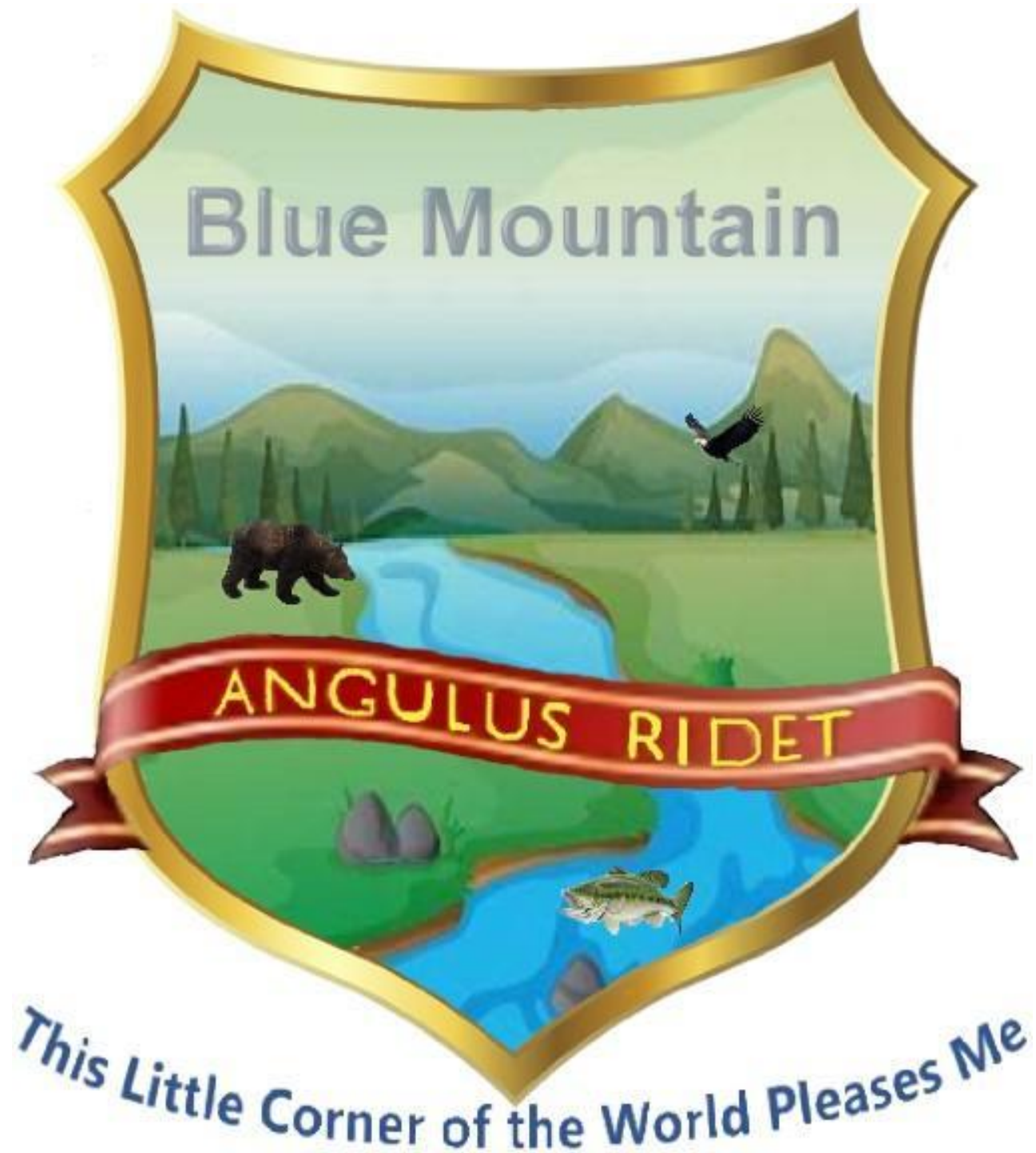


# Blue Mountain Property Owners



## New Construction Requirements

## Table of Contents

Preamble.....	2
Pre-Construction Requirements.....	3
Building Requirements.....	3
Building on an Unpaved Road.....	4
Failure to Comply With These Requirements.....	4

### Preamble

The document provides guidance to property owners seeking to build on their property and is meant to be used in conjunction with the Blue Mountain Subdivision Declaration of Protective Covenants, Conditions & Restrictions, and the Bylaws of Blue Mountain Property Owners Association, Incorporated. Homeowners, developers and contractors should review the Homeowner Information section of the BMPOA website (<https://bmpoa.org>).

## Pre-Construction Requirements

1. Before applying for any building permit or zoning variance from Warren County, the owner must first notify the Chairman of the Architectural Review Committee (ARC) of his/her intent to make such an application. This includes applications made by a contractor or other agent on behalf of the owner. The application for or receipt of a building permit or zoning variance does not eliminate the need to obtain the Association's written approval. Requests for approval shall be made in writing with return receipt requested. Within thirty (30) days of receipt of the request, the Chairman of the ARC or their designee will provide written notification to the owner of:
  - a. Approval
  - b. Disapproval, including reasons therefore, or,
  - c. The need for additional information to support the request. If written notification is not provided within thirty (30) days of receipt of the request, the request will be deemed to have been approved. If additional information is requested, the ARC will provide the owner with written notification of approval or disapproval of the request within thirty (30) days of receipt of additional information. If written approval is not provided within thirty (30) days of receipt of the additional information, the request will be deemed to have been approved.
2. New construction shall not commence until the building site and detailed plans, including materials, and plans for tree removal have been approved by the Architectural Review Committee (ARC). Any deviation in approved plans may result in legal action.
3. Construction on lots is to be sited so as to be as unobtrusive as possible using natural flora as a shield from access roads. Only trees necessary for foundations, primary septic fields and driveways may be removed unless the plans, specifications, including color scheme and plot plan showing present and proposed grade elevations are submitted to and formally approved in writing by the Association's Architectural Review Committee (ARC). All exterior work, including painting must be completed within one year of commencement.

## Building Requirements

1. No structure shall be erected, altered, placed or permitted to remain on any residential lot other than: one detached, single-family dwelling; a private garage; an accessory building.
2. Residences are to be constructed of such materials as to meld into the natural beauty of Blue Mountain. The exterior is to be of wood or wood-look materials, with a finish and colors compatible with the natural flora of Blue Mountain. The approved types of siding are wood siding such as cedar lap siding, fiber cement siding such as HardiPlank or other solid synthetic materials. Vinyl siding is not allowed nor will be considered. Solid log homes are acceptable as well. The ARC reserves the right to grant exceptions based upon compliance with the overall aesthetics of the mountain along with consideration of emerging technology of building materials. Granting of such exceptions will be on a case-by-case basis especially concerning the use of any simulated wood siding.
3. Colors chosen for all exterior exposures should be reflective of surrounding nature. Muted colors and greens, browns and tans are preferred. Bright, vibrant colors will not be allowed.
4. It is strongly advised, though not specifically stated in the BMPOA Covenants and By-Laws, that fire-resistant materials be used on exterior surfaces including the roof, siding, and decking. Blue Mountain is located in an extremely sensitive area for fires. The use of fire-resistant materials such as metal roofing, cement siding, and composite decking materials could save not only the homeowner's individual property but also serve to protect surrounding homes as well.
5. Buildings shall be built no closer than seventy-five (75) feet from the centerline of Route 638 and no closer than seventy (70) feet from the centerline of any internal road or right of way, twenty (20) feet from the side lines and twenty-five (25) feet from the rear line of any lot. BMPOA, its successors or

assigns shall have the right to grant exceptions to the rear and side setbacks. If more than one lot constitutes a building site the side lot line provisions shall apply to the outside lot lines.

6. New dwellings shall have approximately one thousand (1,000) square feet minimum of living space and manufactured homes must satisfy Class A design restrictive criteria.
7. Any garage or accessory building must conform generally in appearance and material with the residence.
8. During new construction trees felled will be staged on the property as to be unobtrusive or removed from the lot. The ARC will consider reasonable proposals for the removal of trees creating a scenic view, but will not approve extensive clearing of trees from a lot so as to leave the lot largely cleared.
9. Permanent outside toilet facilities shall not be constructed or maintained on any lot.

## Building on an Unpaved Road

The policy of the POA on undeveloped roads is that the developer of the lot(s) on an undeveloped road will be responsible for the construction of said roadway within the platted road easement. They will be required to build to BMPOA specifications (base stone, surface stone, width, etc., and ditches/culverts as necessary). Once constructed the POA will assume responsibility for maintenance. The specifications are:

The new roadway shall be positioned only within the previously surveyed roadway easement. The road bed shall consist of no less than 3" of compacted #3 gravel, and topped with a surface of compacted crusher run gravel no less than 2". It shall be ten feet in width between ditch lines or gravel edges. and cut in and graded or crowned so as to not allow rain water to collect or pool or otherwise concentrate, unless into a ditch that runs parallel to the roadway on the uphill side and to the inlet of a buried culvert pipe (12" minimum corrugated and double walled plastic) at low collection points where water can flow safely under the roadway and outlet into uncleared land between adjacent lot lines and away from any structure or feature, so as to naturally percolate back into the earth.

Once the roadway has been constructed and accepted by BMPOA road committee representative(s), written acknowledgement will be provided to the landowner and the BMPOA record, and maintenance and upkeep will henceforth be assumed by the BMPOA.

## Accessory Building Requirements and Restrictions

BMPOA Covenants allow for one accessory building per 1 acre lot other than a garage, as long as it meets: Warren County ordinances for setback, size and height; is in keeping with the primary structure in style, exterior color and appearance; and is pre-approved by the Architectural Review Committee (ARC). Warren County guidance and legal requirements on Residential Garages, Sheds, and Playhouses can be downloaded from the Forms page of the Building Inspections/Permits section of the Warren County website (<https://warrencountyva.gov/161/Forms>).

The following definitions and summary are based on the Warren County Planning Department website and two interviews as well as several emails with the Warren County Zoning Administrator who reviewed these requirements. The Warren County Zoning Administrator emphasized that this summary does not cover all circumstances or Uniform Building Codes (UBC) which also apply. Anyone erecting accessory structures in Warren County should first call the Zoning Administrator's office at 540-636-3354.

### **DEFINITIONS**

**BUILDING:** Any structure having a roof supported by columns or walls, regardless of size and use, is considered a building.

**PERMITS:** Any building or accessory structure of less than 200 square feet, using exterior dimensions, does not require a permit from the county as long as it is erected in a side or rear yard. However, our Covenants require that all accessory buildings be pre-approved by the ARC.

**HEIGHT:** Warren County limits heights of accessory structures to 12 foot "average" height determined by taking the vertical distance from the eave to the ridge, divide that by two, then adding that to the total wall height. Call the Zoning Department at 636-3354 for a more complete explanation.

**FRONT:** The front of the property is defined by the original entrance to the property (street address) regardless of the house direction. The front property line is the platted/ deeded/ surveyed line that the entrance crosses (in most cases the driveway) into the property. Lines adjoining the front property line are the "side lines."

**SETBACK:** It is county violation to build or place a pre-manufactured accessory building of any size, whether it requires a permit or not, forward of the front plane of the primary residence or within fifty feet of the front property line, whichever is the greater distance, or within 50 feet of any road whether public or private or within ten feet of a side line of an interior lot.

**NONCONFORMING "GRANDFATHERED" STRUCTURES:** The fifty-foot front setback requirement went into effect for all residential buildings in Warren County on August 19, 1992. Accessory buildings in Blue Mountain erected prior to that date are not enforceable by Warren County. However, they may well be in violation of our covenants if written pre-approval was not obtained from the ARC.

**FOUNDATIONS:** All accessory buildings whether they are erected on pilings, on skids, or on slabs must be located in the rear or side yard. (Triangular lots may require special consideration.) To reiterate, erecting a building on pilings does not remove it from any of the requirements for county building permits, or for setback, or the Covenants of Blue Mountain Subdivision.

**ADDITIONS:** If an accessory building, regardless of size, is to be erected within four feet of the primary structure (measured outer wall to outer wall) it is considered to be "attached" and would require a county permit as an "addition." Further, the accessory building would now have to meet setback and height requirements for the primary structure. Contact Warren County before erecting any structure within four feet of the primary structure.

Obtaining County approval to place or erect an accessory building in Blue Mountain Subdivision does not negate the need to gain prior approval of its ARC. Erecting accessory buildings without prior approval is a violation of the covenants which are legally enforceable.

## Fence Requirements

Before constructing a fence on any property, you must provide the detailed plans including design and materials to the ARC for approval. The only authorized fences are Split Rail fences. Below are examples of authorized Split-rail fences. Contact the ARC for exception requests.



3-Rail Split Rail with green welded wire, locust post & hemlock rail



## Failure to Comply with These Requirements

If the Board, or its designated agents, determine that an owner is in violation of the requirements in this document, the Board will notify the owner in writing of the violation and the action which must be taken to correct the violation. After such notification of violation, the owner will:

- (1) Have sixty (60) days to complete the corrective action or,
- (2) Have twenty (20) days to submit an alternative plan to correct the violation, including an alternative timetable or, appeal in writing the determination of the Board. The Board will have thirty (30) days after receipt of the alternative plan to approve or disapprove the alternative plan. If the Board fails to approve or disapprove the alternative plan within thirty (30) days of receipt, it shall be deemed to have been approved. If the alternative plan is disapproved, the owner will have sixty (60) days to complete the corrective action originally specified by the Board. In the event of an appeal the Arbitration Committee will make the final determination. The arbitration process shall be concluded within thirty (30) days of the appeal. If the appeal is denied the owner will be informed of what action the association will take if the violation is not corrected within thirty (30) days of notification of the decision of the appeal. If an owner fails to complete the corrective action specified by the Board, then the Board or its designated agent, may initiate legal action and request reasonable attorney's fees and court costs.