

# *Mosby Mountain Architectural Review — Guidelines —*

*October 18, 2011*

## **MOSBY MOUNTAIN COMMUNITY ASSOCIATION ARCHITECTURAL STANDARD**

### **INTRODUCTION**

The Mosby Mountain Community Association (MMCA) is a corporation chartered under the provisions of the Commonwealth of Virginia. This Architectural Standard for the Mosby Mountain sets forth the Authority, Standards and Guidelines under which the Homeowners of Mosby Mountain are protected according to the Mosby Mountain Articles of Incorporation.

Proposed exterior remodeling, additions, decks, roofing changes, sun porches, hardscapes and landscaping must be submitted for review by the MMCA Architectural Review Board (ARB).

### **VISION**

#### **A Common Goal**

As a community, Mosby Mountain residents all have a common goal of maintaining our homes and environment in a state of aesthetic quality, preservation of our environment and appreciation for our neighbors.

#### **Goals of the ARB**

The goals of the ARB are to work together with all residents to create a functional and beautiful neighborhood that blends with our natural environment. The ARB works diligently to maintain a consistent level of appearance, continuity, environment, and property values, while balancing the individual homeowner's right to personal style and preference. Comments, questions, concerns or additional guidelines on planned improvements should

be sent to the ARB or its approved agent.

**Request to modify property (see enclosed "Request for Approval of Improvements" form):**

**Upon receipt of a request to modify a property, the ARB shall consider the effect of the request on the following:**

1. Consistency of design with the architectural nature of the Mosby Mountain community.
2. Integration of design with the original architecture of the home and neighborhood.
3. Acceptance of the modification by the neighborhood.
4. Proper licensing and registration as appropriate with Federal, State and local requirements.
5. Use of materials machinery suitable for the intended purpose of the modification by licensed professionals on projects warranting such.
6. Prior to any excavation, homeowner/contractor must call Miss Utility to mark locations of underground utilities as required by Commonwealth of Virginia statute.

**ARCHITECTURAL STANDARD and ENFORCEMENT**

This document establishes the MMCA Architectural Standard for use by owners, and provides binding information for owners to prepare a complete architectural review application. It also provides the philosophy, specific standards and guidelines for owners to develop plans and designs for exterior changes to their property. This document also describes the organizations and procedures of the architectural review and enforcement processes. The intent of this document is to increase owners' and residents' awareness of their responsibilities in the architectural review process. Enforcement of these Architectural Standards ensures owners and residents that design and aesthetic quality of Mosby Mountain will be maintained to enhance the appearance, environment, and property values and the community.

**STANDARD REVIEW**

The Architectural Standard shall be reviewed every five years, and may be amended periodically within the five year review period as required by Commonwealth, County or MMCA Board of Directors (BoD) directive(s) or changes by oversight authority.

Home owners may at any time provide recommendations for changes to be considered by the ARB/BoD.

Five year reviews will be announced by the BoD, and will solicit input and recommendations from the MMCA. Additionally, these reviews shall incorporate any changes that may have occurred in the period in review.

## **LEGAL AUTHORITY**

The legal authority for The Mosby Mountain Architectural Standard and The Architectural Review Board is in Code of Virginia Title 55 – Property and Conveyances, Chapter 26 – Property Associations Act. Pertinent sections of “§ 55-513. Adoption and Enforcement of Rules” are summarized below:

- The Board of Directors shall have the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration, except where expressly reserved by the declaration to the members.
- The Board of Directors has the power to suspend a member's right to use facilities or services, including utility services, provided directly through the association for nonpayment of assessments which are more than 60 days past due, and to assess charges against any member for any violation of the declaration or rules and regulations for which the member or his family members, tenants, guests, or other invitees are responsible.
- Violations are subject to fines of up to \$50 per offense or \$10 per day for offense of a continuing nature, not to exceed 90 days. Unpaid fines may be levied as liens against the resident's property.

The MMCA Architectural Standard and Architectural Guidelines (below) apply to all of Mosby Mountain, to include every home (lot) and each MMCA member. The ARB is charged with enforcing these standards. The ARB, on unanimous consent of its members, may exempt itself from writing and/or delivering correspondence to a homeowner for violation or potential violation of the Declaration of Covenants and Restrictions of Mosby Mountain or the MMCA Architectural Guidelines and instead request of the board to utilize professional or legal representation.

## **ARCHITECTURAL GUIDELINES**

The Architectural Guidelines derive from the Declaration of Covenants and Restrictions, which all homeowners in the MMCA are deemed to have agreed to upon closing the purchase of their home. Both of these documents, along with the ARB form, “Request for Approval of Improvements,” are found at our website, [www.mosbymountain.org](http://www.mosbymountain.org).

# **MOSBY MOUNTAIN COMMUNITY ASSOCIATION ARCHITECTURAL GUIDELINES**

## **Introduction**

In keeping with the Declaration of Covenants and Restrictions of the MMCA, these Architectural Guidelines have been established to set the standards and specifications to be considered including architectural, environmental and land management control of residential lots, family dwelling units and common areas. Refusal or approval of plans by the MMCA will be made through the procedures established in these guidelines by its appointed volunteer ARB.

## **II. Procedure for Homeowners**

When planning architectural or landscape projects the homeowner should first review the specifications and guidelines. If their project meets the requirements for review a "Request for Approval of Improvements" form is to be completed. The form, along with plans detailing the project, are to be submitted to the ARB chairman or MMCA appointed agent (if applicable) at least 30 days prior to the planned start of each project. Using the guidelines, the ARB will review the request and notify the homeowner by phone or email of the approval, recommendations or denial of their application. A hard copy letter will be sent as official documentation to the homeowner.

The MMCA reserves the right to hire contractors to repair/replace/remove non-approved homeowner improvements and bill the homeowner for such services. It is the preference of the MMCA that all issues are resolved amicably, but if necessary it does have this option available to preserve the look and feel of the community, as well as resale values.

According to Virginia state law, prior to the sale of a home in Mosby Mountain, the ARB and MMCA must review the property for any violations and must disclose this to the potential buyer. Any violations must be remedied to the satisfaction of the MMCA, otherwise the closing of the house sale will be delayed.

## **III. Guidelines**

The installation and ongoing maintenance of all fences, sheds, decks, pergolas, arbors, porches, driveways, satellite dishes, exterior lighting, dog houses, mailboxes, swing sets, play sets, hardscapes, decorative rocks, landscaping, wood piles, hot tubs, etc. shall require review by the ARB.

1. Satellite Dishes – Satellite dishes should not be visible from the road whether attached to the house or the ground. A number of residents have moved their satellite dishes from a visible location to a non-visible location either on their own volition or at the

request of the ARB. Exceptions will be considered by the ARB for extenuating circumstances.

2. Screen Trees – Each landscaping request is evaluated individually. Please know that the ARB considers both the current and future impact of trees on both the homeowner's lot and on the surrounding neighbors' lots with regard to both safety and maintaining views.
3. Tree Removal - Any living tree with a diameter greater than six inches that is to be removed or cut must receive approval from the ARB. Removal of dead trees does not require ARB approval and any dead tree in a yard area (versus a wooded area) is required to be removed with professional care and disposed of properly. No trees may be removed from a Conservation Area by a homeowner without written permission from the MMCA and Albemarle County.
4. Fences - Should be four feet to six feet tall, constructed of pressure treated wood or other acceptable material, and not extend beyond the back corner of the house (i.e. backyard only). After the installer designated curing period (which must be noted in the approval request), all fences must be protected using a stain/sealer/paint of an approved color. The ARB will gladly review fence requests that consist of different materials, heights, colors and location.
5. Landscape Plans - Must be submitted if the total landscaping will cover more than 25% of the yard that is visible from any other property or street, or if there will be any plant, shrub, tree or other planting that will grow to a height of more than three feet from the ground that is visible from any other property or the street. All landscape improvements must take into consideration the various setbacks and easements applicable to each lot; with particular attention paid to plantings near the road that infringe upon the utility easement and/or obstruct the view of drivers.
6. Hardscape – All hardscape items that are visible from the street or from another community member's home must be approved by the ARB and shall consist only of items commonly found in nature (i.e., no wire or plastic). Most items in a yard that are not alive are considered hardscape, including rocks (borders, drainage, decorative, etc.), slate, granite and retaining walls.
7. Permanent play structures - Play structures, including swing sets, basketball goals (in ground and attached to house) and trampolines, must be approved. All swing sets must be located in the back yard and constructed primarily of pressure treated wood. Non-permanent structures such as mobile basketball goals, play sets, toys, bicycles, etc. must be removed each evening to an area not exposed to view from any other property or street in accordance with the Mosby Mountain Covenants and Restrictions.
8. Parking – Each home in Mosby Mountain has a garage and many have an additional parking pad. For both the aesthetics of the neighborhood and the safety of our residents and pets, please do not regularly park on the street. Prohibited: Commercial vehicles, boats, trailers, tractors, etc. are not to be parked in driveways.
9. Flags and Signs - Decorative or patriotic flags shall not be of such size as to overwhelm the look of the property. Requests for permanent in ground flag poles must be submitted to the ARB. Signs, including but not limited to real estate, political or for advertisement purposes shall be kept to a reasonable size (as determined by the MMCA) and must be removed within a reasonable time frame.

10. Trash Cans – In accordance with the Mosby Mountain Covenants and Restrictions, garbage receptacles must not be visible from the street or another community member's home except on the day or days of the week that the trash is to be collected.

11. Mailbox Maintenance and Replacement

- a. An approved USPS mailbox shall be black in color with a red service flag. The mailbox will be 23.5 inches long X 11 inches wide X 15 inches high with a rounded top. If mailboxes are dented, out of alignment or otherwise damaged so as to not function properly or look unsightly they are to be replaced. If boxes are scratched or the paint is peeling they may be sanded and prepped and painted gloss black.
- b. Mailboxes should be attached firmly to the post at all times. The mounting post should be prepped and repainted if the surface is peeling, scratched or extremely faded. All mounting posts should be painted Forest Green. If the post becomes damaged or requires replacement it shall be of the same size, dimension and design as the original. Posts with mailboxes shall be placed at the curb at the end of the driveway in the same location.
- c. House numbers shall be visible from the road and affixed to the outside lower portion of the supporting post on both sides. The original numbers were of different styles and sizes. If replacing your numbers they should be brass and approximately 4 1/4 inches high X 2 inches wide.
- d. Repairs, maintenance or replacement should take place within 30 days of such findings, weather permitting. Any deviations from these guidelines shall require requests be submitted in writing to the ARB for consideration of extenuating circumstances.

Projects meeting the Architectural Guidelines must still obtain approval.

The requirements cited in this booklet are derived from MMCA's Declarations of Covenants and Restrictions, and from the provisions in the Virginia code governing property owners associations. Please be advised that for all modifications to your property, you must also be in compliance with all applicable local, state and federal laws and regulations, and so the approval of any given project by the ARB does not in any way waive the homeowner's responsibility to also comply with the aforementioned governmental regulations and laws.