

# GATE POST ESTATES II HOMEOWNERS ASSOCIATION

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## Architectural and Maintenance Standards and Guidelines

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**REVISED:**

**December 2007**

The Second Gate Post Estates Homeowners Association  
P.O Box 1081  
Centreville, Va. 22021  
On the website @ [www.gatepostestates.org](http://www.gatepostestates.org)

December 15, 2007

Dear Gate Post Estates Homeowners,

The Board of Directors of your Homeowners Association is providing you with a copy of the updated GPEII ARB Architectural and Maintenance Standards and Guidelines. These updates reflect a two year effort by the ARB Committee, HOA Board, and a Task Group comprised of homeowners along with an attorney review.

The original document was provided at the time you purchased your home; however, due to our aging homes, changing community, new products and technologies, the document has been revised. The Board requests that you become familiar with this document as it specifies the responsibilities each of us accepted when we became homeowners in the Second Gate Post Estates community.

Each of us, by agreeing to live here has accepted the responsibility to keep our properties in an accepted state of repair and to maintain the harmony of the environment created by the design and layout of the original community. Procedures and limitations to altering that harmony are included in this document as well as recourse for disagreements resulting from decisions made by our ARB committee.

We, as your Board of Directors, use the ARB guidelines as a framework to manage the common property and also address disputes that may arise. These standards and guidelines are implemented using common sense and precedent. While these procedures can be used to resolve disputes, it is our expectation that disputes can also be resolved by approaching your neighbor with your concerns without the intervention of the Board.

Thanks you for taking the time to read this document. Please contact any of the Board members with questions or concerns. Our names, phone numbers and also e-mail addresses are listed in the directory and also posted on the website.

Sincerely,

Jan Guthrie  
President, GPEII HOA

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## **1. INTRODUCTION**

Second Gate Post Estates (herein referred to as “GPEII”) adopted The Declaration of Covenants (herein referred to as “Covenants”) and Architectural Maintenance and Architectural Standards Guidelines (herein referred to as the “Guidelines”) for the stated purpose of enhancing property values, amenities and opportunities that contribute to the welfare and safety of residents. All residents of this community will benefit from this planning and design which has been an important part of the development of GPEII. The purpose of the Guidelines is to assure residents that the standards of design quality will be maintained. This, in turn, protects the property values and enhances the overall environment of the community.

The Guidelines address exterior standards required of homeowners to maintain their property, exterior modifications, and/or additions made by homeowners to their dwelling and/or property. The Guidelines are in addition to *The Declaration of Covenants, Conditions, and Restrictions for Gate Post Estates II*. Interior alterations are outside the scope of the Guidelines, except when such interior alterations affect the exterior appearance of a property (for example, window grids/muntins).

## **2. PURPOSE AND OBJECTIVES**

The purpose of the Guidelines is to serve as a guide to aid Owners/Residents and members of the Architectural Review Board (herein referred to as “ARB”) in maintaining and enhancing the GPEII community and environment. The Guidelines described in this publication address modifications Owners/Residents are most likely to make to their property and are not intended to be inclusive. Any modifications, additions, or removals that affect the exterior appearance of properties within GPEII are governed by the principles addressed herein, and the ARB shall make its determination based upon the principles described in these standards.

The objectives of this publication are:

1. To describe the aesthetic standards within the community that balances the Owners’ and community’s concept of “good taste,” quality and well-maintained premises.
2. To elaborate upon and refine the architectural standards and guidelines established in the Covenants.
3. To provide uniform criteria for ARB review and approval of applications for property modifications.
4. To provide uniform criteria for ARB review of exterior property maintenance.
5. To describe the organizations and procedures involved in the process of application, review, approval, and appeal of applications for property alterations.
6. To explain the enforcement process for violations of the Guidelines.

It is the responsibility of the homeowner to ensure that any and all modifications are in compliance with all local, state and federal statutes, codes, and regulations. This document is not intended to amend or replace Fairfax County ordinances, or the laws and regulations of the Commonwealth of Virginia or the federal government with respect to building, zoning, occupancy, housing or other areas within governmental jurisdiction.

NOTE THAT FAILURE OF THE ARB TO ENFORCE PROVISIONS, COVENANTS, RESTRICTIONS, RULES OR REGULATIONS SHALL IN NO EVENT BE DEEMED A WAIVER OF THE RIGHT TO DO SO THEREAFTER.

### **3. GPEII ARB REVIEW CRITERIA**

The GPEII ARB evaluates all submissions on the individual merits of the application. The following criteria represent the general standards that will be used in reviewing and evaluating applications.

1. **Community Impact:** The ARB shall consider proposed property modifications in relation to the GPEII common area. Fencing and walls, in particular, can have damaging effects on open space. Other factors such as removal of trees, disruption of the natural topography, and changes in the rate or direction of storm water run-off can also adversely affect GPEII environment and preserved natural wooded areas in the community.
2. **Validity of Concept:** The basic modification concept shall be sound and appropriate to its surroundings.
3. **Design Compatibility:** The modification shall be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color, and construction details.
4. **Location and Impact on Neighbors:** The modification shall relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns to the ARB are aesthetic view, sunlight, ventilation, and drainage.
5. **Scale:** The size (in three dimensions) of the proposed alteration shall relate well to adjacent structures and surroundings. For example, a large addition to a house may be out-of-scale and inappropriate.
6. **Color:** Color may be used to soften or intensify visual impact. Parts of the modification that is similar to the existing house, such as roofs, windows, gutters, trim, etc., shall be matching in color and style.
7. **Materials:** Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house.
8. **Workmanship Quality:** ARB approval of applications is based on the understanding that the quality of workmanship in the proposed modification will be at least equal to the quality of workmanship in the house and other original structures on the property.

### **4. REQUEST FOR MODIFICATION/ADDITION/CHANGE FORM**

All requests for architectural changes must be submitted in writing to the GPEII ARB on approved application form. The GPEII ARB application form is available through the GPEII website. An application form is also included (Appendix B) in this publication and may be reproduced as needed. Homeowners can submit applications via mail to the GPEII HOA (PO Box 1081, Centreville, VA 20121), or email to: [GPEIIARB@gatepostestates.org](mailto:GPEIIARB@gatepostestates.org)

The GPE II Homeowners Association assumes no responsibility for the quality or safety of construction by virtue of approval under these Guidelines, nor does such approval relieve the Owner/Resident of the responsibility of obtaining Fairfax County approval and/or permits for a modification to the property. County and Association approvals are entirely separate, distinct and unrelated.

At a minimum, all applications shall contain a completed application form which describes the nature of the change as well as its shape, height, materials, colors and location. In addition to a complete written description, sketches, drawings, photographs or illustrations of the type required for Fairfax County building permit approval should be included.

Applications for alterations shall include the following, as applicable:

1. **Site Plan:** A site plan is a drawing of the lot that reflects the dimensions of the property and that depicts the proposed modifications and their relationship to the house, other existing structures on the property, and property boundaries. Contour lines are required where drainage is a consideration. In most cases, the site plan can be developed from the plat plan provided to you when you purchased your home. For complex applications, the ARB may require larger scale blowups of the plat plan, including depictions of adjacent lots and structures. A site plan is usually not required for color change or minor modifications.
2. **Architectural Plans:** The application shall include detailed drawings and plans, including exterior elevations and dimensions. The ARB may require detailed architectural drawings for some changes. The application shall also include a description of materials to be used, including such items as type of deck or fencing material, compatibility of colors between existing and new structures, compatibility of brick, siding, or roofing materials, the location of exterior lighting, etc.
3. **Start and Completion Dates:** The application shall provide an estimate of the start and completion dates of the proposed modifications. Actual work on the project shall not commence until written ARB approval is received. The alteration authority granted by approval of the application will be revoked automatically if the alteration requested has not commenced within 1 year of the approval date of the application or other date as specified by the ARB.
4. **Signatures of Owners:** The ARB application shall contain the signature of all Owners of the property on record. The ARB may, in certain cases, request that an applicant seek signatures from adjacent or nearby Owners who are likely to be most affected by the proposed modifications.

The applicant may submit with the application any additional materials, such as exhibits, petitions, photographs, experts' statements and the like that the applicant deems appropriate. The applicant may request an opportunity to appear before the ARB, along with any witnesses the applicant desires to speak on his/her behalf.

ARB approval of architectural changes does not relieve the homeowner of responsibility for complying with Virginia State and/or Fairfax County codes as well as zoning restrictions. It is the responsibility of the individual homeowner to obtain all necessary building permits, variances, exceptions or other governmental approvals prior to submitting a Request for Modification form and the start of any construction work.

## **5. GPEII ARB COMMITTEE REVIEW PROCEDURES**

1. **Application Submission:** Upon receipt of an application by the ARB, the ARB Chairperson will provide acknowledgement to the homeowner via email or phone call to confirm receipt of the application. The application will be considered accepted and the review period will begin at the next regularly scheduled ARB monthly meeting. This date commences the application review period of time available for ARB.
2. **Review Period:** The 45-day period refers to the time within which the ARB must review the application once accepted, and provide a response to the homeowner. Failure of the ARB to act upon any acknowledged & accepted request within forty-five (45) days after submission shall be deemed to have been approved as submitted, unless extraordinary circumstances prevent the ARB from meeting. This 45-day provision does not apply to requests determined by the ARB to be incomplete or insufficiently prepared to render a decision. In such cases, the application will be disapproved and returned to the applicant. Upon receipt of a resubmitted application that is complete and sufficiently prepared, a new 45-day review period will begin. **NOTE: If homeowner timeframe to start project is less than 45 days, the ARB Committee will do its best to work with the homeowner's request for an expedited approval process.**

3. **Approval:** A majority of ARB members must approve a request for it to be officially approved. Approved applications will be signed by one of the officers of the ARB and notification sent to the homeowner via email, phone call, and/ or by mail. A copy of the approved form will be sent to the homeowner for their records and the HOA will retain a copy in the homeowner's file.
4. **Approval Subject to Conditions/Modifications:** A majority of the ARB approves the application with noted conditions that the homeowner must complete and in some cases provide additional information to the ARB. It is the responsibility of the homeowner to follow through and provide the information requested by the ARB within 30 days of the request. ARB reserves the right to notify affected neighbors.
5. **Returned for Additional Information:** If the ARB does not have enough information to make a decision on the submitted application, the application is returned to the homeowner with note(s) from the ARB on information needed to consider the application.
6. **Disapproved with Cause/Reason:** If a majority of the ARB members disapprove of the request, the form is returned to the homeowner with written explanation and comments by the ARB with specific reason(s) the application does not meet Guidelines.
7. **Rejected Appeal to BOD:** If the applicant's request is rejected by the ARB, the applicant may appeal the decision to the Board of Directors (herein referred to as the "BOD"), pursuant to the Section governing appeals, or may first request reconsideration by the ARB.
8. **Request for Reconsideration:** Prior to an appeal of the ARB's decision to the BOD, the applicant may request reconsideration by the ARB if owner has new or additional information that might clarify the request or demonstrate its validity to meet the Guidelines. A request for reconsideration must be submitted in writing within 60 days following receipt of a decision by the ARB. The ARB shall respond to a request for reconsideration of a decision within a new 45-day time period from the date of receipt.
9. **Appeal after Request for Reconsideration:** If the applicant is denied again upon reconsideration by the ARB, applicant may appeal the decision to the BOD (see Section 6) governing appeals.
10. **Special Exceptions:** Neither the ARB nor the BOD is authorized to grant exceptions to the Covenants. Decisions are based on the merit of each request and decisions or exceptions shall not serve as precedence.
11. **Monthly Report:** The ARB Chairperson or a designated member of the ARB committee shall submit or present a monthly report/summary of actions to the BOD (usually at the monthly BOD meeting).

## **6. HOMEOWNER APPEAL PROCESS - REQUESTS FOR MODIFICATION**

Every homeowner is responsible for abiding by the Guidelines and the BOD's final decision regarding an ARB application. If a homeowner disagrees with the ARB's decision, the homeowner may request reconsideration by the ARB, or may appeal one time to the HOA BOD. The Board's decision shall be final within the context of the Association.

1. **Rights of Owners:** A final ARB decision pertaining to an application may be appealed to the BOD one time if such action is taken within 60 days following receipt of the final decision of the ARB Committee.
2. **Petition Format:** All appeal petitions must be in writing and received by the HOA Board a minimum of 1 week prior to the next scheduled meeting of the BOD and shall be in substantially the following form:

(We) hereby petition the Board of Directors to hear an appeal of the decision of the ARCHITECTURAL REVIEW BOARD regarding the application by (name) (address) (phone#) along with a copy of the request for modification/change that was rejected by the ARB and any other materials.

3. **Background Materials:** The homeowner shall bring to the meeting, at which his or her appeal will be heard, copies of their rejected application(s) and any supplementary materials for the BOD to consider.
4. **Hearing:** Appeals will be heard at the monthly BOD meeting. The homeowner shall contact any BOD member to confirm the date and time of the meeting. The grounds for appeal are whether the proper procedures were followed during the administration and review process, and whether the decision was arbitrary and had no rational basis.
5. **Board Decision:** The BOD will promptly consider an appeal following receipt of a complete and properly submitted appeal petition and notify the appellant and GPEII ARB Chairperson of the Board's decision. The BOD will render its decision to the homeowner within 30 days following the meeting.

## 7. MAINTENANCE AND ARCHITECTURAL STANDARDS

A major objective of homeowners is to preserve the quality of the neighborhood and protect the investment that has been made in their home. These standards are considered elements of "Good Property Maintenance" and are common sense practices. Properties not meeting maintenance and/or architectural standards may be cited for violations (for additional information see Section 9).

The maintenance and architectural standard section is formatted to assist homeowners in quickly locating a particular topic. Topics are listed in alphabetical order and include the maintenance (if required) and architectural standards. The icons below are provided as a guide.

The following format is used: Maintenance standard will always be listed first and in **bold** (if applicable), followed by "Pre-Approved", "Application Required", and/or "Restricted/Prohibited".

An explanation of each icon is listed below:



= **"MAINTENANCE STANDARD."** Homeowners are expected to perform or provide for regular and/or seasonal maintenance of the exterior of their home and general property to preserve an attractive appearance. Regular maintenance shall include, but is not limited to, painting, repair, landscape appearance, and general clean-up.



= **"PRE-APPROVED ALTERATION/APPROVAL NOT REQUIRED."** Refers to exterior alterations that conform to the criteria as stated in the various sections of this document. These alterations are deemed to have "prior written approval" of the ARB as required by the Covenants. If, upon routine inspection, the alteration is deemed to be non-compliant, the homeowner will be notified and required to submit it for ARB approval.



= **"APPLICATION REQUIRED."** Refers to exterior modifications that require the homeowner to submit a Request for Modification Form and obtain ARB approval prior to commencement of work or project.



= **“PROHIBITED/ NOT ACCEPTABLE.”** Refers to standards specifically referenced in Article VI of the Covenants as a restriction or prohibitions and identified as such. Note that the Covenants always take precedence over the *Maintenance and Architectural Standards*.

### 7.1 **Additions (Screened Porches, Sunrooms, etc.)**



**Screened porches shall be kept in good repair. Screens shall not be torn.**



All additions to a home, such as sunroom, screened porches, additional enclosed room(s), extension or addition of garage, etc., shall require ARB approval in addition to all county permits and approvals.

Additions must maintain the same quality, workmanship, look, and feel as the primary home. All exterior materials such as brick, windows, siding, roofing, and landscaping should be compatible with existing materials and should provide a continuous, uniform appearance.

### 7.2 **Air Conditioners - Exterior Units**



**Air conditioning Unit(s) should be free of rust or chipping paint and shall be maintained to operate quietly.**



Window mounted Air conditioning units are not permitted.

### 7.3 **Animals/Pets**



**Pet owners shall be responsible for immediately collecting and removing solid pet waste (feces) deposited on any streets, curbs, corners, private properties, public trails, or common areas. Pet wastes should be properly disposed of in owner’s own trash. Cat litter or wood chip bedding must be disposed of in tightly sealed leak-proof bags or containers and placed outside for normal trash collection (See Trash Removal). Cat litter, wood chip bedding, and other pet waste may not be discarded or disposed of on common grounds. Pet owners shall be responsible for any and all costs incurred in the repair of damages to the common areas caused by their pet(s). Pets may not be chained or leashed to any common area. Pets owned by guests, visitors, or tenants of GPEII shall comply with the same standards listed above.**



In accordance with Article VI of the covenants, common household pets such as dogs and cats are permitted within the Gate Post Estates community.



Livestock and poultry are not permitted on Gate Post properties in accordance with the Covenants and applicable Fairfax County ordinances. Pets may not be bred, housed, or maintained for commercial purposes. Pets that create a continual nuisance for surrounding properties or the neighborhood at large through excessive barking, howling, or being deemed dangerous or aggressive by Fairfax County may not be kept.

### 7.4 **Antennas** – See Communication Devices

### 7.5 **Arches** – See Outdoor Structures

**7.6 Awnings**



**Awnings must be maintained in good condition free of tatters, tears, mildew, stains, etc.**



Awnings are only permitted on the rear elevation of a home. The awning should be retractable and in a solid color - earth tones, dark green, or match the color of the siding.

**7.7 Barbecue Grills** – See Outdoor Furniture (portable grills), Outdoor Structures (built-in grills)

**7.8 Basement Egress**



Where basement egress must be added in conjunction with an interior renovation through the addition of an exterior door or accessible window, ARB approval shall be required for the exterior components. ARB approval shall be required for re-grading, retaining walls, wall cladding, handrails, window wells, door type, and the change to existing landscaping. ARB review will also include the proposed location of such egress and its impact on the adjacent properties.

**7.9 Basketball Systems** – See Sports Equipment

**7.10 Blinds** – See Window Treatments

**7.11 Boats** – See Vehicles

**7.12 Brick**



**Brick cladding, columns, and or piers shall be maintained in good condition free of excessive dirt or mildew growth. Grout shall be maintained in sound condition. Missing or cracked grout shall be repaired or replaced. Foundation walls shall not show signs of chipping and peeling paint.**

**7.13 Bulk Materials/Supplies**



**Bulk landscaping and construction supplies may not be stored on a homeowner’s property long term. Bulk deliveries of mulch, topsoil, rock, lumber, brick or potted / containerized plants should be utilized, spread, incorporated into construction or discarded within thirty (30) days of delivery.**

**7.14 Campers** – See Vehicles

**7.15 Cars** – See Vehicles

**7.16 Clotheslines**



Clotheslines are not permitted in accordance with Article VI of the Covenants.

**7.17 Commercial Vehicles** – See Vehicles

**7.18 Communication Equipment**



**Antenna/satellite dish devices must be maintained in good condition free of rust staining, and general deterioration. Cables and wiring from the home to such devices may only be located on the back or sides of a home and must be neatly bundled and run or laid in a neat, organized manner. Unsightly looped, draped, or loose cables are not permitted. When a telecommunication, television, or other telecom service is discontinued or obsolete, homeowners are asked to remove and discard old receiving devices.**

### 7.18 Communication Equipment (cont'd)



Receiving devices for telecommunications, television, or short band (ham) radio services, such as antennas and satellite dishes, are permitted with the following restrictions.

1. Receiving devices must be mounted as inconspicuously and unobtrusively as possible on the rear or side elevations or in the backyard of a home.
2. Pole-mounted devices are permitted provided the pole and device are not higher than the home's roof.
3. Minimal pruning of trees, shrubs or vegetation on a homeowner's own property to install equipment or improve reception or line-of-sight transmission is permitted.



Receiving devices that require installation on the front elevation of a home, or front or side yards for proper functioning must obtain ARB approval. Major removal or cutting of trees, shrubs, vegetation or clearing on a homeowner's own property for this purpose shall require ARB approval and, in some cases, Fairfax County approval. Homeowners may not, in any case, cut, prune, trim, or clear trees, shrubs or vegetation from HOA common property, county property, or any adjacent neighbor's property to install equipment or improve reception or line-of-sight transmission for such receiving devices.

Roof-mounted devices such as UHF/VHF antennas are not permitted.

### 7.19 Curtains/Draperies – See Window Treatments

### 7.20 Decks



**Deck, porch, stair surfaces and railings shall be kept in good repair. Decks shall be maintained free of rotting, sagging, warped, detached, missing boards, free of mildew and algae. Paint shall not show signs of chipping and peeling, and if metal, shall not show signs of rust.**



All new additions or extensions to decks shall require ARB approval. Decks may be constructed of wood, composite wood products, or synthetic wood products. Handrails may be constructed of the same materials, or prefabricated handrail systems, including metal or clad wood railings. Deck materials may be stained or sealed natural wood colors or neutral tones (such as brown, tan, gray, white, or redwood).

### 7.21 Decorative Objects



Small landscaping objects such as planters, pots, and landscape boulders are permitted in front yards. Holiday statues, figures, lights, and decorations may be used in front/side yards, doors, roofs, windows, etc. (See Holiday Decorations).



Decorative Objects not identified above are not permitted in the front or side yard.

### 7.22 Dog Houses & Runs



Dog houses are permitted only in backyards of homes and should not be visible from the street. Dog houses may be only of a size to accommodate up to two dogs and may be custom built, or pre-fabricated structures including wood, plastic, or fiberglass in a natural color or colors to complement the home's exterior. Cable dog runs are permitted in back yards only.



Fenced dog runs or small fenced pet enclosures are not permitted.

### 7.23 Door (Front)



**Doors shall be operational, in good repair and paint shall not show signs of fading, chipping and/or peeling.**



Replacing Doors with a similar style does not require ARB approval.

### 7.23 Door (cont'd)



Alternate style and/or material such as wood stain, with windows or other architectural styles require ARB Approval.

### 7.24 Dormers



All wood trim, windows, window grids, roofing, siding, and flashing at roof dormers should be kept in good condition free of rotten wood, mildew, chipped, or peeling paint, damage to windows, etc. Dormers that are inaccessible to habitable interior space must have black-out material to screen the view of the attic framing. Black-out material may be black building paper or fabric, painted plywood, or black paint on panes of glass. Window treatments, such as blinds or curtains, can be used on dormers that are accessible; however, window treatments should not be installed in the inaccessible roof dormers.

### 7.25 Driveways



All driveways must be maintained in good condition, free of excessive cracking, weed growth, settling, crumbling, and general deterioration. Driveways should be seal-coated, re-surfaced, patched or have cracks filled and caulked on a regular basis to maintain appearance and integrity. Asphalt patching materials must match the existing driveway in terms of color, texture, and thickness.



**Resurfacing:** Driveways that are to be re-surfaced with the same materials and in the same style and color as the original driveway are approved.



Alternative driveway materials such as concrete, exposed aggregate concrete, stamped or pigmented concrete, brick, brick pavers, precast pavers, flagstone, granite, or slate require ARB approval.



**Extension/addition:** All driveway extensions or additions must obtain ARB approval. Such extensions or additions include turn-around areas, widening, re-alignment, or additional parking aprons. All such driveway extensions or additions must maintain all required set backs from adjacent properties and not adversely affect the drainage on neighboring properties. Any driveway extension or addition that detracts from the aesthetics of the front yard of a home, is unsightly, or causes a substantial loss of lawn or landscaping will not be approved. All additions or extensions to a driveway must be installed in materials matching the existing driveway in terms of color, texture, and thickness.

### 7.26 Drainage Ditches



Homeowners are responsible for maintaining drainage ditches in front of their homes and for drainage pipes under driveways. Drainage ditches and pipes must be maintained to allow for proper drainage and to prevent standing water. Maintenance of these areas shall include mowing, weeding, mucking, and removal of sediment. Homeowners shall be responsible for coordinating with county and VDOT officials for maintenance and remedial work on storm drain structures, such as grates and inlets that do not drain properly.

### 7.27 Electric Pet Containment Fences



In-ground electric pet containment fences are permitted provided they do not have any negative impact on adjacent properties.

### 7.28 Fences



Fences and gates shall be kept in good repair. Boards shall not be warped, detached, missing, etc. Fence slats and post shall be stable and in an upright position. Gates must be securely attached to the fence, and must be able to be closed/latched and opened. All fences and wire mesh must be maintained in good condition, free of missing boards, broken, sagging, or damaged sections, excessive rot or mildew.

### 7.28 Fences (cont'd)



The addition or extension of any fence requires ARB approval. Fences are permitted around the back yard only. Fencing may be installed from the middle of the side rear foundation wall on any lot subject to lot location. All fencing shall be treated wood or composite materials in natural wood tones. Fencing may be split rail, ranch, post-and-rail, picket or privacy styles. Fences may not exceed six feet (6'-0") in height.

Due to the increased visual impact and unique lot configurations of corner and pipe-stem lots, special considerations or concessions may have to be made between the ARB and the homeowner.

It shall be a homeowner's sole responsibility to confirm the location of property boundaries and corners with proposed fence installations. Furthermore, it shall be a homeowner's responsibility to coordinate and obtain permission from the owner of an adjacent property in which there will be shared fencing sections or tie-in.



Wood lattice may not be used as fencing. Metal fencing including aluminum, chicken wire, and chain link are not permitted. However, wire mesh may be installed on the inside of rail style fences to prevent passage between rails. Double, or parallel, fencing is not permitted along common property lines.

### 7.29 Firewood



Firewood piles shall be neatly stacked and shall not exceed two cords in size. Firewood should be stored in the back/rear area of the house to minimize visual impact to other neighbors.



Firewood cannot be stored in the front or side yard or in the driveway.

### 7.30 Flags/ Flagpoles



**Flag Pole brackets and poles must be maintained in good condition, free of rust, peeling, chipping or other deterioration. Flags must be maintained in good condition, free of excessive fading, fraying, tears etc.**



Only two flags can be displayed at the front of the house, regardless if they are mounted to the front of the house, on free-standing poles, or small garden flags. National, state, sports, seasonal, holiday, special occasion, and other flags are permitted. Homeowners are encouraged to follow proper etiquette and procedures when displaying the United States flag in regard to presentation, illumination, inclement weather, etc.

Permanently mounted flagpole brackets are permitted when attached to the front of a house near the front door, garage door, porch, or front column. These brackets shall accommodate removable flags and flagpoles. Removable flagpoles may not exceed 6 feet (6'-0") in length.



Permanently mounted, in-ground flagpoles, free-standing flagpoles, and permanently mounted wall-hung flagpoles are not permitted.

### 7.31 Fountains – See Water Structures

### 7.32 Garage Doors



**Garage door must be maintained in good condition, free of warping, sagging, rotting, cracked panels or cracked windows, and must be kept fully operable. The painted finish on garage doors should be maintained free of chipping, flaking, or substantial fading.**

### 7.32 **Garage Doors (cont'd)**



Garage doors that are of the four (4)-row paneled styles in a light, neutral color to matches the home's trim color does not require ARB approval. Replacement garage doors may be wood, fiberglass, vinyl clad steel, or other composite material. Replacement garage doors may either have windows or no windows at the homeowner's discretion.



Garage doors that are of any other style than the traditional four panel door requires ARB approval.

### 7.33 **Gardens**



**Vegetable gardens are subject to the maintenance guidelines for weeding, edging, mulching, etc. Garden equipment, hoses, and related items should be properly stowed to minimize visual impact when not in use.**



Fruit and vegetable gardens are permitted in backyards only. Any fencing placed around gardens shall be subject to the same guidelines as property fences (**See Fences**). Temporary barriers, such as chicken wire, hardware cloth, or netting are permitted around gardens as long as they are not visible from the street.

### 7.34 **Gazebos** – See Outdoor Structures

### 7.35 **Grids** – See Windows

### 7.36 **Gutters and Downspouts**



**Gutters and downspouts shall be kept in good repair. Paint on gutters and downspouts shall not show signs of rust, chipping or peeling. Gutters and downspouts must be free of loose sections, damaged, dented, rusted, or missing sections. Gutters must be cleaned to provide for the proper flow of rainwater and to prevent build-up of debris and growth of mold, mildew, seedlings, etc. Downspouts and downspout extensions should not be placed in a way that causes discharge or erosion on any neighboring property.**



Replacement of gutters and downspouts does not require ARB approval if being replaced with the same color as previously installed. Any color change to gutters and downspouts is subject to the painting standards.



Any color change to gutters or downspouts shall require ARB approval.

### 7.37 **Holiday Decorations**



Holiday decorations including lights, statues, figures, wreaths, floral, candles, and other displays must be removed from the exterior of the house including doors, windows, roof, lawn, and mailbox, no later than thirty (30) days after the holiday.

### 7.47 **Hot Tubs** – See Swimming Pools/Tubs

### 7.48 **Irrigation Systems**



In-ground irrigation systems are permitted without ARB approval provided they do not have any negative impact on adjacent properties.

## 7.49 Landscape – Maintenance



**Mowing** – Grass areas shall be routinely mowed throughout the growing season and shall not exceed six inches (6”) in height.

**Edging** – Sidewalks, driveways, foundation walls, retaining walls, borders, fencing, and other permanently installed fixtures shall be routinely edged to remove weeds and grasses from growing up around these areas.

**Weeding / Mulching** – Weeds and debris should be removed from planted beds on a regular basis. It is recommended that planted beds shall be mulched periodically to deter the growth of weeds, retain water, and to provide a neat, manicured appearance.

**Woods / Natural Areas** – Natural and wooded areas should be kept free of dead or diseased trees which could cause damage to neighboring properties. These areas should be kept free of conditions which harbor rodents or swarming nuisance pests.

**Line of Sight**– All trees, shrubs, and landscaping near the street edge, street intersections, pipe stems, and common driveways shall be trimmed and maintained to keep open sight lines for vehicles.

## 7.50 Landscape Borders



Landscaping borders or edging consisting of natural and neutral colored rock, stone, brick, wood, landscape timbers, or other natural appearing materials are permitted. All landscaping borders over 18” high shall be considered retaining walls and shall require ARB approval. (See **Retaining Walls**)



Plastic, wire, and metal landscape borders are not permitted

## 7.51 Landscaping Enhancements/Changes



Minor landscaping modifications such as planting small shrubs, flowers, ground cover, ornamental trees, installation of borders, etc., shall not require ARB approval. Landscaping modifications that involve replacing like-for-like (for example, replanting a tree where a tree was cut down) shall not require ARB approval. Removal of trees that are dead, diseased, or damaged shall not require ARB approval. Where trees are removed from front yards, stumps must also be removed.



Substantial landscaping modifications shall require ARB approval. Substantial landscaping changes include, but are not limited to, installation of many new trees and plantings, entire new planted areas, installation of retaining walls, addition of hedges or trees as screening, re-grading, significant cutting of trees or reduction of woods/natural areas.

## 7.52 Lighting



**All exterior lighting shall be maintained in good condition free of broken components, cracked glass, chipped, peeling, tarnished or rusted housing, and shall be properly lamped at all times.**



Replacement of exterior lighting with like fixtures, (i.e., low voltage sidewalk lights replaced by new low voltage lights) similar in style, number, placement, and brightness shall not require ARB approval.



The addition of new exterior lighting, particularly up-lights and spotlights shall require ARB approval. Exterior lighting shall not be installed to shine on, reflect, or adversely illuminate any neighboring property. Border lighting around walkways/steps/ground level decks, etc. shall not exceed 18” in height.

### 7.53 Mailboxes



**Mailboxes shall not be rusted and shall be in good condition and repair. Mailboxes shall not be dented or missing doors, flags, etc. Mailbox posts shall be installed securely in the ground and shall be in a vertical position.**



Any mailbox considered by the USPS to be a “traditional” vault-shaped style, of a standard size, and constructed of painted steel, plastic, or composite material, and in solid colors of black, dark brown, dark green, or cream/white are permitted without application. Wood post mounted mailboxes are permitted.

Holiday decorations (such as greenery, floral displays, and bows) or celebration decorations (such as balloons) are permitted and must be removed within 30 days of the holiday season or 3 days of the celebration.

### 7.54 Mullions/Muntions – See Windows

### 7.55 Outdoor Furniture



Outdoor furnishings, such as casual lawn or beach chairs, plastic furnishings of any kind, tables, benches, grills and umbrellas are permitted in back yards, rear patios, rear porches, and back decks only. Small decorative chairs, benches, or porch swings in wood, iron, stone, concrete, or aluminum are permitted on a home’s front porch, portico, landing, walkway, or stoop. From time to time, due to holiday events or entertaining, these outdoor furnishings may be placed in a home’s front yard, side yards or driveway on a temporary basis.



Homeowners who wish to place decorative chairs, benches, or settees in a front yard or side yard as part of a landscaped setting, must obtain ARB approval.



Outdoor furnishings should not be routinely or permanently placed in a home’s front yard, side yard, or driveway.

### 7.56 Outdoor Structures



All outdoor structures such as pergolas, arches, gazebos, built-in chimneys, and built-in grills require ARB approval. Only back yard and side yard locations for outdoor structures will be considered.

### 7.57 Painting (Exterior)



**Exterior painted surfaces, including wood trim, windows, doors, garage doors, shutters, foundation walls, etc. should be maintained in good condition free of dirt, mildew, chipping peeling and excessive fading.**



Re-painting any area of the exterior in the same color or colors from a pre-approved palette of colonial colors shall not require ARB approval. Color chips of sample colonial colors are maintained by the ARB and available for homeowners’ to review.



Re-painting any area of the exterior in an alternate color shall require ARB approval. Any homeowner who is unsure of the original color due to fading or dirt accumulation should apply for ARB approval.

### 7.58 Patios



**Patios must be maintained in good condition free of excessive cracking, weed growth, settling, debris, and deterioration. Patios shall be defined as on-grade paving or hardscape.**



Replacing an existing patio using similar materials and of similar dimensions to the original is permitted.

### 7.58 Patios (cont'd)



All replacements with major changes, additions, or extensions to patios shall require ARB approval. Acceptable materials for patios include cast- in-place concrete, exposed aggregate concrete, stamped or pigmented concrete, brick, brick pavers, precast pavers, flagstone, granite, or slate. Asphalt, loose stone or gravel or any wood products are not permitted for the construction of patios.

### 7.59 Pergolas – See Outdoor Structure

### 7.60 Play Equipment



**Playground equipment shall be kept in good repair. Boards on wooden equipment shall not be warped, detached, missing, etc. Paint on metal equipment shall not show signs of chipping and peeling.**



Moveable, non-fixed play equipment such as swing sets, slides, climbers, playhouses, trampolines, sand boxes, wading pools, etc., are permitted in the backyard of a home without ARB review.



Any fixed, permanently installed, play set or play equipment (permanently installed shall be defined as having buried posts, footings, or foundations) must obtain ARB approval.



Sports/play equipment should not be stored or abandoned on common grounds or public streets. This includes such items as: bicycles, tricycles, big-wheels, skateboards, scooters, other riding toys, balls. Moveable, non-fixed play equipment shall not be permanently or routinely placed in the front or side yard of any home.

### 7.61 Ponds – See Water Structures

### 7.62 Porches – See Additions (for Sunrooms/Screen Porches) or Sidewalk/Stoops

### 7.63 Ramps



Ramps to a home's entrance are permitted only for handicap or elderly accessibility needs. All ramps shall require ARB approval. Construction of ramps shall conform to the materials permitted for sidewalks (**See Sidewalks/Stoops**) or decking materials (**See Decks**). Ramps shall be constructed to be as unobtrusive as possible and shall be concealed with landscaping wherever possible.

### 7.64 Retaining Walls



**Retaining walls shall be installed and maintained in good condition with appropriate drainage, tie-backs, and all wall units maintained stacked and plumb.**



Walls less than 18" used in landscaping are pre-approved. Walls should be natural and neutral colored rock, stone, brick, modular block, wood, landscape timbers, or other natural-appearing materials.



Installation of all retaining walls over 18 inches requires ARB approval.

### 7.65 Roofing



**All roofing should be maintained in good condition with no missing or damaged shingles or build up of mildew. All flashing and sheet metal roofing must be maintained in a condition free of rust, scratches, and dents. Chimneys caps, metal flues and attic vents shall be kept in good repair and not show signs of rust, chipping or peeling.**



Homes may be re-roofed without ARB approval if the new roofing is to be the same color and material as the existing roof. Standing seam steel, aluminum, or copper metal roofing may be used only on the stepped-out bay window design of some homes. Metal roofing colors consistent with natural or weathered copper or paint colors matching the home's trim do not need ARB approval.

### 7.65 Roofing (cont'd)



Homeowners wanting a new roof color must submit the color change for ARB approval. Colors of the home's brick, siding, shutters, and trim should be considered when selecting a roof shingle color. Alternative roofing materials such as real or simulated slate, tile, or wood shakes require ARB approval. Any other accent colors on metal roofing must be submitted for ARB approval. Colors of the home's brick, siding, shutters, and trim should be considered when selecting a metal roof color.

The color of flashing and sheet metal should only be galvanized, mil finish aluminum, or a powder coated aluminum in a color to match or complement the roofing material.



Bright metal finishes are not permitted for flashing and sheet metal.

### 7.66 Satellite Dishes – See Communication Devices

### 7.67 Screened Porches – See Additions

### 7.68 Shutters



**Shutters must be maintained in good condition, broken or missing shutters should be replaced, loose shutters or shutters having missing fasteners should be repaired. Painted finish on shutters should be maintained free of chipping, flaking, or substantial fading.**



Shutters shall be required on all windows where they were located in the homes' original design. Shutters in wood, vinyl, or composite materials are permitted.



Replacement shutters having a different style, profile, or dimension than original shutters shall require ARB approval. Any change in the color of the shutters shall require ARB approval. Colors of the home's brick, siding, trim, and front door, as well as surrounding neighbors' shutter colors, should be considered when selecting a new shutter color. (Also see **Exterior Painting section**).

### 7.69 Sidewalks/ Stoops



**Sidewalks, stoops, stairs or landings must be free of weed growth, settling, debris, and deterioration. Sidewalks, stairs, and landings used specifically for ingress and egress from the properties shall be level and free of major cracking and crumbling. They must also be maintained in good condition, providing a safe, clear path to a home's entrance.**



All changes to the construction or layout of sidewalks and stoops shall require ARB approval. Acceptable materials for sidewalks and stoops include cast in place concrete, exposed aggregate concrete, stamped or pigmented concrete, brick, brick pavers, precast pavers, flagstone, granite, or slate.



Asphalt or any wood products are not permitted for the construction of sidewalks and stoops.

### 7.70 Siding



**All siding must be maintained in good condition, free of dirt, mildew, mold, missing or loose sections.**



Vinyl, painted wood, aluminum, or composite siding is permitted. Replacement of siding in a color that matches the previously installed siding shall not require ARB approval.



Installation of siding in a different color than previously installed shall required ARB approval.



Steel and cedar siding are not permitted.

## 7.71 Signs



Within the neighborhood, signs may be placed within the front yard of the affected property or in the right-of-way on street corners. Signs may not be placed on other homeowners' properties without coordination and approval from the other homeowner. All signs must be clear and legible and maintained in good condition. All signage will conform to the following guidelines:



**Contractor** – Contractor or service company signs may be posted during construction, remodeling, or renovation. Such signs for contractors and service companies shall be removed promptly upon completion of the work.



**Garage/ Yard Sale** - Signs for garage or yard sales are permitted, however, they may be placed throughout the neighborhood no earlier than one (1) week before the sale and must be promptly removed by the end of the day following the sale.



**Lost/Found** - Signs for lost or found pets or belongings are permitted for up to two (2) weeks. Homeowners wishing to post lost/ found signs for longer than 2 weeks shall require ARB approval.



**Political** - Signs for political candidates or election issues may be placed in a home's front yard or windows for no more than two (2) months prior to an election. Such political signs may only be ground mounted with pipes, spikes, stakes, etc. (for yard signs), or taped (for window signs).



**Real Estate/ Rental** – Real estate and rental signs may be placed only in the front yard of affected properties. “Open House” signs and directional arrows may be placed near the community entrance only on the day of the open house and must be removed by the same evening. Real estate signs must be removed by the closing sale date.



**Security/ Electric Pet Containment Systems** - Signs for security systems and electric fence installations are permitted only as small placards affixed to fence posts, small ground mounted signs, or small window stickers.



In accordance with Article VI of the Covenants, no sign shall be displayed promoting a home-based business. No sign of any kind may be illuminated or larger than two square feet except real estate signs not more than four square feet.



Real estate and rental signs, including directional signs and arrows, may not be placed at the Gate Post Estates entrance, street corners, or intersections within the neighborhood. (Except for an “open house”)



Political signs may not be permanently affixed to a home's exterior, garage, roof, etc. Political signs must be removed within one week of an election.



Signs posted that advertising services, such as housekeeping, carpet cleaning, painting, etc., are not permitted.

## 7.72 Sports Equipment



**Basketball backboards, rims, poles and nets must be maintained in good condition at all times. Sports and play equipment (such as bicycles, skateboards, scooters, balls, bats, clubs, nets, etc.) may be used on GPE common grounds, streets, cul-de-sacs, paths, and pipe stems, but should be removed same day. Equipment should not be stored or abandoned in these areas for safety reasons. Furthermore, such equipment should not be permanently or continuously placed on public streets, including the street's edge, right-of-way or in cul-de-sacs in accordance with VDOT regulations.**

### 7.72 Sports Equipment (cont'd)



Portable basketball systems (backboard, rim, pole, and base unit) are permitted in the driveway of a home without ARB review. Portable skateboard ramps are permitted in the driveway of a home without ARB review. All other portable, non-permanent sports equipment, such as badminton nets, volleyball nets, croquet sets, soccer goals, baseball bases, basketball nets, etc., are permitted in the backyard of a home without any ARB review. These types of portable sports equipment shall not be permanently placed in the front or side yard of any home.



Permanently installed basketball systems (backboard and rim on fixed pole) are permitted adjacent to driveways, but shall require ARB approval. Only clear, acrylic backboards shall be permitted.



Permanently installed, fixed sports equipment, other than basketball nets, are strictly prohibited in the front and side yards of a home and will not be approved. Basketball backboards mounted to the house or garage is not permitted.

### 7.73 Solar Panels



Ground mounted solar panels are only permitted in the back yard and shall not be visible from the street.



Roof mounted solar panels are only permitted on the rear elevation of a home. Roof mounted solar panels require ARB approval.

### 7.74 Storage Sheds



**Sheds shall be maintained in good repair. Boards on wooden sheds shall not be warped, rotting, detached, missing, etc. Paint on sheds shall not show signs of rotting, chipping or peeling. Siding on sheds shall not be dented. Doors on sheds must be securely attached to the shed jamb, and must be able to be closed, latched, and opened. Roofs shall not be damaged or dented.**



All exterior storage sheds shall require ARB approval. Storage sheds may only be located in back yards. Proposed locations of storage sheds should be as concealed and unobtrusive as possible and have no negative impact on adjacent properties. Storage sheds may be made of wood, vinyl siding, vinyl clad metal siding or paneling, or composite materials finished to complement the primary home's exterior siding or trim colors. Sheds may be up to 10 feet x 14 feet (140 SF). Storage sheds shall be placed on either solid masonry or cast-in-place concrete slabs or footings. Abandoned or damaged storage sheds no longer in use should be removed from a homeowner's property.

### 7.75 Storm and Screen Doors/Windows



Clear glass storm windows, storm doors and screen doors do not require ARB approval. Storm doors and screen doors must be full view, clear glass with only a perimeter stile/rail frame. The door's stiles and rails (framing) may be aluminum, steel, wood, vinyl clad or composite material in which the finish color matches or matches the home's trim or door color.



Grates, grills, etched designs, or stained glass requires ARB approval.



Plastic coverings of doors or windows are not permitted in any case.

### 7.76 Swimming Pools/ Tubs



All swimming pools, spas, whirlpool tubs, hot tubs, and saunas shall require ARB approval. Swimming pools must have a minimum 5'-0" high privacy fence (**See Fences**) and screening landscaping. Spas, whirlpool tubs, hot tubs, and saunas must have hard, full coverage, locking covers.

### 7.77 Trash Removal



Trash cans and recycling bins should be stored in the garage or on the back side of the house. Trash cans and recycling bins should never be stored in the front, side yards or in the driveway. In accordance with Article VI of the covenants, trash and garbage containers shall not be permitted to remain in public view except on days of trash collection.

Trash cans or bags (to include yard debris) and recycle bins must be placed curbside not earlier than 6:00 P.M. the night before the scheduled pick-up day. Trash cans and recycle bins must be removed from curbside not later than 8:00 P.M. the evening of the scheduled pick-up day. Homeowners who will be out of town or unable to collect their cans and bins should coordinate with a neighbor to do so.

Litter and trash, including newspapers, shall not be allowed to accumulate on the exterior of any property. Homeowners shall be responsible for collecting litter and trash on a regular basis that is blown on to or accumulated on their properties, including lawn areas, landscaped beds, against fences and structures, around mailboxes, drainage ditches, and gravel road edges.

Trash cans or bags (to include yard debris) must be properly secured. Trash cans or bags (to include yard debris) and recycle bins shall be stored out of site and public view.

Homeowners shall be solely responsible for scheduling and paying for, if necessary, the haul-off of large items such as furniture, appliances, or construction debris that are not collected as part of the weekly trash removal service. These items may not be placed at the curb sooner than the evening before scheduled pickup.



Homeowners whose construction, demolition, or remodeling project requires placement of a dumpster on the property or in front of a home for longer than two (2) weeks must obtain ARB approval for placement of the dumpster.



Trash and organic debris such as leaves, grass clippings and branches may not be dumped in common areas.

### 7.78 Trellises



**Trellises that are broken, falling, or are no longer used for growing plants should be removed.**



Trellises are permitted without ARB approval. Trellises must be solid, sturdy construction and may be constructed of treated wood, wrought iron, or other metals. Trellises must be a natural or neutral color.



Light weight, trellises of bamboo, plastic or other “flimsy” material are not permitted.

### 7.79 Vehicles



Permitted vehicles will conform to the following guidelines: Minor repairs may be performed on vehicles in an owner’s driveway. Major repairs, restoration, overhauls, and “project vehicles” are not permitted outdoors.



In accordance with Article VI of the Covenants, no commercial vehicle of any kind shall be kept or parked in driveways or on streets. Vehicles used for commercial pursuits shall be defined as any vehicle bearing a company name, logo, or sign, or any non-passenger vehicle such as a panel truck, bus, commercial van, shuttle, limousine, taxi, etc. Such commercially used vehicles may be parked only in garages.



Trailers, campers, recreational vehicles, boats, motorcycles, personal watercraft, bicycles, and motorized play vehicles are not permitted to be parked or stored in driveways, streets, yards, pipe stems, or common

### 7.79 Vehicles (cont'd)

areas. Inoperable vehicles are not permitted in driveways, yards, or streets. Vehicles may not be parked or stored on lawns.

### 7.80 Vinyl Wrapping/Trim



Vinyl wrapping of exterior trim is permitted as an alternative to exterior painting and maintenance/replacement of wood trim. Vinyl wrapping shall not require ARB approval if the wrap color is a light or neutral shade to match the existing exterior trim color.



Vinyl wrapping in a new color shall require ARB approval in accordance with exterior color guidelines in Exterior Painting section.

### 7.81 Water Structures



All permanent, built-in water structures such as fish ponds, gazing ponds, waterfalls, or plumbed fountains require ARB approval. Only back yard locations for such water features will be considered.

Temporary moveable water structures, such as small fountains or bird baths, are subject to the rules pertaining to decorative objects.

### 7.82 Windows



**Window panes and window screens shall be kept in good repair with no broken or taped glass or screens. Windows must be maintained in good condition at all times. The painted finish on window trim and frames must be maintained in good condition free of chipping, flaking, and peeling. Muntins (Grids) must be maintained in good repair and either are in every window or out of every window on any given side of the home\* (see note below). Muntins (grids) must be intact and not exhibit any broken, missing, damaged, hanging, leaning, or dislocated sections.**



Replacement windows are permitted and do not need ARB approval if they match the original windows in the number, dimension, placement of “lites” (small faux panes created by applied mullions or in-window grids) and maintain the same double hung, two-sash look.



Any replacement windows deviating from these requirements shall require ARB approval.

**Note:** The intent of these window guidelines is to provide some leniency for homeowners who have original builder-grade windows but, over time, restore the community's traditional look as new / better windows are installed. The assumption is that any replacement window will be maintenance free regarding the muntins and the need to remove muntins will be eliminated.

### 7.83 Window Treatments



**Window treatments that are visible from the street should be maintained in good repair without tears, broken or missing slats, and has neutral (white, beige) backing.**

## **8. INSPECTIONS/WALK THROUGH GPEII**

The GPEII Covenants require that the GPEII BOD ensure that all GPEII properties comply with the Covenants and Guidelines. To help meet this obligation, the GPEII ARB shall periodically (typically, three (3) times per year (Spring, Summer and Fall) survey the community for compliance with the Architectural Guidelines.

## **9. PROCEDURES FOR ARB VIOLATIONS/NON COMPLIANCE**

When an apparent maintenance and/or architectural violation is found to exist, either by a periodic walk through by the ARB, or report from an Owner/Resident, the ARB will pursue the following procedures:

1. **Verification of Reported Violations:** The reported violation shall be confirmed by a site visit.
2. **Notices of Apparent Violation:** If the ARB determines there is a violation, the procedures outlined below will be followed.
3. **First Notice Letter:** An initial notice sent to the Owner requesting that the cited violation be corrected. The letter is sent via U.S. Mail. The correspondence shall contain:
  - a. A statement of the apparent violation.
  - b. Identification of the appropriate section of the Architectural Rules and Guidelines dealing with the apparent violation;
  - c. A statement that the Owner of the property has **45** calendar days from the date of the letter to correct the apparent violation. This notice period may be reduced in the event of an emergency situation or in cases where the apparent violation will increase or enhance with the passage of time. The Owner must submit to the GPEII ARB, via email or in writing, a remedy of the apparent violation and/or the Owner may respond, in writing, within **45** calendar days by stating why there is no GPEII ARB violation. If the homeowner requires additional time, a request to the ARB must be submitted in writing (email is acceptable) with a timeframe of when the violation will be corrected. (**Appendix C: Sample 1st Notice Letter**)
4. **Second/Final Notice Letter:** If the apparent violation continues for **45** calendar days after initial notification to the Owner, no substantial progress is made in correcting the apparent violation, or the homeowner has not acknowledged the first letter within the **45-** day timeframe, then a second/final notice will be sent to the homeowner. The letter will be sent by Certified Mail, Return Receipt Requested, with another copy by standard U.S. Mail, to the Homeowner of record on the property. Copies of the letter will be sent to the GPEII BOD and the law firm retained by GPEII. This letter will contain a copy of the first notice and the following additional information:
  - a. That this is a second and final notice of apparent violation(s).
  - b. A statement that the Owner has **45** calendar days from the date of the letter to correct the apparent violation. This notice period may be reduced in the event of an emergency situation or in cases where the apparent violation will increase or enhance with the passage of time. The Owner must submit to the GPEII ARB a written plan, including timing, for the remedy of the apparent violation within a reasonable period of time, with justification where such violation cannot be fixed within **45** days. Alternatively, the Owner may respond, in writing, within **45** calendar days by stating why there is no GPEII ARB violation.
  - c. A statement that the owner is obligated to notify the ARB of the date when remedial action is (or will be) completed, so that an inspection of the property may be arranged to confirm that the property is in compliance. Failure to resolve the apparent violation within **45** calendar days of the date of this letter will result in the matter being sent to an attorney for further action. This could include the filing of a Notice of Covenant Violation lien on said property, monetary fine, and/or possible legal action.

## **10. LEGAL ACTION BY BOARD OF DIRECTORS & MONETARY FINES**

If the apparent violation(s) is not resolved after **45** calendar days from the date of the second/final notice and homeowner has not acknowledged second (2nd) letter, the GPEII ARB Chairperson will refer the matter to the GPEII BOD. Failure of homeowner to correct violation and lack of response by homeowner to the 2nd/final notice shall be grounds for the BOD to take any and/or all of the following actions: suspension of homeowner's voting rights, foreclosure of liens, monetary sanctions, and/or any legal or equitable relief deemed appropriate by the GPEII BOD.

The GPEII BOD reserves the right to invoke monetary fines/sanctions that are in accordance with the Governing Documents (Articles of Incorporation, Covenants and Bylaws), Virginia State and/or Fairfax County law. The GPEII BOD reserves the right to assess homeowners a fine of \$10.00 per day for each violation that is not corrected up to 90 days (max. \$900.00 per violation) as stated in the Property Owner's Association Act under the Code of Virginia. The monetary fine can begin one day after the **45th** day listed on the second/final notice letter to homeowner.

The BOD is authorized to take legal action to compel compliance with the GPEII Guidelines, and to seek the recovery of any and all cost associated with the efforts to obtain compliance, including, but not limited to, court costs and attorneys' fees from the homeowner.

## **11. HOMEOWNER APPEAL PROCESS FOR VIOLATION(S)**

The Owner shall have the right to appeal any violation citation. The request for appeal must be submitted in writing and sent to GPEII HOA PO Box 1081, Centreville, VA 20121 or via email to ([GPEIIARB@gatepostestates.org](mailto:GPEIIARB@gatepostestates.org)) and received by the ARB with **45** days of receipt of violation notice. The homeowner must state and address why there is no violation(s). The ARB will review the appeal and notify the homeowner (via mail and/or email) with the following response:

1. Violation citation stands and the homeowner must bring cited violation(s) into compliance as stated in Guidelines.
2. ARB was incorrect to notify homeowner of violation(s); no apparent violation exists and the homeowner is in compliance. No further action will be taken by the ARB and the issue is resolved/closed.

## **Appendix A – ARB Governance**

### **DECLARATION/AUTHORITY OF THE ARB**

The Declaration of Covenants, Conditions and Restrictions (hereinafter “Declaration”) are part of the deed to every property in GPEII and are binding on every Owner and Resident. Article VI, Section 1 -18 of the Declaration serves as the basis for the Guidelines contained in this publication. The authority for the establishment and functioning of the ARB is set forth in Article VII of the Declaration.

### **THE ARCHITECTURAL REVIEW BOARD**

**ARB Memberships** Any homeowner in good standing of the GPEII Homeowners Association is eligible to apply for service on the ARB. All requests for service shall be forwarded to the President, who will consider all such applicants before submitting to the Board a recommended list of appointees to the Committee. The BOD shall retain the power to approve or disapprove potential appointees and determine the size of the Committee, which shall never be less than three (3) members. Members shall serve staggered three (3) year terms. No member of the ARB Committee can serve as a Director on the HOA Board at the same time.

At the first meeting of the ARB committee following each annual HOA meeting, the ARB Committee shall elect a Chairperson, Vice Chairperson and Secretary who shall perform the usual duties of their respective offices for one year.

**Majority & Voting** Approval or disapproval will be taken by majority vote of the Committee members (except in the case of incomplete applications). Only members of the ARB (including the Chairperson) may participate in the review of, and decision on, submitted request for modification applications.

### **AMENDMENTS TO GPE II ARCHITECTURAL RULES & GUIDELINES**

The GPEII Guidelines reflected in this publication may be amended. The Guidelines and any amendments thereto cannot conflict with the Declaration. The ARB will conduct a periodic review of the Guidelines to determine if amendments should be referred to the BOD. Homeowners in good standing may submit to the ARB requests for additions, deletions or changes to the Guidelines no later than January of each year. The ARB shall refer the requested change to the BOD. Advance notice of all changes to the Guidelines that the BOD proposes to approve will be provided to the community for review and comment, normally through publication in the HOA Newsletter, via email or on line through the GPEII website, thirty days before the BOD votes on adopting amendments. The BOD may hold a public discussion or forum for homeowners to review and comment on the proposed changes to the Guidelines. The GPEII BOD has final authority to make changes to the Guidelines. Upon adoption by the BOD, notice of changes to the Guidelines will be provided to the homeowners via an updated publication of the Guidelines document. The document may be provided via email, on line at the GPEII website, and/or a printed copy provided to each homeowner.

## **RIGHT OF ENTRY**

The Association, through their authorized officer, employees or agents, shall have the right to enter upon any Lot during daylight hours and then whenever practical, only after advance notice to, and with the permission of, Any Owner or tenant directly affected thereby when not an emergency situation or a governmental function for the purpose of ascertaining whether such Lot or the construction, erection, placement, remodeling, or alteration of any structure thereon is in compliance with the provision of these guidelines.

## **SETTLEMENT RELEASE DOCUMENT**

A release letter is required by the GPEII HOA to be completed and issued to an Owner's settlement attorney prior to closing on the sale of a home. The document(s) provide information on the current status of assessment payments and on the existence of any architectural violations. The release document helps to protect the future buyer against unknown problems with past owners architectural changes or past due assessments. If everything is in order, it also protects the seller from a potential lawsuit involving violations of the Covenants by subsequent owners.

## **EXTERIOR MODIFICATIONS THAT REQUIRE APPROVAL BY THE ARB**

Any change, permanent or temporary, to the exterior appearance of properties and structures within GPEII, requires compliance with these Guidelines and the prior written approval of the ARB (unless otherwise specifically stated in these Guidelines).

The requirement for ARB approval is not limited to major alterations, such as adding a room or deck to a house, but also includes such items as changes in color or materials. Review and approval are also required for removing existing items. Each application for ARB approval is reviewed by the Committee on an individual basis. A homeowner who wishes to construct, for example, a deck that is identical to one that already exists in GPEII is still required to seek ARB approval for the construction. An existing modification to a neighboring home that an owner may wish to copy may not have been approved by the ARB, and the Owner would be unintentionally copying an existing violation of the Guidelines. The best rule regarding applications is . . . **“When in doubt, apply for ARB approval.”**

## Appendix B – Request for Modification Form

### REQUEST FOR MODIFICATION OR ADDITION

Owners' Name(s) \_\_\_\_\_ Home Phone: \_\_\_\_\_

Home Address \_\_\_\_\_ Work Phone: \_\_\_\_\_

CellPhone: \_\_\_\_\_ Email: \_\_\_\_\_

#### Description of Modification or Addition Requested

Please describe in clear and concise language the modification or additions that you wish to make to your dwelling or grounds. A diagram, sketch or picture should be attached to this request. If more space is required, please use a separate sheet. (See Section 4 of the GPEII Architectural Guidelines and Standards.)

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I acknowledge and agree that I will be solely liable for any claims, including without limitation, claims for property damage or personal injury, which result from the requested change or addition. I hereby indemnify the ARB of the Second Gate Post Estates Home Owners Association from and against any violation of any and all applicable codes and ordinances with regard to obtaining all necessary permits and inspections for the requested modification or addition. I also accept full responsibility for the maintenance, repair and upkeep of said modification or addition.

DATE \_\_\_\_\_ All Property Owner's Signature REQUIRED \_\_\_\_\_

Project Start & Completion Date(s): \_\_\_\_\_

.....

#### ARCHITECTURAL REVIEW BOARD ONLY

Date Accepted \_\_\_\_\_

Method of Acknowledgement \_\_\_\_\_

#### ACTION

- Approved as requested.
- Approved subject to the following conditions/modifications: \_\_\_\_\_
- Returned for additional information
- Disapproved for the following reasons: \_\_\_\_\_
- Rejected – homeowner may contact BOD for appeal consideration

Copy returned to Owner on \_\_\_\_\_

Date

ARB Signatures

Submit completed form & supporting documents to: **GPEII HOA, ATTN: ARB, P.O. BOX 1081, CENTREVILLE, VA 20121** or email to: [GPEIIARB@gatepostestates.org](mailto:GPEIIARB@gatepostestates.org).

**Note:** Review period begins when completed application is **accepted** by the ARB (not receipt) – in some cases the review period may be more than **45** days. Homeowner can note projected start date if timeframe for approval is less than 45 days. ARB Committee will do its best to work with homeowner's request for an expedited approval.

## Appendix C – Sample of 1st Notice Letter to Homeowner

### Second Gate Post Estates - Architectural Review Board

Website: [www.gatepostestates.org](http://www.gatepostestates.org)

NEW EMAIL Address: [GPEIARB@gatepostestates.org](mailto:GPEIARB@gatepostestates.org)

Dear Neighbor: @ (ADDRESS TO BE LISTED):

The Architectural Review Board (ARB) Committee's goal is to ensure that GPEII is a neighborhood of well maintained homes. This, in turn, protects property values and enhances our overall community. As a service to our neighbors, the ARB conducts periodic walk-thru of the community. The ARB views the exterior of homes to ensure they comply with the GPEII Architectural Standards and Guidelines. Recently, members of the ARB conducted a neighborhood walk-thru and the following item(s) was noted on your home:

- Violations cited and Maintenance/Architectural Standard that applies
- Violations cited and Maintenance/Architectural Standard that applies
- Violations cited and Maintenance/Architectural Standard that applies

We are asking that you review our findings within the context of the GPEII Homeowners Association Covenants and the Architectural Standards and Guidelines. A copy of the Guidelines is available to you on the GPEII web site. If would like to discuss the item(s) cited or feel the item (s) listed is not a violation, please contact the ARB at [GPEIARB@gatepostestates.org](mailto:GPEIARB@gatepostestates.org).

If you are in the process of correcting the item(s) listed, we thank you for doing so in a timely manner. If you have not started addressing the violation, the ARB respectfully requests that you make the necessary repairs/changes within 45 days of receiving this letter and send an email to [GPEIARB@gatepostestates.org](mailto:GPEIARB@gatepostestates.org) with your address and issue(s) cited noting that the item(s) has been resolved. This will assist the ARB when completing the next scheduled walk through of the neighborhood.

If you are unable to complete the repairs/changes within the 45 day period for any reason, please contact the ARB (via email at: [GPEIARB@gatepostestates.org](mailto:GPEIARB@gatepostestates.org)) or send a letter to the address listed above specifying the violation(s) and anticipated date of completion. We recognize that difficulties may arise that prohibit homeowners from addressing violations in the timeframe required, and the ARB will work with homeowner on a reasonable timeframe for item(s) to be corrected.

Thank you for helping to maintain our beautiful neighborhood!

Sincerely,

Gate Post Estates II Architectural Review Board

## **Appendix D – Relevant County, State, and Federal Regulations**

### **Address Numbers**

The Virginia Uniform Statewide Maintenance Code specifies that address numbers must be a minimum of 4 inches high with ½ inch line thickness. A home's address numbers should be displayed clearly on the front elevation of the home either above the front door (transom area), front wall, or above the garage door. Address numbers should be a color that contrasts with the surface upon which they are mounted. Address number must be in Arabic numerals (1, 2, 3, etc) and not in Roman numerals or text.

### **Animals**

Fairfax County laws and ordinances describe an acceptable standard of animal welfare. The County requires pets must have proof of current vaccinations, licenses, and identification. When outside of a homeowner's premises, pets must be restrained on an appropriate leash. The county does not permit pets to run, roam, or hunt unrestrained on streets, neighboring properties, public trails which traverse the neighborhood, or common areas.

### **Landscaping**

The Fairfax County Planning and Zoning department or other local governing authorities regulate the numbers or percentage of trees which can be removed, area (SF) which can be disturbed, and areas which can be paved and made impermeable over established minimums.

### **Mailboxes**

The United States Postal Service has regulations regarding to placement, height, mounting, and display of address numbers.

### **Retaining Walls**

County and state codes require approval and permits for walls over 2 feet in height and retaining "unbalanced fill".

### **Sidewalks**

The county specifies building code requirements for ingress, egress, and accessibility.

### **Signs**

The county has requirements regarding size, content, and placement of posted signs.

### **Storage Sheds**

The county requires approval and permits for sheds exceeding the maximum allowable footprint or roof height for an un-permitted structure.

### **Swimming Pools & Saunas**

The county requires permits for construction of a swimming pool or sauna.

### **Vehicles**

The county and state require current registration and inspections for vehicles parked in on public streets. The county and state regulate how vehicles may be parked in garages, driveways, and on streets including but not limited to parking near corners, hydrants, etc.