

ARCHITECTURAL REVIEW COMMITTEE REQUIREMENTS

Table of Contents

A. INTRODUCTION.....	.Page 2
1. Why This Document?	
2. Why an Architectural Review Committee (ARC)	
3. ARC Members	
4. ARC Authority	
5. Maintaining the Quality of Mill Creek South	
6. How Homeowners Can Help	
B. WHAT REQUIRES ARC APPROVAL (in alphabetical order).....	...Page 4
1. Additions and Alterations	
2. Doors/Windows/Skylights	
3. Driveways	
4. Exterior Changes	
5. Major Projects	
6. Outside Structures	
7. Site Contours	
8. Trees	
C. Design and Other information (in alphabetical order).....	Page 5
1. Antennas	
2. Beyond 301 Starcrest	
3. Building Locations	
4. Colors of Siding and Trim	
5. Common Design Features	
6. Consistency with Craig Builders Designs	
7. Craig Builders Three Design Categories	
8. Doors/Windows/Skylights	
9. Easements/Right of Way	
10. Existing Vegetation	
11.Exterior Stain and Paint	
12.Exterior Trim and Details	
13.Fences	
14. Foundations	
15.Mailboxes	
16.Miss Utility	
17.Propane Tanks	
18.Rain Barrels	
19.Roofs	
20.Siding	
21.Working With Your Contractor	
D. APPLICATIONS.....	Page 10
1. Application Requirements	
2. Building Additions and Detached Structures	
3. Special Project Specifics (decks, fences, sheds, propane tanks, rain barrels, skylights, solar panels)	
4. Application Submission Procedures and Requirements	

**MILL CREEK SOUTH HOMEOWNERS ASSOCIATION
ARCHITECTURAL REVIEW COMMITTEE (ARC)
REQUIREMENTS**

**Adopted by the Board September 21, 2011
Updated October 1, 2015**

A. INTRODUCTION

1. Why This Document? The intent of this document is to provide information related to architectural requirements in an accessible and easily understood format.

2. Why an Architectural Review Committee (ARC)? This committee was created pursuant to the Declaration of Covenants and is responsible for upholding the architectural controls contained in the covenants.

The objective of the architectural review process is to maintain the visual character of the Mill Creek South community as established by the original developer. That character includes: preservation of natural woodlands and a sense of open space, consistency in architectural style, scale, materials and details with the houses built by Craig Builders.

The architectural style, quality of construction and natural surroundings are what attracted most of us to Mill Creek South. That is why it is absolutely essential that all proposed new construction and modifications to existing structures be submitted to the ARC for review and approval.

Adhering to ARC requirements helps maintain our property values and the harmonious aesthetic qualities of our subdivision. The consequences of deviating from our requirements help establish precedents others will cite and follow.

Maintaining the original architectural design requires the good will and commitment of each homeowner in following the requirements and abiding by the ARC review and approval procedures.

As needed, the committee meets monthly. All homeowners are welcome.

3. ARC Members

Steve Nelson	1707 Bent Tree	979-1176	spn7w@virgini.edu
Tom Raney	1715 Arrow Wood	981-2608	tomraney@nestrealty.com
Teresa Olson	1445 Stoney Creek	984-1582	concierge2two@comcast.net
David Robinson	244 Starcrest	882-4944	david@birchstudio.com

To reach the entire Architectural Review Committee: arc@millcreeksouth.org.

4. ARC Authority. Our covenants and bylaws include legal requirements that are binding on all who purchase property in the subdivision. When we signed the purchase documents for our houses, we agreed to abide by the covenants, including the architectural requirements.

If a construction project is started without committee approval, the work will be required to be stopped until an application has been submitted, reviewed and approved. Homeowners are also responsible for obtaining [Albemarle County Building Department](#) permits for most types of construction projects.

Note the Declaration of Covenants, Conditions, Restrictions and Easements for Mill Creek Phase Two, Article VIII, Use Restrictions: (Underlining emphasis is ours.)

(m) Every Owner shall be responsible for maintaining a good exterior appearance of his or her Lot and improvements thereto, including, but not limited to, exterior painting and staining, and reasonable maintenance of lawn and property.

Section 2.

Charges and Liens for Compliance Herewith. In the event that any Owner shall violate any one or more of the Use Restrictions set forth in Section 1 of this Article VIII, or in the event such Owner shall have been notified by the Association or its agents, employees, or attorneys (in writing sent by registered or certified mail to the Owner's residence address) of such violation, and in the event such violation is not stopped, halted, or corrected (as set forth in such written notification) and continues, then, without further notice, the Association may cause such violation to be stopped, halted, or corrected, without liability for doing so, and may cause any and all costs incurred (including attorneys' fees) in connection therewith to be charged as an assessment to such Owner. Such assessments may be collected in any of the manners specified on Article VI thereof, including suit at law or in equity or by filing a notice of assessment of lien as herein provided. The remedy herein provided shall be in addition to any other remedy provided or allowed by law in equity and shall not be deemed an exclusive remedy. Election or (sic) one remedy (whether herein specified or allowed or otherwise) shall not act as a bar to the subsequent or concurrent use of other available remedies.

ARTICLE IX GENERAL PROVISIONS

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

5. Maintaining the Quality of Mill Creek South. The ARC, board of directors, and many residents are concerned that Mill Creek South could lose its original quality and trend downward. This could happen because:

- modifications are not reviewed and approved by the ARC;
- there are deviations from approved design during construction; and
- the passage of time, multiple resales, and changing tastes.

6. How Homeowners Can Help

- 1) Read the disclosure packet you received when you bought your home.
- 2) Review the ARC Requirements as you plan any additions or changes to the exterior of your home.
- 3) Follow the review and approval requirements in the ARC Requirements.
- 4) Do not apply for a building permit before obtaining ARC approval. Changes to your design could mean getting a new permit and paying additional county fees.
- 5) If you or your contractor start work and find you need to make exterior changes, contact the ARC immediately. Design changes that affect the exterior appearance of your project must be approved. The committee will respond promptly.
- 6) Feel free to alert a board member, ARC member, your neighbors, and the homeowner if you see anything that does not seem to conform to the ARC requirements. Stand up for your community values!

B. WHAT REQUIRES ARC APPROVAL

1. Additions and Alterations. Includes porches, decks, carports, breezeways, attached garages, enclosure of existing decks and porches, and any other addition to or alteration of the existing structure.

2. Doors/Windows/Skylights/Solar Panels. Replacement doors or windows with a style or color different from the original.

3. Driveways. Changes that alter the location or slope of the original driveway.

4. Exterior Changes. Includes change of siding and trim color, installation of shutters, lattice, storm doors, sun screens or awnings, construction or installation of dormers, bays, skylights, solar panels, or pop-outs.

5. Outside Structures. Includes garages, mailboxes, gazebos, propane tanks, play houses, sheds, rain barrels, fences, etc. See the documents on the website:

Fence Requirements, Shed Requirements, and Rain Barrel Requirements for more details on those structures. **Note: Never vinyl or metal storage sheds.**

6. Major Projects. The ARC suggests that in designing major projects such as additions and garages, homeowners consult with an architect or a builder who has built similar projects in Mill Creek or Mill Creek South.

7. Site Contours. Projects that alter the contours of the site or could affect storm drainage.

8. Trees. Removal of living trees greater than three inches in diameter.

C. DESIGN AND OTHER INFORMATION

1. Antennas. The Telecommunications Act of 1996, Section 207, granted the Federal Communications Commission the authority to preempt community association restrictions on direct broadcast satellite, television broadcast, and multichannel multiunit distribution service antennas.

2. Beyond 301 Starcrest. The houses beyond this point are part of Lake Reynovia subdivision and are under different covenants and architectural design criteria. They may not be used as precedents for any exterior design elements in Mill Creek South.

3. Building Locations. Relative to property lines, setbacks and easements, homeowners must comply with Albemarle County zoning and building requirements and with the requirements of utilities, including the Albemarle County Service Authority.

4. Colors of Siding and Trim. These shall be selected from the colors used by Craig Builders in Mill Creek South. Additions and new structures shall have the same siding and trim colors as the existing dwelling. No house may have the same siding color as adjoining houses on the same street.

A list of the original color schemes for each house is available at millcreeksouth.org. Please contact the ARC at arc@millcreeksouth.org if you would like to borrow samples of siding colors.

5. Common Design Features

- 1) Steep roofs, with brown or grey asphalt shingles
- 2) Hip or gable roofs. Shed roofs only as extension of gables or hips. No free-standing shed roofs. No flat roofs, domes, octagons, etc.
- 3) Horizontal siding: cedar or fiber cement (e.g. HardiePlank)
- 4) Earth tone stain on cedar siding
- 5) Brick-faced foundations. Chimneys in brick or boxed with horizontal siding
- 6) Traditional panel front doors
- 7) Mailboxes—style and color approved by the ARC
- 8) Maintained lawn grass swales (parking strips) along the public streets

6. Consistency with Craig Builders Designs. All new structures and all additions and modifications to existing structures shall be consistent with the architectural designs used by Craig Builders in Mill Creek South. All additions and secondary structures should maintain the original proportions and scale of the existing dwelling.

7. Craig Builders Three Design Categories

1.) Contemporary (Copperstone, Alder, Ashley, Autumn Run, Stonebrook, Springate)

- Limited door and window trim. Trim the color of siding or another earth tone—never white.
- Windows are sliders or casements with dark sash
- Windows are single pane—no divided lites
- Square porch columns with no capitals or bases.

2.) Cottage Style (New Englander, Springate II, Wedgewood, Millstone)

- Square-cut window trim (rough-sawn cedar), painted to match siding or in other earth tone
- Divided lite windows, usually casements
- Square porch columns with no capitals or bases

3.) Traditional (Includes New Englander II, Darby, others)

- Milled window and door trim, painted white
- Divided lite, double-hung windows
- Traditional square porch columns with capitals and bases
- White fascias on porches; shutters on front elevation
- Cornice returns at gable ends on front elevations; overhanging gable ends on front elevations

8. Doors/Windows/Skylights. Doors and windows of new additions and detached structures shall match those of the original dwelling, or if the original windows are being replaced, all windows should be of the same sash color and style. Note:

- A storm door shall be the same color as the existing door.
- Skylights shall be similar to those originally installed by Craig Builders.

More About Windows

- 1) Replacement of windows with windows of a different style or color requires ARC approval. Most windows are available in white, dark brown, or bronze. Sometimes dark colors require a special order. Be sure to allow for the ordering time when you plan your project.
- 2) If your home has slider windows and you decide to replace them, casement windows are more consistent with the original house design than double-hung windows.
- 3) Window opening proportions for slider/casement windows and for double-hung windows are different. Double-hung windows look out-of-place and are not in keeping with Mill Creek South design, unless the height is approximately twice the width. If you choose to replace slider/casement windows with double-hung windows, the opening will probably need to be modified so that your double-hung windows will have traditional proportions. This may require replacing some siding or surrounding the new narrower windows with wood casings. All changes must be approved by the ARC.
- 4) Window replacement is expensive. However, cutting costs by installing inexpensive pop-in windows and squarish double-hung windows devalues your property and affects the whole neighborhood negatively. Shop around for good design at an affordable price.

9. Easements/Right of Way. The county building regulations permit structures that are not on permanent foundations to be built in the 15-foot side yard area, but the homeowner has to get a special exception if the structure, such as a shed, requires a building permit.

Building and Zoning says that a shed should be built “no less than 6 feet from property line.”

The homeowner needs to ensure the structure does not cross property lines and should get a survey if there is doubt about the property line.

The Virginia Department of Transportation has the right of way beside roads, generally between 25-150 feet from the road center.

10. Existing Vegetation. It should be disturbed as little as possible by the proposed construction. No living tree with a diameter of 3 inches or greater may be felled without approval from the ARC.

11. Exterior Stain and Paint. Siding is to be stained, not painted, using solid color stain with a flat finish, not semi-transparent or transparent stain. Paint, which is a surface application, does not adhere well to cedar and will peel and crack. Solid color stain lasts longer than paint because it bonds with the wood. Paint should be used on doors and trim.

HardiePlank (or the equivalent) finishing should be determined by the homeowner and contractor, considering the manufacturer's recommendations. Colors are to be selected from the ARC approved palette.

12. Exterior Trim and Details. Exterior window and door trim, fascias, corner boards, porch columns and all other exterior trim and details shall be consistent with those used by Craig Builders on houses of the nearest corresponding style.

13. Fences. Fences may be erected only in side and rear yards and shall be no taller than five feet above the ground level at any point. They shall not extend past the front corner of the house.

Solid board fences will not be approved, and picket fences shall be constructed with the finished side facing outward (i.e., toward the street, adjoining properties and common areas). It is preferred that fences not be sealed, stained or painted. The use and color of any sealer, stain, or paint shall be approved by the ARC. **Note: Never fencing in front of house or chain link fencing.**

14. Foundations. Any exposed foundations on front and side elevations are to be faced in brick that matches that used by Craig Builders in color, size, and joint spacing.

15. Mailboxes. Mailboxes and mailbox posts shall be of the design and color approved by the board of directors. Mailboxes and posts shall be painted Duron's Shore Beige, unless the box and post are of a design approved by the board that does not require painting. The approved vinyl unit costs around \$100.

The ARC supplies mailbox paint and primer free to homeowners. Contact David Robinson at david@birchstudio.com or 882-4944.

If you are interested in having your existing mailbox repaired or repainted by the Mill Creek South mailbox repair team, contact the office at office@millcreeksouth.org.

16. Miss Utility. Contact 1-800-522-7001 to have utility locations marked before making construction plans.

17. Propane Tanks. Tanks should be behind houses, if possible. For safety reasons, tanks should be painted a light, reflective color. Any that can be seen from the front should be shielded by vegetation, lattice, or other screening and painted the color of the house/deck or left natural.

18. Rain Barrels. Barrels should be behind houses, if possible, and of a color that blends in with surroundings, such as brown, black, or green or painted the color of the house. Any rain barrels that can be seen from the front should be shielded by vegetation, lattice, or other screening and painted the color of the house/deck or left natural.

19. Roofs. Roof pitches of additions should be reasonably consistent with the pitch of the principal roof or roofs of the existing dwelling. Roofs of detached structures, such as garages and sheds, shall be constructed at the same pitch as the principal roof of the dwelling and shall be a gable or hip roof of the same style as the roof of the dwelling. No detached structure may be built with a shed roof.

Roofs of new dwellings must be consistent in pitch, overhangs, and shingle color, style and type with the original Mill Creek South homes.

Roof shingles must match the original roofing of the dwelling as closely as possible in color, size, construction, exposure and must be of the type "double thickness laminated strip shingle."

20. Siding. Siding shall be of the same type and dimension used in the original dwelling, except that HardiePlank, or similar cement fiber siding material, may be used in lieu of cedar siding. Siding must be installed horizontal and with the same exposure as on the original dwelling. Siding of new homes shall be consistent with these criteria. **Note: Never vinyl or metal siding.**

21. Working with Your Contractor

- 1) For your protection, always use a licensed contractor and get references from the contractor for three recent jobs similar to yours. Call the references and ask them specific questions about their satisfaction with the contractor (e.g., completing the work on time and within budget, getting your concurrence on changes, cleaning up and minimizing inconvenience to the family, and leaving everything in working condition.)
- 2) Review the ARC Requirements with your contractor and make sure you have a mutual understanding about how these guidelines apply to your project.
- 3) Ask the contractor if any items will require a long lead time to order (e.g., windows) and make sure that item complies with the ARC requirements before ordering.
- 4) Include in the contract all elements and details that will affect the exterior appearance of your projects. For example, if you will be adding or replacing windows, specify the type (e.g., double-hung, basement, or slider) and color of the windows. Also, specify whether the windows will be single pane or divided lite and whether any trim is to be used. All of

- these details must be consistent with the style of your house.
- 5) In your contract, specify that the contractor is not to make any substitutions without your approval. **Do not allow your contractor to push you into making changes that might require the ARC approval without allowing time to get ARC approval.**
 - 6) Be sure the contractor understands not to proceed with any construction until you have received the ARC's approval. Notify your contractor promptly when you get approval.
 - 7) Sometimes the ARC adds comments and instructions when it approves an application. Be sure to inform your contractor about these instructions and include them in your contract.
 - 8) Contractors are not permitted to put up signs on your property. The builder's sign is permitted only when a new home is built on a vacant lot. The board permits this because the sign provides a phone number in case of an emergency.
 - 9) Construction work is not to begin before 7:30 a.m. (county ordinance) and should end by 7:30 p.m. Make it clear to your contractor that he/she is to minimize disruptions to the community and to your site: park vehicles on shoulders, not in street, remove debris, cover stockpiled materials, avoid playing loud music, take measures to prevent damage to other properties in the event of high winds and heavy rains.

D. APPLICATIONS

1. Special Project Specifics

- 1) Decks. Dimensioned drawings to scale showing floor plan, elevations, and materials. The color should be a natural wood color or match the house.
- 2) Fences. Dimensioned drawings to scale showing the site plan on a copy of the plat and both faces of the fence if different, any gates, and materials. (Include the online form "Fence Requirements" with your application.)
- 3) Sheds. The supplier's standard drawings and if available, a photo or artist's rendering of the shed. Show location on a plat copy. (Include the online form "Shed Requirements" with your application.)
- 4) Propane Tanks/Rain Barrels/Skylights/Solar Panels. Indicate location, size, color(s), type of barrier, material, etc.

2. Building Additions and Detached Structures. Include with the application:

- 1) Dimensioned drawings to scale, including details such as:
 - A floor plan
 - A roof plan
 - Elevations of all exterior sides of the structure or addition

2) A site plan on a copy of the plat showing the exact location of the project, the distance to all property lines, and the type and location of erosion control measures, if needed.

3) Elevation details, showing all exterior details, including:

- Window and door placement
- Window and door style and trim
- Eaves and overhangs
- Corner boards
- Roof style and pitch
- Finish materials (e.g., cedar siding, HardiePlank, brick)
- Elevations drawn at the scale of ¼ inch = 1 foot. See Craig Builders drawings, following the examples of elevations.

3. Application Submission and Response Procedures

- 1) Requests for architectural review should be submitted to the chairperson of the ARC. You may complete an application online and send to arc@millcreeksouth.org, or you may mail the completed application to ARC, Mill Creek South, P.O. Box 1283, Charlottesville, VA 22902. Please direct questions to arc@millcreeksouth.org.
- 2) The committee will respond within 30 days of receipt of the application. If an approved project is not started within one year of approval, a new application must be submitted.
- 3) Applicants should allow 30 days for committee action. The committee will return to the applicant any application that is incomplete and/or does not clearly describe the proposed construction or alteration. A new 30-day approval period begins when the committee receives the completed application.
- 4) The committee may ask to meet with the applicant to discuss the proposed project. Any comments made at such a meeting shall be recorded by the committee and a copy of the comments provided to the applicant. If the committee requests that the applicant revise the plans, a new 30-day approval period begins when the committee receives the revised application and plans.
- 5) Applicants are advised not to obtain a building permit before obtaining the ARC approval, in the event that the committee requires changes to be made in the plans.
- 6) If any county department or other regulatory agency requires the plans approved by the committee to be changed in a way that affects exterior appearance, the applicant must submit the changes for architectural review. In such cases, the committee will make every effort to expedite the review.
- 7) Any construction started before formal approval by the committee is subject to a stop-work order from the board of directors and to the

imposition of fines.

- 8) Projects are to be completed in a timely manner.
- 9) The committee will notify the applicant of its decision or its questions by either email, letter, or phone.
- 10) A copy of signed application form with appropriate comments will be provided to the homeowner after approval or disapproval.
- 11) Applicants may appeal the decision of the committee by a letter to the board of directors.
- 12) When the work is complete, the applicant is to call the committee chairperson for a final inspection