

# **DEER VALLEY HOMEOWNERS ASSOCIATION**

## **DESIGN GUIDELINES**

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## PREFACE

The Deer Valley Homeowners Association (DVHOA) is required to operate under Virginia Law, subject to the Virginia Property Owners Association Act.

The Design Guidelines (DG, or Guidelines) are subject to the "Declarations of Restrictive Covenants", "Zoning Proffers", and "By-Laws" for the Deer Valley Homeowners Association, including penalties thereof.

These DG govern all DVHOA members and are part of the association packet. The Declaration of Restrictive Covenants prescribes that the entire authority and approval process rests with the Board of Directors (Board). This version will supersede all other prior versions and prior amendments including, but not limited to the current Design Guidelines effective date September 1, 2005, and amendments dated August 9, 2007, March 28, 2009, June 28, 2019, and April 10, 2023.

Any future proposed changes must be submitted to the Board of Directors by the Architectural Review Committee chairman, and the Board will vote as to whether the changes should be adopted according to the authority rested in the Board by the Declaration of Restrictive Covenants.

## ARTICLE I

### DESIGN GUIDELINES OVERVIEW & AUTHORITY

These Design Guidelines are the basis by which we can maintain high standards throughout the life of this community. They have been written not only to establish rules that guide design and construction, but also to define and establish the basis and reasoning for those rules, and to assist the homeowner in understanding these Guidelines.

These guidelines apply to, but are not limited to, all visible designs, landscaping, construction, fencing, structures, shutters, doors, windows, paint colors, wood colors, decorative or structural design elements, etc. Essentially, anything that is externally visible on your property from all views.

Through the establishment of these Design Guidelines and the Architectural Review Committee (ARC), Deer Valley Homeowners Association is making a commitment to you to maintain a standard of excellence. You, as members of the Deer Valley Homeowners Association, are invited to work with us and to embrace our commitment to excellence.

The Deer Valley Declaration of Restrictive Covenants establishes the authority, oversight, and sole discretion of the DG rest with the Declarant. The Declarant is the Board of Directors for DVHOA. Please refer to the Declaration of Restrictive Covenants whereby the Board has the right to deny any request for external property design changes including, ***“Disapproval may be based upon any ground, including purely aesthetic considerations.”***

## ARTICLE II

### WHO AND WHAT MUST COMPLY

Each property owner within Deer Valley Homeowners Association is responsible for his/her property's compliance with these Design Guidelines. Any improvements made to that property may affect that compliance and the Owner must obtain any reviews and approvals required to maintain compliance.

This is true regardless of whether or not the work is being performed by the Owner directly or by a Contractor.

For any proposed construction that is not listed, please contact the ARC to determine what approvals are required.

**NOTE: The Board of the Deer Valley Homeowners Association reserves the right to require removal or repair of any modification that is not in compliance with the Guidelines or that lacks written approval from the ARC.**

**In addition to compliance with these Guidelines, you or your contractor may be required to obtain other permits or government inspections such as a county building permit, et cetera. It is not the responsibility of the Board or the ARC to obtain any permits for you, nor to provide any guarantees or waive any legal requirements for compliance with any state or county law, or these Guidelines.**

### **ARTICLE III**

#### **POLICIES PROCESS AND APPROVALS**

The ARC is appointed by the Board as the enforcement and administrative committee for these guidelines. In this capacity, the ARC is charged with regular assessment of homes for compliance to these guidelines and the Declaration of Restrictive Covenants. Additionally, the ARC processes submittals, as defined in these guidelines, for Board approval.

Submittals prepared for consideration by the ARC shall be complete and accurate. Submittals for design review must include drawings prepared as described below and color samples. In every case, all requested information shall be furnished. The ARC may, at its discretion, reject applications that are incomplete or inaccurate.

Proper submittals shall include the homeowner's address, name and phone number, drawings that are neat, accurate, and if possible, drawn to scale, and with sufficient detail to adequately explain the entire design. Insufficient explanation of a design, including all visible details, is cause for rejection.

All documentation submitted to the ARC will be kept in the ARC files as a record of approved designs or denials for the lot.

#### **EXAMPLES:**

1. Site Plan - Deck, Patio, Swimming Pool, Accessory Buildings:  
~Must show location of improvement, existing structures, distances to property lines, tree(s) if any to be removed.
2. Site Plan - Fences: Must show location, extent of fence and tree(s), if any, to be removed, elevation of fence, specification of materials and show unfinished versus finished sides.

#### **REVIEW PROCESS:**

Initial review of submittals for approval is accomplished by the ARC. Contact the ARC to obtain information on the appropriate process for your request.

The ARC makes every effort to respond to submittals within 21 days. Requests for review should be made at least thirty (30) days prior to your anticipated need of approval (to start work, close on property, etc.).

The ARC review and Board approval are based on the interpretation of these DG and any drawings or written information submitted. Due to time constraints, review of all applications occurs without personal presentations by the applicants. Therefore, it is incumbent upon the applicant to provide sufficient and accurate information to the ARC for proper consideration.

**APPROVALS:**

**An application is approved when notice is given to the applicant in writing by the ARC (on behalf of the Board). No verbal approvals are given.**

The ARC may issue any of the following four decisions:

1. **"Approved"**: means the homeowner's request was approved as submitted.
2. **"Approved with Limiting Conditions"**: means approved only if stated conditions in the approval letter are met.
3. **"Denied"**: means the homeowners request was not approved as submitted. The homeowner will receive reasons for the denial in writing. If a request is denied, the homeowner may appeal any decision by the following procedures under the "Appeals" section below.

**APPEALS:**

Should an application be denied based on the Guidelines, and the applicant feels that the submittal was misinterpreted or that there are extenuating circumstances that should qualify them for an exception from these requirements, they may contact the ARC to discuss it. If the ARC agrees a second review is in order, the application will be placed back in the queue for review.

If an applicant feels that he or she has been unfairly denied approval by the ARC, an appeal may be filed with the Board in writing. The Board shall decide whether sufficient reason exists to permit an appeal, and, if so, will schedule a meeting.

**APPROVAL EXPIRATION:**

Applicants must begin construction within six (6) months of approval by the ARC. Failure to do so will automatically revoke approval without prior notice from the ARC. Time extensions may be granted upon receipt of written request, at the discretion of the ARC. When extensions are not granted, the application must be resubmitted for review.

**CONSTRUCTION CHANGES:**

All construction must be completed in accordance with the submitted documentation, as approved. Applicants requesting design change approvals should consult with the ARC to determine if additional plans and specifications are required.

## **ARTICLE IV**

### **THE DEER VALLEY HOMEOWNERS ASSOCIATION DESIGN GUIDELINES**

This document sets forth many "guidelines" with respect to the single-family residential development of Chickahominy Oaks Subdivision at Deer Valley. The ARC uses these primary guidelines in the judgment of each design submittal, providing a basic means of testing every decision. This benefits the Association, the ARC, the community and the applicant by ensuring a continuity of approach, regardless of changes in the membership of the Board or ARC.

On the pages that follow, specific guidelines are provided for common situations that occur for additions, accessory buildings, site improvements, fences, driveways, and miscellaneous conditions. It is not practical to list every possible condition, therefore, it is highly recommended that you seek ARC advice if you have questions related to these guidelines. Not listing a design guideline for a particular addition or modification to a home or lot, does not automatically permit that change to be allowed.

### **PRIMARY GUIDELINES OF ARCHITECTURAL REVIEW**

1. **SITING FOR COMMUNITY AND PRIVACY:** Each structure or site improvement shall be located at minimum distances from property lines to create a proper setting within each lot, consistent with the density and setbacks of the community, so as not to unduly restrict the view, light, or breeze to or from neighboring properties, and so as not to compromise the privacy of any other lot below the general level enjoyed by other members of the community.
2. **FORM AND CONTEXT:** All structures shall be of a size and use that is consistent with the standards of the community. All structures and site improvements shall be designed in styles, shapes and sizes, massing, and colors to be of good proportions, well balanced, appropriate to residential, single family-dwelling architecture in general and specifically to this community.
3. **APPEARANCE QUALITY:** All improvements to any lot shall meet minimum standards of design and material quality consistent with the level of quality established for the entire community. The exterior of each structure shall consist of a vocabulary of materials, products, and assemblies that are harmonious with each other, consistent and supportive of the architectural style, and appropriate to the general appearance characteristics of the community.

The ARC, under authority granted by the Board shall be the administrator of compliance with these principles in questions of appearance, aesthetics, or infringement by design upon the rights of other residents. The ARC reserves the right to require modifications to proposed designs including deletion, addition, or relocation of design elements in order to achieve compliance with these principles. The Board reserves the rights to modify, add to, or delete from these guidelines from time to time, without prior notice.

## **ARTICLE V**

### **ADDITIONS AND MODIFICATIONS TO EXISTING HOUSES**

#### ***SITING FOR COMMUNITY AND PRIVACY***

1. No addition shall extend beyond the buildable area limits established for the house.
2. In general, the siting of additions shall not create a breach of privacy between neighboring houses. Where this is unavoidable, the ARC may require screening of the view by the Applicant.
3. New windows or access created by the addition or modification shall not create a breach of privacy between neighboring houses. The ARC reserves the right to reject certain openings or require screening by the applicant in situations where, in the opinion of the ARC, it is necessary to maintain neighborhood aesthetics and/or privacy.

#### ***FORM AND CONTEXT***

1. No proposed addition or modification shall change the permitted use of the property from single family detached residential.
2. There is no limit on the size of additions except that they shall not increase the lot coverage by structures, or the height of structures. Allowable size may also be affected by siting considerations in the following paragraphs.

3. The architectural style of any addition or modification shall match that of the house.
4. The massing of the addition shall be similar in the size and use of shapes as that of the house, in proportion to other elements of the house so as not to overpower the existing design.
5. Roof styles and slopes shall be similar to the existing house.

#### **APPEARANCE QUALITY**

1. Windows and doors in additions shall be of matching material as those in the house. In general, windows and doors should match the style of those in the existing house.
2. Architectural elements such as corner and rake boards, soffits, eaves, window and door trim, and shutters shall match the style of the same elements on the house.
3. All exterior finish materials and colors shall match the house. Matching colors on dissimilar materials is not acceptable.
4. Decks constructed at or below the first floor level of a house may be constructed entirely of unfinished treated lumber or modern composite decking material designed to simulate the look and finish of wood. Decks or balconies constructed above the first floor level shall be finished to match the house. Final visible colors and appearance must be approved by the ARC.
5. Covered decks, open porches, stoops and screened porches shall all be constructed, from deck level up, of finished materials to match the house. Substructure and decking may be of unfinished treated wood or modern composite decking material designed to simulate the look and finish of wood. Final visible colors and appearance must be approved by ARC.
6. Trash shall be contained on lot and removed weekly.

### **ARTICLE VI**

#### **ACCESSORY BUILDINGS**

##### **SITING FOR COMMUNITY AND PRIVACY**

1. Any free-standing enclosed structure on any lot, not a part of the main house, is an accessory building. This includes detached garages.
2. No accessory building may be constructed further forward on the site than the rear plane of the house, nor shall it extend beyond the minimum rear setback.
3. In general, the siting of accessory buildings shall not create a breach of privacy between neighboring houses, nor shall it create a visual nuisance to neighboring houses. Where this is unavoidable, the ARC may require screening of the view of the structure by the Applicant.

##### **FORM AND CONTEXT**

1. No proposed accessory building shall change the permitted use of the property from single family detached residential.
2. Permitted sizes, types, and conditions of accessory buildings shall be limited as defined below
  - a. Detached Garages: may not be taller than 1-1/2 stories.
  - b. All other Accessory Buildings shall conform in size and appearance to the neighborhood, maintaining consistency in appearance with existing home and in good repair and condition as to uphold the property values of the existing home and the development.
3. The architectural style, massing, and roof slopes of the accessory building shall be similar to those of the house. The ARC may require a steeper roof on any accessory building for aesthetic reasons.

#### **APPEARANCE QUALITY**

1. Accessory buildings must be constructed on solid masonry foundations that match the house. Small sheds may be constructed on posts/skids, set plumb & true, with under-structure screened from view.
2. Windows and doors in accessory buildings shall be similar in style to those in the house. (Alternate styles of shed doors may be approved at the 'discretion' of the ARC.)
3. Architectural elements such as corner and rake boards, soffits, eaves, window and door trim, and

shutters shall match the style and color of the same elements on the house.

4. All finish materials, colors of exterior wall coverings, and roof shingles shall match the house, with the exception of brick and stucco homes.

## **ARTICLE VII**

### **SITE STRUCTURES**

#### ***SITING FOR COMMUNITY AND PRIVACY***

1. Structures not enclosed by walls and used primarily for recreational purposes, are defined as site structures. This includes freestanding decks, gazebos and open pavilions, spas, hot tubs, and swimming pools.
2. All Site Structures shall be located behind the house (no farther forward than the rear corners of the house), and directly behind the mass of the house, unless otherwise approved by the ARC.
3. In general, the location of site structures shall not create a breach of privacy between neighboring houses, nor shall it create a visual nuisance to neighboring houses. When this is unavoidable, the ARC may require screening of the view or the structure by the Applicant.
4. Spas and hot tubs shall be screened from view with screening shrubbery or with an approved fence.
5. Swimming Pools must be screened from view with a 6' privacy fence that is in accordance with ARTICLE VIII.

#### ***FORM AND CONTEXT***

1. There is no limit on the size of site structures except that they shall not increase the lot average by all structures, or the height of any structure beyond those limits established in Article V. Moreover, size may also be affected by siting considerations in the following paragraphs.
2. Site structures shall not be dominant forms, nor highly visible from other lots.
3. Above-ground swimming pools are not permitted in Chickahominy Oaks Subdivision at Deer Valley.

#### ***APPEARANCE QUALITY***

1. In general, site structures above ground shall be constructed primarily of wood or modern composite material designed to simulate the look and finish of wood. Acceptable wood materials include .40 CCA and/or .40 ACQ Pressure Treated Southern Yellow Pine, Redwood, Cedar, or Cypress.
2. Materials may be unfinished or stained. (NOTE: Structures such as gazebos which are attached to the house or its deck are not defined as site structures, and shall be finished to match the house in accordance with Article V.)
3. Above ground structures may be constructed on masonry foundations or on pressure treated wood posts. Creosote treated wood products are not permitted.

## **ARTICLE VIII**

### **FENCES**

#### ***SITING FOR COMMUNITY AND PRIVACY***

1. No fence may be constructed any further forward than the rear plane of the house. Fence locations will be reviewed on a case-by-case basis and exceptions may be granted. Exceptions may be granted for discontinuous lengths of decorative fence incorporated as part of an overall landscape plan.

#### ***FORM AND CONTEXT***

1. Requests for approval of any other type of fence shall be reviewed on a case-by-case basis. The ARC reserves the right to reject any fence that does not conform to the approved designs contained in these Guidelines. Consideration for approval of alternate designs from those



specified will be based on equal or superior aesthetic qualities of the proposal, as well as appropriateness to the context of the neighborhood.

2. **The following fences are not permitted: Chain link, barbed wire, those consisting of a solid continuous board, electrified wire, or metal post and wire fences. This list is not exhaustive as there may be other types of fencing allowed by the ARC or the Board. Please ask prior to submitting your application for approval.**

#### **APPEARANCE QUALITY**

1. Materials allowed include natural wood, composite material designed to simulate the look and finish of wood, and PVC/vinyl.
2. Staining and painting may be permitted, but all colors must be presented for approval by ARC. Wood fencing must generally be left natural color or stained or painted its natural color. An exception to this may be a white stained or painted wood fence. Composite material fencing must be natural in color to the wood it is trying to simulate. PVC or vinyl fencing is allowed to be white.
3. Fence height shall be between 3' to 6'. It must be contiguous and maintain the same height, unless approved by the ARC as an exception due to aesthetic reasons.
4. Wood or composite members must be between 3"–6" in width, all uniform per length
5. Slatted, scalloped or straight designs are allowed. If slatted, all slats must not have gaps wider than ¾ inch at installation and be vertical aligned. If straight, the height must be the same for each board and vertical. If scalloped, the scallops must be balanced and matching convex vertical.
6. No lattice fencing is allowed except for only approved white PVC/vinyl fencing where the upper top 12" is seamlessly attached decorative matching white lattice (the fence and lattice is one molded piece). No other lattice is allowed for any type of fencing of any material.
7. Finished side must be on the outside facing away from the dwelling. **Under no circumstances should a fence be placed such that the framing boards are to the outside.**
8. If joining to neighbors existing fence, the ARC has the right to require that applicant's fence to match neighbors at points of continuity.

### **ARTICLE IX**

#### **LANDSCAPING, SITE FURNISHINGS, PLAY STRUCTURES**

This Article is designed to provide homeowners guidance related to certain improvements to their property without first obtaining approval from the ARC. Any improvements made under the provisions of this article must conform to all requirements contained herein.

If a resident wishes to make an improvement described herein which would not meet all the requirements of this Article, the proposed improvement shall be submitted to the ARC for review and approval.

#### **SITING FOR COMMUNITY AND PRIVACY**

1. All permitted work in this Article shall be located behind the house (no farther forward than the rear corners of the house), unless indicated differently below, or approved by the ARC. The committee strongly recommends that site furnishings and play structures be located directly behind the mass of the house so as to be less visible from the street.
2. Sports equipment such as basketball backboards shall not be located in the street or within 10' of the front property line. A concrete pad no larger than 12' by 12' may be installed in the rear yard. However, a site plan indicating the location of the pad must be submitted to the ARC for approval. Landscape screening may be required.
3. In general, the siting of any work of this Article shall not create a breach of privacy between neighboring houses, nor shall it create a visual nuisance to neighboring houses. Where this is unavoidable, the ARC may require screening of the view or of the structure by the Applicant.

## **FORM AND CONTEXT**

1. The following size limitations apply to the work of this Article.
  - a. General Landscaping – No restrictions.
  - b. Gardens - All vegetable gardens and any other gardens for non-decorative plants which are not part of normal property landscaping, are restricted to 10% of the rear yard area. Refer to siting limits specified in Siting for Community and Privacy section of this Article.
  - c. Site Furniture - No objects greater than 4' in height.
  - d. Compost Piles – In an inconspicuous place in rear yard.
  - e. Wood Piles – In an inconspicuous place in rear yard.
  - f. Portable Storage Units – For a period not to exceed two (2) consecutive weekends (Saturday/Sunday).
  - g. Mailboxes – Black Box, white post, NO EXCEPTIONS.
  - h. Play Equipment - Open structures such as swings sets or climbing structures up to 12' in height.
  - i. Sports Equipment – Basketball goals can be on a factory pre-finished pole only. For any other permanently mounted sports equipment, contact the ARC for requirements. It is against State Law to allow any sports equipment on public streets. <http://leg1.state.va.us/000/src.htm>
  - j. Dog Houses - No larger than 20 s.f. in floor area. No higher than 4'. Chain link is not permitted.
  - k. Lighting - Exterior post lamps, low intensity landscape lights, and floodlights mounted on the house are permitted. High intensity pole or building mounted area lights are not permitted except at the discretion of the ARC.
  - l. Solar panels are allowed on roofs only, rear facing to not affect the aesthetics of the house from the street. The solar panels must match the existing roof color. In the event that it does not, the homeowner may request to change the roof color by the approval process through the ARC.

## **APPEARANCE QUALITY**

1. Mailboxes, specified by the Developer, shall not be modified in color or appearance. Play equipment, playhouses, and doghouses shall be neat and orderly in appearance, constructed of natural wood or wood composite materials, and finished in muted colors to be consistent with the overall design standards of Chickahominy Oaks Subdivision. Brightly colored plastic and metal equipment are not permitted. (Large, brightly colored portable toys – if left in the yard continually – may be interpreted as play structures and may be required to be removed).
2. Any structure brought to the attention of the ARC by complaint will be reviewed to determine if it is a visual nuisance by design or location. The ARC reserves the right to require screening, relocation, or removal in such cases.
3. Satellite Antennas - Under the Federal Telecommunications Act of 1996, property owners have certain rights to maintain antennas on their property. The following sites of antennas are permitted.
  - a. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services that is one meter (39") or less in diameter.
  - b. An antenna that is designed to receive video programming services via multi point distribution services, including multi-channel, multi-point distribution services, instructional television fixed services, and local multi point distribution services, and that is one meter (39") or less in diameter or diagonal measurement.
  - c. An antenna that is designed to receive television broadcasts.
  - d. To the extent feasible, antennas shall not be visible from the street. The following priorities shall be observed in determining antenna locations:
    - Mounted directly on the rear of the house, on a roof plane facing the rear, or on the backside of a chimney.
    - Mounted on the ground in the rear yard.
    - Mounted on an any other structure such as a shed, or a tree, in the rear yard,
    - Mounted on the sidewall or roof plane of the house or chimney.
    - If no clear signal may be obtained in any of the above locations, mounted on the ground in the front yard or if necessary, on a pole, or on the front roof plane or wall of the house.

- Insofar as possible, the visibility of antennas shall be minimal using one or both of the following methods:
  - Screen the antenna from view from the street with natural plantings, trees and shrubs, to the extent that they do not compromise the signal reception.
  - Use antennas with a dark or muted color, or paint the antenna a muted color to blend in with the background surface or with the surrounding landscape.
  - Residents are encouraged to use care in the selection and placement of antennas to preserve the appearance standards and landscape character of Deer Valley Homeowners Association.

## **ARTICLE X**

### **DRIVEWAYS, ENTRANCEWAYS, PATHWAYS**

#### ***SITING FOR COMMUNITY AND PRIVACY***

1. Driveway, entranceway, and pathway improvements shall be located at minimum distances from property lines to create a proper setting within each lot, consistent with the density and setbacks of the community.

#### ***FORM AND CONTEXT***

1. All residences may have only one contiguous Driveway and any modifications or expansions must be made of the same material as the original
2. All Driveways, Entranceways and Pathways shall be of a size and use that is consistent with the standards of the community. All site improvements shall be designed in styles, shapes and sizes, massing, and colors to be of good proportions, well balanced, appropriate to residential, single family-dwelling architecture in general and specifically to this community.

#### ***APPEARANCE QUALITY***

1. All Driveways must be constructed with either asphalt or concrete. No grass, stone, dirt, or any other type of Driveway material is allowed.