

**Architectural Control Committee Guidelines**  
**Stuart Mill Woods Homeowners Association**  
**Approved and Adopted September 16, 1999**

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I. Purpose

The principle purpose of the Architectural Control Committee (ACC) is to ensure that the physical character of the community is maintained to the high standards demanded by the association members. This, in turn, protects property values and enhances the community's overall environment. The purpose of these guidelines is to address some of the common issues confronted by the ACC. They are not intended to be all-inclusive or exclusive.

II. Statement of Intent

Article VIII of the restrictive covenants of the Stuart Mill Woods Homeowners Association, Incorporated, establishes and empowers the ACC. The following are guidelines established for the ACC to follow in its role of enforcing Articles VIII, IX, and X, of the restrictive covenants. All association members and their properties are subject to the standards and procedures of the guidelines.

III. The Architectural Control Committee

A. Composition The ACC shall be composed of at least three members of the Association who are appointed by the Board of Directors. Volunteers for service on this committee are always welcome. Ultimate responsibility for any action of the ACC remains with the Board of Directors.

B. Purpose The ACC was established to: (1) provide prompt action on requests for exterior alterations; (2) provide prompt action on member's complaints concerning properties that are in violation of the ACC guidelines and restrictive covenants; (3) inspect all properties that are being sold to issue ACC compliance certificates; (4) other architectural issues delegated to the ACC by the Board of Directors.

C. Responsibilities

1. Taking action on requests for exterior alterations. The ACC will be responsible for (a) receiving requests for exterior alterations to members' property; (b) promptly acknowledging receipt of such requests to the resident; (c) insure that adequate notice of the proposed alteration is given to residents of adjacent properties; (d) provide an open forum for settlement of any disputes arising from the proposed alteration; (e) notify the member of the committee's approval or disapproval in writing within a period no longer than 90 days after submission.

2. Taking action on complaints by members concerning the condition of other properties. The ACC will be responsible for (a) receiving written complaints regarding the condition of any property in the community; (b) promptly acknowledging the receipt of such requests to the member filing the complaint; (c) investigating the complaint; (d) resolving the complaint; (e) ensuring that the identity of the member(s) filing the complaint shall be anonymous. The Board of Directors will be responsible for implementing any resolution to complaints raised by members.

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3. Issuing compliance certificates when properties change hands. The ACC will be responsible for (a) receiving requests for compliance certificates prior to the closing of the sale of a members property; (b) acknowledging the receipt of such a request to the member; (c) inspecting the property for the existence of any architectural violations (any exterior alteration that requires approval which has not been approved by the ACC is a violation); (d) delivering the compliance certificate to the Stuart Mill Woods Homeowners Association Treasurer within seven days of the request.

D. ACC Rules

1. Taking action on requests for exterior alterations. Each member of the ACC shall have access to the request for exterior alteration submitted by the resident. Each member will register his vote (approve/disapprove) on the request to the ACC Chairman. The decision of the ACC will be determined by a majority vote of the committee. The ACC shall be diligent in its efforts to review each request promptly. Each response shall be in writing. Any denials shall include the reason the proposed alteration is not acceptable. Each request and the resolution shall be reported to the Board of Directors and included with the minutes of the meetings of the Board of Directors.
2. Taking action on written complaints by members concerning the condition of other properties. Each member of the ACC shall review complaints received from members concerning the condition of another property within the Association. The committee shall meet to review the complaint, within the parameters of these guidelines, and decide and implement a course of action. The decision of the ACC will be determined by a majority vote of the committee. The ACC shall notify, in writing, the resolution of the complaint to the member registering the complaint. Each complaint and the resolution shall be reported to the Board of Directors and included with the minutes of the meetings of the Board of Directors.
3. Issuing compliance certificates when properties change hands. The Chairman of the ACC (or designee) shall be responsible for inspecting the subject property. The Chairman shall inform the other ACC members of his findings and shall gain concurrence with his findings by a majority of the ACC members before issuing the compliance certificate.

IV. General Guidelines

- A. No improvements, alteration, excavation, construction, or other exterior alteration shall begin, be made or done, without prior written approval of the ACC unless otherwise specified in these guidelines. Routine maintenance and minor exterior modifications (such as painting trim) are not required to be reviewed by the ACC.
- B. Each request shall be considered on an individual basis. There are no automatic approvals even though a planned alteration may be identical to an alteration approved on another property.

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- C. In the event a planned alteration is not approved by the ACC, the ACC shall cite specific reasons for its denial, and should, if possible, make recommendations for modifying disapproved plans in order to render them acceptable.
  - D. In the event a planned alteration is disapproved by the ACC, the homeowner may (1) resubmit a modified plan to the ACC, or (2) appeal the denial to the Board of Directors, in writing, within 30 days of being notified of the denial by the ACC. If appealed to the Board of Directors, the appeal will be considered at the next regularly scheduled meeting of the Board of Directors. The Board of Directors shall promptly notify the appellant of its decision in writing.
  - E. The ACC will consider written complaints from a member that describes a real or perceived violation on another property. The ACC will be responsible for resolving the complaint. The identity of the member(s) registering the complaint shall remain anonymous.
  - F. The ACC shall attempt to respond to all requests within 30 days of receipt. Any application not responded to by the ACC within 90 days of receipt shall constitute approval of the application.
  - G. Members requesting approval for exterior alteration shall inform the neighbors most affected by the alteration. An affected neighbor is defined as one who lives adjacent to the applicant or one who has a direct view of the proposed change. The applicant is responsible for securing the signature of the affected neighbors, and the affected neighbors shall have the opportunity to provide their comments on the application. If an affected neighbor refuses to sign the application, that fact should be annotated on the application form. The purpose of the affected neighbor signature is to document that the neighbor is aware of the application and to provide comments on the application. No affected neighbor shall have veto power.
- V. Exterior Alteration Application Procedures
- A. The ACC shall provide a standard exterior alteration application form for members' use. All applications should be filled out completely, and submitted to any ACC member.
  - B. The description of the alteration should be brief but specific, containing a description of the nature of the alteration, a drawing or photograph, and all information necessary for the ACC to make a sound decision. Necessary information includes, but is not limited to, dimensions, shape, types of materials, location, and colors.
  - C. For house alterations or additions, or the installation of detached structures, copies of construction drawings and specifications should accompany the application.
  - D. Affected neighbors shall be asked to sign the application verifying that the applicant has notified them of the proposed alteration. The affected neighbors may make comments on the application form.
  - E. The locations of projects such as fences, screens, retaining walls, driveways, and house additions on the lot and in relation to neighboring lots are important factors in the ACC's evaluation. Applications for such projects should include a copy of the

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plat or similar sketch showing the location of the alteration or addition and its location to adjoining properties and common areas.

VI. Fairfax County Permits

- A. Adherence to Fairfax County building and zoning codes is the responsibility of the resident. Approval by the ACC of a project does not relieve the homeowner from the responsibility of obtaining building and work permits from the County.
- B. The ACC accepts no liability or responsibility for the failure of a homeowner to abide by Fairfax County building and zoning codes.
- C. ACC approval of a project does not constitute any warranty of the mechanical, structural or engineering soundness of the proposed project and the Homeowners Association shall bear no liability or responsibility in this regard.

VII. Miscellaneous Requirements

- A. All alterations should be completed as expeditiously as possible to minimize nuisance or annoyance to neighbors. Applications for major construction or alterations should include an estimated completions date.
- B. Storage of materials before and during construction should not, if possible, be in areas visible from the street, and should not create hazards.

VIII. Maintenance Requirements

- A. Property ownership includes the responsibility for continued maintenance of all structures and grounds that are a part of the property. This includes, but is not limited to, items such as mowing grass, removal of trash, and structural maintenance. Any property not adequately maintained shall be subject to remedial action by the Board of Directors pursuant to Article IX of the Restrictive Covenants.
- B. Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, fences, sheds, and play equipment. The following cases represent some general conditions which would be considered maintenance violations: (1) peeling paint on exterior trim; (2) dented mailboxes, or mailboxes and/or stands in need of repainting or repair; (3) playground equipment which is broken, rusted, or in need of repair; (4) fences with broken, missing, rotted, or missing parts; (5) sheds with broken doors or in need of painting or other repairs; (6) decks with missing, rotted, or broken railings or parts, or parts in need of painting or restaining. Any condition that detracts from the general appearance of the neighborhood shall be considered a violation of maintenance requirements.
- C. Dumping of pet droppings, debris, or lawn clippings on common areas or open space is prohibited.
- D. Turf areas and lawns need to be mowed at regular intervals, maintaining a maximum height of 6 inches. Residents are expected to pick up and properly dispose of accumulations of grass clippings and leaves.
- E. Planted beds shall be kept in a neat and orderly manner. Farm gardens may not be planted in front yards. Front yards are defined as that portion of the lot bounded by

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- the front building line and the front property line. If the use of the side yard is required for a farm garden, the area of cultivation should not exceed 200 square feet without prior approval of the ACC.
- F. Lawn, ditch areas, and the gravel shoulders bordering the street should be properly maintained and kept weed free.
  - G. Each resident is responsible for picking up litter on their property and preventing windblown debris from originating on their land.
- IX. Vehicles
- A. Residents are encouraged to park their vehicles in their driveways and garages.
  - B. Residents shall not park utility, work, commercial, rusted, unsightly vehicles, or vehicles with lettering or logos, on the neighborhood streets. Such vehicles shall be parked in the resident's garage.
  - C. Permanent or temporary (longer than 24 hours) parking or storage of recreational vehicles, commercial vehicles, boats, trailers, utility vehicles, rusted, or unsightly vehicles outside of the garage of the homeowner is prohibited. Residents may seek from the Board of Directors permission for temporary parking permits for any of these types of vehicles for visitors staying longer than 24 hours. For good cause shown, the Board in its discretion may grant said temporary permit.
  - D. Lots, driveways, and the streets in front of properties may not be used for inoperative, junk, or unlicensed vehicles, or for major repair or rebuilding of vehicles for longer than 72 hours. This in no way precludes residents from using their driveways for routine maintenance and minor repairs of vehicles.
- X. Exterior Antennas
- A. Television antenna masts shall be attached to the primary structure and shall not extend more than six feet above the nearest roof ridge. Antenna booms shall not exceed eight feet in length. Straps and other hardware shall be of noncorroding material.
  - B. Tower antennas are prohibited.
  - C. All antennas shall be properly maintained.
- XI. Satellite Dishes
- A. Satellite dishes that are greater than one-meter (39") in diameter are prohibited.
  - B. Conforming satellite dishes should be mounted on the rear of the house or in the rear yard, except when such locations prevent inadequate signal reception (such condition shall be certified by the installing technician).
  - C. Conforming satellite dishes should be positioned so they cannot be seen from the front of the property, except when such locations prevent inadequate signal reception (such condition shall be confirmed by the installing technician).
  - D. Conforming satellite dishes should be positioned no higher than the antenna top flush with the top of the roof on the rear side of the house, except when such locations

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- prevent inadequate signal reception (such condition shall be certified by the installing technician).
- E. Conforming satellite dishes should be painted a color compatible with the house color to minimize any visual intrusion on the home and surrounding property.
  - F. Conforming satellite dishes that must be located in, or on, the front of the house, shall be placed in such a manner to be as unobtrusive as possible. Conforming satellite dishes that must be placed in the front yard should be obscured from view, to the extent possible, with landscaping.
- XII. Swimming Pools and Hot Tubs
- A. Hot tubs shall be built into existing or planned decks or patios at the rear of the home only. Year round landscaping shall be included as screening from and to all adjacent neighbors.
  - B. Only in-ground swimming pools are permissible. Pools shall be located in the rear of the house and may approach property lines no closer than five feet.
  - C. In addition to meeting Fairfax County requirements for pool security fences, the fence shall be aesthetically acceptable to the ACC.
- XIII. Play Equipment
- A. Children's play equipment such as sandboxes, slide, and tents, do not normally require approval by the ACC. If the play equipment is directly between the rear property line, the side building lines, and the rear of the house, no approval by the ACC is necessary. However, if such equipment is to be placed in the side yard, the equipment shall be screened so as not to be conspicuous from the street or adjacent homes.
  - B. Basketball goals installed on the front or side of the property require approval by the ACC. Basketball backboards shall remain all white, or remain as they come from the factory.
  - C. Freestanding playhouses shall be confined to the rear yard only and shall not be used as a storage shed. Maximum dimensions shall not exceed six feet in length and width. Playhouses are considered temporary structures and shall not be built on foundations or concrete slabs. Exterior finish shall be of natural wood or painted/sided to match the host house; roof color shall be natural or match that of the house.
- XIV. Firewood
- A. Firewood shall be kept neatly stacked and located to the rear of the house, within the property line. Firewood stacks on the side of the house may be approved by the ACC if the location is the least conspicuous available.
  - B. Stacks larger than four cords require approval by the ACC. Stacks longer than 8 feet should be a minimum of two rows deep. Stacks shall not exceed 4 feet in height, but in no case shall the stack exceed the height of any nearby fence.
  - C. Firewood stacks shall contain firewood only, with no storage of debris.

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- D. The location of firewood stacks should be selected in such a manner as to minimize visual impact. Firewood stack covers should be dark green, dark brown, black, or clear tarps.
- E. Firewood stacks meeting the standards above, that are located in the rear yard, do not need ACC approval.

XV. Fences

- A. The Board of Directors asks that all homeowners consider the retention of as much as possible of the open, natural setting of Stuart Mill Woods by not installing fences. However, if fencing is necessary, open wooden fencing, such as open post and rail, or open board fences, should be utilized.
- B. Where necessary for security of children or pets, plans may include wire (other than chain link) integrated into open wooden fencing provided that the wood is the predominant visual factor. Wire shall be nonreflecting.
- C. Except in cases of security for in ground swimming pools, solid fencing shall not be utilized.
- D. Chain link fences shall not be utilized.
- E. Gates, if utilized, shall be of the same material, height, and color as the fencing.
- F. All painting or staining of fences shall compliment that of the existing structure.
- G. The use of fences shall be confined to the rear yard, and shall not be placed forward of a line extending from the rear façade of the house.
- H. Fences installed on corner lots shall not be built within 25 feet of the street.
- I. Fence installation applications conforming to these Guidelines shall be submitted to the ACC Committee for evaluation.

XVI. Miscellaneous

- A. Exterior lighting shall not be directed in such a way, nor be of such an intensity, as to create an annoyance to neighbors.
- B. No sign of any kind that is illuminated and/or larger than one square foot will be displayed to public view on any lot, except for temporary real estate sale or rental signs, or garage sale signs, of not more than five square feet. Temporary signs shall be removed as soon as possible. Election related signs may not be posted on common ground.
- C. Any driveway alterations shall be approved by the ACC.
- D. Trash and garbage containers should not be in public view except on days of collection or the night before collection. Containers with tight-fitting lids are recommended.
- E. Clothing, laundry, and wash should not be aired or dried except in rear yards where reasonable effort should be made to screen its being seen from the street and neighboring properties.

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- XVII. Voting by the Board of Directors and the Committee  
In the event a proposal for a project is submitted by a member of the Board of Directors or a member of the Architectural Control Committee, such member may not participate in the decision making process of the Committee in determining the appropriateness of the submitted proposal. Moreover, a member of the Board of Directors may not participate in the decision making process of the Board on an appellate matter involving such member. This rule does not prohibit a member of the committee or the Board from participating as a homeowner in any matter in which such member has an interest as a homeowner.
- XVIII. Correspondence  
Correspondence and applications for review may be given to any ACC member or member of the Board of Directors.