The basic specifications are as follows:

1) Windows on the front and sides of the house must be of the same style with respect to grids; either no grids or all grids (external or internal). Windows on the back side may or may not have grids but they must all be the same style (grids or no grids). Exceptions may be granted by the ACC on a case-by-case basis.

2) All window frames must be of the same color.

**l. Trim Paint.** Approved paint colors are provided on the Connemara Woods website ([www.connemarawoods.org](http://www.connemarawoods.org)) under ACC Guidelines and Forms. The approved paint colors include the original McCormick approved colors dating from 1994 and earlier but several new colors from the current 2008 McCormick chart have been added since the 1994 chart is no longer available. As stated on the bottom of the chart, you can use paint from another vendor as long as it matches one of the approved colors. If you would like a hard copy of the McCormick 2008 chart, contact a Board member. Note: McCormick has been bought out by Benjamin Moore so Benjamin Moore should have comparable colors. Black for front doors only has been added to the approved color chart.

**m. Fences.** Fences must be properly maintained and shall be split rail, vertical split sapling, or vertical board (stockade) and must not extend beyond the front building line of your house or adjacent houses. Fence wood may be left unfinished or stained a wood-tone color without prior ACC approval. No fence shall be more than six feet in height. Chain link and other wire fencing are prohibited. However, you may add a metal wire mesh to the interior side of an approved fence, where such wire is coated with a durable non-rusting material (such as vinyl) and where such coating is black, dark green or dark brown. All fencing must be approved by the ACC unless it's a replacement fence of the same style and material of the fence to be replaced or repaired and that is in compliance with the Covenants. Fencing that currently exists in good condition but is non-compliant with the Covenants and was installed prior to the date of current Covenants does not need to be removed.

- n. Lawns.** Lawn appearance is a touchy subject, but some standards are needed to keep the neighborhood looking good for everyone. Loudoun County has a regulation regarding grass height but this regulation allows heights that would not be acceptable in most homeowners associations. For Connemara Woods residents, lawn grass visible from the curb should not exceed 8 inches in height (average for 75% of the lawn area as viewed from the curb) and weed population should not exceed approximately 20% of the lawn as determined by the ACC. Grass and weeds should not appear in driveway cracks. Grass should not be replaced by concrete or gravel unless its removal is for walkway repair or construction. If for construction, the construction must be approved by the ACC. Also, please eliminate grass and weeds growing in the curbs in front of you house. The Board may hire a contractor to mow the lawn on any homeowner’s property that exceeds an average of 8 inches in height and bill the homeowner to recover the expense. Vehicles cannot be parked on lawns.
- o. Portable Storage Containers.** One temporary storage container such as a Portable On Demand Storage (PODS) unit is permitted on a Lot driveway for a period not to exceed 30 consecutive days. The container must not exceed 12 x 8 x 8 ft. If another design, size, or period of time is desired due to exceptional circumstances (e.g. flooded basement, fire), a Lot owner must get ACC approval.
- p. Gutters and Downspouts.** White gutters and downspouts are not permitted. Gutters and downspouts should match the trim color or where the downspouts are along the siding, match the siding color to the extent possible. Color schemes existing prior to June 1st, 2016 are grandfathered-in but houses would need to be brought into compliance for any sale after this date.

From time to time, but no less than two times a year, the ACC will conduct a community “walk-thru” to identify property that is not in compliance with the above requirements. The ACC may also identify other issues not covered by the above. The ACC has discretion in identifying situations that are not in conformance with the general standards and expectations of the community (violations) and bring these to the attention of the homeowner. The Board will determine if these violations are such that assessed charges will be levied if left uncorrected.

### **3. COVENANT VIOLATION ENFORCEMENT AND ASSESSMENTS**

#### **3.1 Code of Virginia Provisions**

The Code of Virginia, Title 55 - PROPERTY AND CONVEYANCES, Chapter 26 - Property Owners' Association Act, Article 55-513- Adoption and Enforcement of Rules gives Association Board of Directors (BoD) broad powers to enforce rules and regulations. It gives the BoD the power to “1) suspend a member's right to use facilities or services for nonpayment of assessments which are more than 60 days past due, and 2) assess charges against any member for any violation of the Declaration [Covenants] or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible”.

Further, it authorizes the BoD to place a lien against a property for non-payment of assessed charges. Specifically, Article 55-516 states: “Once perfected, the association shall have a lien on

every lot for unpaid assessments levied against that lot in accordance with the provisions of this chapter and all lawful provisions of the Declaration. The lien, once perfected, shall be prior to all other subsequent liens and encumbrances except (i) real estate tax liens on that lot, (ii) liens and encumbrances recorded prior to the recordation of the Declaration, and (iii) sums unpaid on and owing under any mortgage or deed of trust recorded prior to the perfection of said lien.

At any time after perfecting the lien pursuant to this section, the property owners' association may sell the lot at public sale, subject to prior liens. For purposes of this section, the association shall have the power both to sell and convey the lot and shall be deemed the lot owner's statutory agent for the purpose of transferring title to the lot.” Thus non-payment of assessed charges can have very serious consequences to the homeowner.

The CWHHA BoD views placing a lien against a property an act of last resort and this only would be employed against chronic and continuing intentional violators.

### **3.2 Types of Violations**

There are two basic types of violations: 1) non-payment of annual dues, and 2) non-compliance with the rules and regulations stated in the Covenants and/or PPRR. “Assessed charges” are special charges that the BoD may level against any homeowner for continued violations of the Covenants and/or the PPRR and do not include penalties for non-payment of annual dues. The Board is open to working with members to development alternatives that satisfy the intent of a rule, if not the letter.

Violators fall into two categories: Repeat and Non-repeat. A Repeat Violator is a lot owner who has been cited for three or more occurrences of a violation of the same Covenant or PPRR provision that have occurred within a period of 90 consecutive days. A Non-repeat Violator is a lot owner who has received one or two violation notices and has corrected the violation.

### **3.3 Assessments and Charges**

According to **ARTICLE V, SECTION 6** of the Covenants, any assessment resulting from non-payment of annual dues or Covenant/PPRR violations must be paid within thirty (30) days after it is due. If it is not paid within this timeframe, “the assessment may bear interest at the rate of ten (10) percent per annum, compounded monthly, and the Association may bring any action at law against the Member.” The Board may provide some leeway in collecting assessments or charges due to mitigating circumstances, but the member must request special consideration in writing.

According to Virginia Code, “the amount of any charges so assessed shall not be limited to the expense or damage to the association caused by the violation, but shall not exceed \$50 for a single offense or \$10 per day for any offense of a continuing nature and shall be treated as an assessment against the member's lot. The total charges for any offense of a continuing nature shall not be assessed for a period exceeding 90 days.”

### **3.4 Assessed Charges Schedule/Table**

See Table on following page for Assessed Charges Schedule.

### **3.5 Appeals and Dispute Resolution**

Upon receipt of a violation notice, the affected party may appeal to the BoD for relief via letter or email to the President of the BoD. The BoD must take action on the appeal (e.g., deny, accept, make a counter proposal) and notify the affected party of the Board's decision within 21 days of receipt of the appeal during which time the schedule for compliance is suspended. If the BoD takes no action within the 21 day period, the violation is voided, but this action does not prevent the BoD from enforcing future violations of the same nature.

The appeal may take the form of a request for additional time to correct the violation, a proposal for remediation, rationale for why the cited violation is not accurate, rationale for why enforcement of the violation should be voided, or simply a request to meet with the BoD to resolve the issue. Either the BoD or affected party may request a face-to-face meeting to resolve the issue. If no resolution is agreed upon, the enforcement period goes into effect as indicated in the Assessed Charges Schedule. However, the affected party may request the services of an Ombudsman as described at [http://www.dpor.virginia.gov/dporweb/cic\\_ombuds.cfm](http://www.dpor.virginia.gov/dporweb/cic_ombuds.cfm).

**Table 1. Assessed Charges Schedule\***

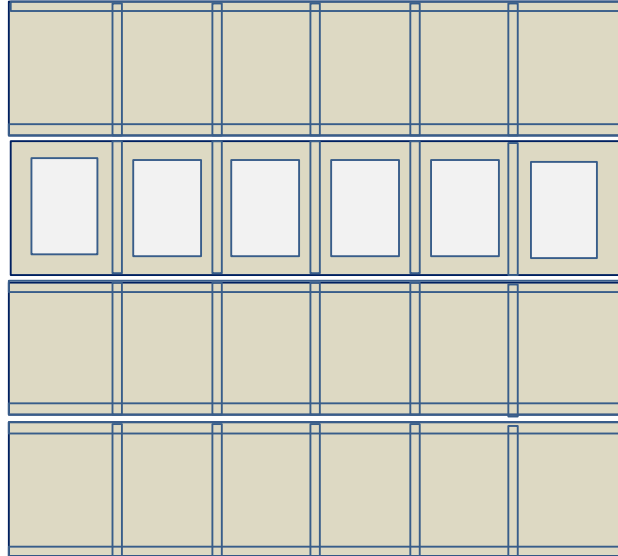
<b>VIOLATION</b>	<b>AMOUNT</b>	<b>DUE DATE</b>	<b>PENALTY FOR NON- PAYMENT/ NON-CORRECTION BY DUE DATE<sup>1</sup></b>
Failure to pay annual dues/assessment	Assessment determined annually by BoD	30 days from written notice	10% per annum, compounded monthly
Failure to pay Special Assessment <sup>2</sup>	Assessment determined by BoD	30 days from written notice	10% per annum, compounded monthly
Uncorrected Covenant <sup>3</sup> or PPRR violation, Non-repeat violator	Up to \$50 per incident determined by BoD	60 days to correct violation. 30 days to pay after charge is levied in writing by the BoD (up to 90 days after first violation notice).	10% per annum, compounded monthly
Uncorrected Covenant <sup>3</sup> or PPRR violation, Repeat violator	Up to \$10 per day per incident as determined by BoD.	30 days to correct violation. 30 days to pay after charge is levied by the BoD (up to 60 days after repeat violation notice).	Up to \$10 per day per incident for up to 90 days, not to exceed \$900.
Uncorrected major Covenant <sup>3</sup> violation e.g. unapproved roof, exterior painting, siding replacement, exterior construction, garage door replacement, etc. whose cost exceeds \$1000.	\$10 per day per incident up to \$900.	90 days to correct violation following receipt of letter from BoD notifying member of violation. Assessment begins on day 91 if violation is not corrected.	\$10 per day per incident for up to 90 days, not to exceed \$900. Lien placed against property for amount to correct violation or that of the assessment, whichever is greater, if payment is not made.
<sup>1</sup> BoD may place lien against property if payment is not made or violation remains uncorrected. <sup>2</sup> DECLARATION OF COVENANTS, ARTICLE V, Section 2 <sup>3</sup> DECLARATION OF COVENANTS, ARTICLE VI, Sections 5 through 10			

\* See DECLARATION OF COVENANTS, ARTICLE VI, Section 12

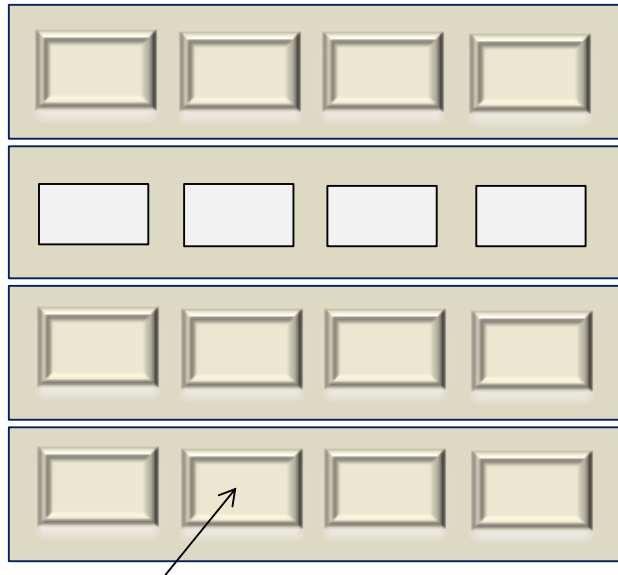


**Figure 1. Acceptable Garage Door Styles**

**OLD STYLE**



**NEW STYLE**



**Raised Panels**

**NOTE:** The row with the glass may be the top row. Also, other glass designs may be approved at the discretion of the ACC. With the exception of window placement, an ACR must be submitted for review if other than the above design. If denied by the ACC, the ACR can be brought to the full Board for action.