

VILLAGE EAST POA

MONETA, VIRGINIA

ARCHITECTURAL GUIDELINES

With Additional Covenant Interpretations and Guidelines



March 2022

VILLAGE EAST ARCHITECTURAL COMMITTEE (ARC) GUIDELINES

The following are guidelines for each of the duties of the Architectural Committee, (**herein referred to as the "ARC"**) as spelled out in the Village East Protective Covenants. This document attempts to more fully define how the ARC interprets our covenants.

Where possible, examples are given as to what we judge as favorable or unfavorable.

The examples/interpretations shown are not to be construed as a complete solution to all situations that might arise nor are they to be taken as instruments that would change or limit the actual text of the Covenants, which are our primary governing document.

The ARC retains the right to interpret the meaning of "conformity" and harmony as used in the covenants.

"Written Approval" will typically be in email form. The ARC email address is vepoarchitecture@gmail.com

Covenant #2 Architectural Committee

No structure shall be erected, placed, or altered, on any lot until the building plan, specifications and plat plan showing the location of such structure have been approved in writing, as to conformity and harmony of external design and size of interior floor area, with existing structures in the development as to location of the structure with respect to topography and finished ground elevation, by an Architectural Committee (“The Architectural Committee”) composed of three persons designated and appointed by Declarant, its successors or assigns. In the event the Architectural Committee fails to approve or disapprove such design, location, or any other application within (30) days after said plans, specifications or application have been submitted, such approval will not be required and this covenant will be deemed to have been fully complied with. The Architectural Committee shall be required to act responsibly in approving or disapproving any application. Members of the architectural committee shall not be entitled to any compensation for services performed as members of such committee.

Interpretation:

All structures, buildings, docks, and alterations to the exterior of any structure must have **approval in writing** by the Architectural Committee prior to any land clearing, building, or structure erection or exterior alteration.

Documents Needed for Approval:

The following must be received by the ARC to make an approval determination. Please email documents to the ARC Chair at vepoarchitecture@gmail.com or to arrange for in-person or mailed delivery.

New Home Construction

- A completed “VEARC Approval Form”. This form is located at www.villageeast.org
- Complete architectural building plans and a civil site plan to include grading plans, property lines, and locations of structures, driveway, well, and septic drain field.
- \$2000 Road Impact Fee to cover road wear and tear. The fee will be refundable only if the building plans are rejected or withdrawn.

Dock Construction

- Dock Plans and Plat showing the location of the dock on the lot

Other Exterior Alterations

- Please contact the ARC Chair at email address above to find out what is needed to approve the specific project.

Covenant #3 Dwelling

No structure shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling, not to exceed two stories in height, exclusive of basement, and one detached structure not exceeding the same height to be used as a private garage for not more than three cars. No single-family dwelling which has a ground-floor heated area of less than 1,000 square feet for a one-story dwelling or less than 1,300 square feet heated, for a dwelling of more than one story (in both bases exclusive of porches, breezeways, garages basements and decks), shall be erected, placed or permitted to remain on any lot, unless the Architectural Committee has given its prior written approval thereto. In addition, no building, or other structure, or projection therefrom, shall be erected upon or extend above or below, ground within 25 feet of any street frontage, or 15 feet of any side boundary line of any lot.

Interpretation:

The committee's position on this covenant is that no exception to this covenant should ever be allowed. As the covenants spell out that the one detached structure “to be used as a private garage for not more than three cars”, this disallows sheds and storage buildings whether prefabricated or stick built. So, following the covenants, no detached sheds or storage buildings will be approved. There are no exceptions to this. Detached Garages must have full size garage doors and must be able to accommodate at least 1 “car” but not more than 3 cars as per the Covenants. Garages should be of high quality and designed to match the house as closely as possible in design and materials. Also, impact on the view of neighboring property owners will be taken into consideration. A professionally drawn plat may be required if there is any question as to whether the structure may extend too closely to side lot lines, roads, easements, drainage, etc.

Exterior Building Materials

Examples of acceptable exterior materials are Wood, Cement Fiber, Engineered Wood, Brick, Stone/Stone Veneer, Vinyl/Aluminum, and T1-11. Log siding or log construction is not acceptable. Rectangular matchbox houses with unbroken gable or double pitched roofs are not acceptable. Dwellings in Village East should show style and architectural features such as broken roof lines, dormers, entrance vestibules with separate roof lines, plan views which are not four-sided rectangles, etc. A minimum of (2) windows (or Sliding Glass or Glass French doors) is required for each elevation view (front, rear, left, right) for a one-story home and three for a two-story home. Concrete or block foundations must be veneered with siding, brick, or stone with no more than 8” of exposed concrete at ground level.

Placement

The location of a proposed dwelling on a lot must meet county requirements. However, in addition to these restrictions and the desires of the landowner, the ARC must review this proposed location with the interest of Village East and nearby home and lot owners in mind. The placement should take into consideration adverse effects on the view of present and future homeowners, drainage, an overall appearance. The proposed home placement should also allow parking on the property for at least four cars.

Modular Homes

Custom Modular Homes are allowed so long as the house is designed specifically to fit the lot and it is an "Off Frame" Modular with a wooden floor joist system. The design of the house must not make it distinguishable as a Modular and it must be of a quality grade on par or better than a stick built home. The roof line must not be low pitched (as with a mobile home). The home must not have a VIN but instead it should have a HUD#. The ARC will scrutinize modular homes in advance because once they are set, it is very difficult to make changes. The ARC will review plans and discussions about specific site plans will occur prior to approval. Once the foundation is formed, before a house may be placed, the completed foundation and final grading plan must be approved by the ARC.

Singlewide mobile Homes, doublewide mobile homes and on-frame modular homes (metal floor joist system) are not allowed.

Fences

While the Village East Protective Covenants do not specifically state what types of fences should be allowed, the Covenants leave it to the ARC to determine what constitutes harmony and conformity of structures in the community. The following are guidelines regarding fence construction.

The Architectural Committee feels that the placement of shrubs and trees in the landscape is the most attractive method of enclosing portions of your property for privacy or other purposes. When a fence is necessary, a vinyl (horizontal or vertical), or metal fence, such as the type and style around the Village East pool are the only types that will be approved. Fences should not create a visual barrier, such as "privacy fences". Fencing shall not exceed 5 feet in height. Fencing is for backyard use only and shall not extend beyond the midline to the side of the house. Additionally, fences must meet all setback requirements for "structures" (see Covenant #3).

No fence can be constructed without the prior written approval of the ARC.

Docks

All dock construction or remodeling must be approved by the ARC.

Solar Roofs and Panels

Solar Roofs that mimic a traditional shingle roof are considered an acceptable roofing material, however must be specifically approved just as any other roof would be prior to construction.

Solar panels are not addressed in the Covenants. However, the law of Virginia and the Covenants leave it to the ARC to determine what constitutes harmony and conformity of structures in the community. The following guidelines regarding Solar Panels or Solar Roofs are set forth.

Solar Panels are acceptable so long as they are affixed to the roof of the dwelling, detached garage, or boat house and are not visible from the main roadway frontage unless the ARC has given prior written approval.

“Ground mounted” or “pole mounted” solar arrays are not permitted.

The ARC must be contacted to approve all solar installations prior to construction.

Storm Drainage Ditches and Pipes:

All new storm drainage systems are subject to approval by the ARC. Please contact the ARC before any construction begins.

In general, there are two types of storm drains that cover most of the needs found in Village East. These are:

- a. Systems that carry storm water to or toward the lake.
- b. Systems that direct storm water from the roads to a system

System a. types are generally constructed by digging a trench and lining it with rip-rap type stone

Type a. systems may be constructed up to but not over an adjacent side-line.

Type b. systems are normally open riprap trenches. The trench can be any width but must be located so that the edge of the trench nearest the road is at least 4 feet from the road.

Where b. type drainage ditches are required, there should be a gentle slope, 4 to 6 inches per four feet, from the road to the edge of the ditch.

Drainage pipes under driveways must not be located on or under road shoulders.

Note: property owners are responsible for runoff caused by inadequate drainage ditches.

Covenant #6 Temporary Structures

Unless approved by the Architectural Committee in writing, no building of a temporary character, including specifically house trailers and tents, shall be erected or allowed to remain on any lot, and in the absence of further written approval of the Architectural Committee, no, such building located on any lot shall be used as a permanent residence; provided, however, that in the course of construction of a building as set out above, the contractor or builder may have shelters or storage sheds to protect lumber and building supplies used in course of construction and for no other purpose, and any such shelters or storage sheds shall be removed from the premises within (10) days after the completion of the building.

Interpretation:

Please contact the committee chair for approval of any temporary buildings prior to placement.

Covenant #7 Lot Use and Maintenance

Each lot owner shall maintain and preserve his lot or lots in a clean, orderly and attractive manner, within the spirit of the development, as set out above. Failure on the part of the lot owner to adhere to such proper, clean, orderly and attractive maintenance of his property, upon (10) days written notice, given to him by the Architectural Committee, shall subject the lot owner to a suit for specific performance.

No open exposed storage, including junk and/or abandoned items of personal property, shall be maintained on any lot; no trash or refuse, including leaves, shall be burned in an open incinerator on the lot within the development. Garbage must be kept in covered metal containers. Trash, tin cans, paper and similar items must be kept in wire or metal containers.

Interpretation:

Because metal trash containers are no longer available, we accept plastic or rubber containers as well.

Construction of residence: length of time for completion:

Covenant #7 requires that each lot owner maintain his or her lot in a clean, orderly, an attractive manner. It is recognized that during the construction of a dwelling, it is difficult for this requirement to be observed. The ARC is concerned with the owner who chooses to extend construction over a long period of time producing an unsightly condition for the immediate neighbors and all who passed by. The length of time for construction of a residence should not be excessive and kept within sensible limits. The following guidelines are set forth by the ARC to be in compliance with Covenant #7:

A one year time period is permitted for the construction of a dwelling. The clock begins when trees are removed or there is ground disturbance for construction, septic field, road, etc. Drilling of a well is not considered part of a dwelling construction. However, the ARC must be contacted for approval of location prior to drilling. The clock stops and the dwelling is considered completed when the exterior is finished, that is, under roof, sided and the ground is graded and seeded with a formally defined driveway. The condition of the interior of the dwelling is not taken into consideration. When the exterior is completed, the ARC will notify the treasurer and the lot will be assessed as a residence. After one year has elapsed, the lot will be assessed as a residence regardless of the condition of the dwelling.

Covenant #8 Trees

No trees measuring six inches or more in diameter (outside bark to outside bark) at six feet above ground level, may be removed without prior written approval of the Architectural Committee.

Interpretation:

The committee recognizes the need for clearing trees to allow for driveways, dwellings, septic systems, county mandated riprap and the removal of damaged or diseased trees. Our goal is to save as many hardwood trees as possible and to prevent mass clearing of all or most of the trees and plant life on a lot. The Architectural Committee must give its approval to cut any tree over 6 inches in diameter at 6 feet above grade with the below exceptions where pre- approval is granted.

Tree Removal Approvals for New Construction and Additions.

During New Construction and Additions, **after** house plans have been approved by the Architectural Committee, the Committee hereby gives pre-approval to cut trees in the area that is to be used for the septic drain field and the area that contains the new house or addition. Additional tree removal outside of those areas requires additional approval. **NO LAND CLEARING WHATSOEVER MAY BE DONE UNTIL HOUSE PLANS ARE APPROVED.**

The area to be used for the drain field is defined as the area which the County Board of Health requires for the field itself plus a border of 5' feet beyond.

The area to be used for the house is defined as the house footprint plus a 10' border completely around the footprint.

Pre- Approved Tree Removals

Existing native "Virginia Pines" that grow in Village East are not strong or desirable trees. They tend to block the growth of hardwoods and other desirable plant life.

A non-native tree (*Ailanthus altissima* also known as "Tree of Heaven") grows prevalently in Village East but is an invasive species. It reproduces very quickly and can kill native plants near it.

The committee is hereby giving approval to remove these "Virginia Pines" and "Trees of Heaven", regardless of size without additional approval of the Architectural Committee.

Trees that have fallen over, dead (trees that have no leaves), or trees that are in immediate danger of falling on a dwelling, other structure, dock or roadway may be removed without approval of the Architectural Committee.

Any other tree removals require approval by the Architectural Committee.

Covenant #11 Signs

No "For Sale" or similar signs may be placed on any lot or dwelling. Any type of sign must be approved by the Architectural Committee.

Interpretation:

Real Estate Signs

The Village East Covenants do not allow placement of real estate For Sale signs on any lot (or lot with a home). However, VEPOA does recognize that it is sometimes difficult to locate and inspect properties that are for sale. Therefore, a small 8 1/2 by 11 "brochure box" may be placed on a property that is for sale. The box should not read "for sale". However, text such as "take one" is allowed on the outside of the box. This serves two purposes, to identify the lot and to provide information about the real estate for sale.

The Architectural Committee hereby pre-approves the use of Open House signs to direct individuals to the residence having an open house. The sign must be no larger than 24 inches by 24 inches and only the words "Open House" and a directional arrow can appear on the sign. No real estate company name or the words "for sale" are permitted. The signs may be placed on the roadside at the entrance to Village East, the intersection of Indian Ridge Dr. And the residence street if necessary, and in front of the house. The signs may be displayed from one hour before the open house until one hour after completion but not to exceed 8 hours total.

Use of open house signs requires the approval of the ARC if deviating from this guidance.

Contractor Signs

Contractor signs (1 per contractor) may be allowed if used to identify lots that require the delivery of building materials, landscaping materials, etc.

Such signs must be no larger than 24 inches by 24 inches and be placed on the roadside only. Contractor signs must be removed as soon as the contractor's work is completed. If more than one contractor installs a sign (as described above), it must be placed as close to the first contractor sign as possible. Signs that meet the above guidelines may be placed without individual approval of the ARC. Any variation to the rule requires ARC approval.

Please give your contractor this information.

Political Signs

Political Signs are hereby pre-approved by the ARC so long as the following guidelines are met.

A maximum of (2) Political Campaign Signs (must have Candidate Name) may be placed at a residence (not on vacant lots) for 45 calendar days prior to election day and no longer than 7 days after election day. The size must not be over 2' x 3' and the sign shall be placed at least 25 feet from the center line of the road in front of the home (outside the VEPOA Right of Way).

Flags

Flags containing words, pictures, symbols or logos are considered signs and thus must be approved by the ARC. Only (2) flags and (1) garden flag may be displayed at a time at a residence. Flags must not contain offensive or vulgar language, symbols, or pictures. The size of the flag must be no larger than 3' by 5' and may be flown from short flag poles mounted to a resident's house, deck, porch, dock, or tree. Small garden flags may be displayed in the yard. **If an in-ground flagpole is to be erected, it's height and location must be specifically approved by the Architectural Committee.**

American Flags do not require approval but must meet the above maximum size requirement.

Pre-Approved Flags

The following types of flags are hereby pre-approved by the Architectural Committee so long as they meet the above criteria.

Decorative (ex. Flowers, Seasonal, Holiday), Team, School, Nautical, State, Religious, Cultural, US Military.

Political Flags: A maximum of (2) political flags may be placed at a residence (not on vacant lots) for 45 calendar days prior to election day and no longer than 7 days after election day. They must be no larger than 3' by 5' and may be flown from short flag poles mounted to decks, porches, docks, trees, etc. However, no more than a total of (2) flags and (1) garden flag of any type may be flown at a time on a resident's property.

A maximum of (2) total political flags/signs may be displayed at any one time at a residence.

All other flags require approval of the Architectural Committee prior to placement.

Interaction between Board of Directors and Architectural Committee

The Architectural Committee will present a report to the VEPOA Board of Directors at each meeting of the Board. The Architectural Committee will coordinate with the Board on all matters concerning activities of the committee that involve services of an attorney. The committee will inform the board of situations pertaining to the committee's actions that have caused dissatisfaction of a lot owner.

Additional Covenant Interpretations and Guidelines :

Board of Directors Jurisdiction

The Board of Directors has jurisdiction over the following items. Please contact the President to discuss.

Greenbelt crossings

Whenever it is necessary to cross a Greenbelt with a trench for water, electric, septic, etc., the crossing must be marked at both sides of the Greenbelt. The markers must be made of pressure treated two by fours, 4 feet long and are to be 18 inches into the ground. The top of the markers are to be painted white for 12 inches and then the type or types of the services that are buried are to be shown in black letters. These are permanent markers and are not to be removed.

Overhead electrical services are not allowed.

The Board of Directors must approve all Greenbelt crossings.

Covenant #1 Lots

Each lot shall constitute a residential building site and shall be used for residential purposes only. The lay of the lots shown on the recorded plats herein above referred to shall be substantially adhered to: provided, however, the size and shape of any lot may be altered so long as it no lot or group of lots are re-subdivided to produce a greater number of lots.

Combining lots

The Village East Board of Directors, at a special board meeting on July 27, 1994, voted to allow the combining of lots with a limit of two lots, under special conditions as noted below.

Term "combining lots" in this case means that the owner of two adjacent lots can legally combine them by having the deed of one of the lots made void and the property of this lot combined in a new deed which must be listed with the Bedford County clerk. The new deed must indicate that, once combined, the lots cannot be uncombined.

Combining to meet county requirements, septic, water, etc.

Each property will be charged the normal villages do use until a home is constructed and a Certificate of Occupancy is granted by the County. At this time, the dues will be adjusted to the same amount as is paid by all owners who have a lot with a home. Construction cannot be started until the deed is listed with the County Clerk and when all other approvals have been accepted.

Combining to increase lot size

Same as above.

Combining to increase lot size after a home is built

Each of the two properties will be charged the normal Village East dues until a new deed is recorded. At this time, the dues for the new combined lot with a house will be adjusted to the fee of 1 lot with a house.

Covenant #4 Use

*No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which maybe, or become an annoyance or nuisance to the neighborhood. Only usual household pets will be allowed on the premises and such pets shall be restricted to the lots and will not be allowed to run at large. No trade materials or inventories may be stored and no trucks or tractors, or inoperative vehicles, may be used, stored or regularly parked on the premises. No motor homes, trailers or camping trailers may be occupied or stored on the premises, except that the owner of a **residence** may park (1) such unoccupied motor home, trailer or camping trailer on his property providing it does not obstruct, or distract from the view of other property owners. No business activity of any kind, which shall include but not be limited to the use of any residence as a professional office of any kind, a rooming house, or an antique or gift shop, shall be carried on upon the lot.*

Interpretation:

The definition of trailer is to include any towable vehicle including utility, RV, motorhome, camper trailer, and boat trailer. Trailers as described may not be parked on any roads or right of ways in Village East except for loading and unloading purposes. The one trailer may be stored at the owner's residence, as long as it does not obstruct or distract from the view of other property owners as defined in the Covenants. Trailers may not be stored on vacant lots, as the Covenants do not allow this because a Vacant Lot is not a residence.

Construction equipment (bobcats, excavators, etc.) is not allowed to be kept on a premises except during an active project. Storage of such equipment on a lot is not acceptable.

When the Covenants were written, it would have been rare for someone to work out of their home. Today, it is extremely common and would be impossible to monitor. So long as the public is not allowed

to come to the premises on a regular basis, we consider home offices to be acceptable. Examples: Consultants, Accountants, Online Businesses (without significant inventory and deliveries), Tele-work Arrangements. However, anything more than an office is unacceptable as per the Covenant.