

MCLEAN PROVINCE HOMEOWNERS ASSOCIATION  
P. O. Box 8134  
McLean, VA 22106

ARCHITECTURAL GUIDELINES

April 14<sup>th</sup>, 2004 Edition, amended February 10th, 2009

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## **I. DEFINITIONS**

For purposes of this document, unless a different meaning is clear from the context--

- The term "MPHOA" means the McLean Province Homeowners Association.
- The term "Board" means the Board of Directors of the MPHOA.
- The term "Covenants" means the Consolidated and Amended Declaration of Covenants and Restrictions of the McLean Province Homeowners Association, Inc. approved April 30, 2001.
- The term "By-laws" means the Consolidated and Amended By-laws of the McLean Province Homeowners Association, Inc. approved April 30, 2001.
- The term "Architectural Guidelines" means the most recent architectural guidelines promulgated by the Board pursuant to sections 3(c)(2) and 5 of article III of the Covenants.
- The term "MPC/G/G" refers to McLean Province Circle, Gervais Drive and Gillen Lane, Falls Church, Virginia, and to the property lots individually and collectively situated thereon.
- The term "VT" refers to Van Tuyl Place, Falls Church, Virginia, and to the property lots individually and collectively situated thereon.

## **II. BACKGROUND**

McLean Province is a townhouse community subject to the Virginia Property Owners' Association Act and other laws of the Commonwealth of Virginia, Fairfax County ordinances, and the Covenants and By-laws of the MPHOA.

The MPHOA and its member owners have a collective duty to promote the attractiveness of the community and enhance its value. Sections 3(c)(2) and 5 of article III of the Covenants expressly authorize the Board to promulgate architectural guidelines regulating the appearance of property in the community. The Board has promulgated these MPHOA Architectural Guidelines in order to further the understanding of homeowners regarding the upkeep and appearance of the exterior of their

properties. These Architectural Guidelines contain both general and specific rules respecting the appearance of MPHOA properties.

Each homeowner of a property subject to the Covenants and By-laws of the MPHOA is legally obligated to adhere to the requirements contained in the Covenants, By-laws, and the Architectural Guidelines promulgated by the Board. This obligation applies equally to resident and nonresident owners. A nonresident owner who rents his or her property to a tenant is accountable for any violation of the Covenants, By-laws, or Architectural Guidelines by the tenant. Each owner should familiarize himself or herself with the restrictions as well as the affirmative obligations imposed by these documents on MPHOA property ownership.

The homes of the MPHOA were built in stages by two separate developers during the middle and late 1980s. The earliest homes were built 1986-1987 on MPC/G/G by the builder NV-Homes. The homes on VT were built 1988-1989 by a builder that subsequently went out of business. The MPC/G/G homes and the VT homes were originally legally separate communities governed by separate homeowner associations operating pursuant to different Covenants and By-laws. In the early 1990s, a shared interest in the immediate neighborhood and a desire for economy of operation prompted the two separate homeowners associations to agree to a functional merger. Nevertheless, the separate legal documents created for MPC/G/G and VT homes by their respective builders continued to apply to homes within their purview until they were replaced by new consolidated Covenants and By-laws approved by the owners of MPC/G/G and VT properties on April 30, 2001.

These Architectural Guidelines reflect both the fact that the MPHOA consists of townhouses built in two separate styles with different materials, as well as the goal of achieving a unified harmony within the community.

### **III. Effective Date and Exceptions**

Except as provided in the following two paragraphs, these Architectural Guidelines and all of the requirements contained therein are effective on April 14<sup>th</sup>, 2004.

The requirement contained in section V.E.4 hereafter, with respect to dormer window covers, has a delayed effective date applicable to certain dormer windows covered by black plastic. If the black plastic is intact and properly hung, an owner has until January 1, 2005, to comply with the curtain or shade requirement. There is no grace period if the plastic is torn or not securely hung.

Some noncompliant house features have temporary "grandfather" status. Specifically, any nonconforming feature

that was installed by the builder or by an owner after having received approval from the Board (or a predecessor Homeowners Association Board), pursuant to an application for external change properly filed by the owner, retains its acceptable status throughout the working life of the feature. When the time comes to replace or upgrade the feature, the replacement or upgrade must comply with the currently effective Architectural Guidelines, unless the owner submits a new external change request and obtains advance Board approval to continue the nonconforming feature.

#### **IV. GENERAL MAINTENANCE REQUIREMENTS**

Each owner was given a copy of the revised Covenants and By-laws following their adoption in 2001 or, if later, at the time of purchase of his or her property. The Covenants impose many specific restrictions and obligations on owners of MPHOA property. The Covenants also impose the general mandate that each owner keep his or her property in "good order and repair", in a "clean and sanitary condition", and "in good maintenance and repair".

It is impossible for the Architectural Guidelines to address every house and lot feature. The absence of express guidance in this document with respect to a specific aspect of any MPHOA property does not nullify any general or specific duty imposed on an owner by the Covenants or By-laws regarding that aspect of a property. The Board will take action against any owner who fails to meet the obligations imposed by the Covenants and By-laws. For example, a house whose gutters or downspouts are bent, not well secured, or missing is not in good repair. Accordingly, the Board would cite its owner as being noncompliant, notwithstanding the absence in section V of this document of a provision specifically addressing such conditions.

#### **V. SPECIFIC REQUIREMENTS**

##### **A. Painted Surfaces**

All siding, trim, wooden windows, step railings, doors (except stained front doors on certain VT houses) and shutters are required to have paint in good condition. Peeling or faded paint (or stain) is out of compliance. Rotten materials or otherwise damaged surfaces are out of compliance. Please note that all houses have sidewalls that must be maintained (including the often-overlooked strips of sidewall above adjoining neighbors' roofs).

**All paint on exterior surfaces is required to be semi-gloss.**

Somewhat different paint color standards apply to MPC/G/G homes and VT homes. This arises from the fact that MPC/G/G and VT were originally separate communities with different color standards. The paint color standards below are intended to accommodate homeowners who wish to retain their current colors, as well as those who wish to indulge a desire for new colors, while at the same time better integrating the houses of MPC/G/G and VT into a unified, visually harmonious community.

A homeowner may change a color on his or her house without advance Board approval, provided that the new color complies with the color standards specified below. In the event that the Board questions a homeowner's compliance with MPHOA paint color standards, the burden of establishing compliance rests with the homeowner.

The **color standards applicable to MPC/G/G** are as follows:

- o All trim, the garage door, and the front door shutters (if any) are required to be Amber White (available from McCormick Paint as part of its "State House Exterior Colour Collection" and from Duron Paint as part of its "Curb Appeal Exterior Accent Palette".)
- o The siding, front door, and window shutters may be any color of the homeowner's choosing from McCormick Paint's "State House Exterior Colour Collection" or Duron Paint's "Curb Appeal Exterior Accent Palette" except Duron's Black and One Coat/914 White.
- o Front step railings (if any) are required to be black (if metal) or Amber White (if wood).

The **color standards applicable to VT** are as follows:

- o All trim and the garage door are required to be either (1) Duron Paint's Museum White or (2) Amber White (available from McCormick Paint as part of its "State House Exterior Colour Collection" and from Duron Paint as part of its "Curb Appeal Exterior Accent Palette".)
- o The siding, front door (except a wooden door having a stained finish), and shutters are required to be either (1) the exact shade from Duron Paint's Historic Colors palette that was on the house on April 14<sup>th</sup>, 2004, or (2) any color of the homeowner's choosing from McCormick Paint's "State House Exterior Colour Collection" or Duron

Paint's "Curb Appeal Exterior Accent Palette" except Duron's Black and One Coat/914 White.

Please note that McCormick Paint and Duron Paint offer paint in many colors displayed in color collections/palettes bearing various names. The use of McCormick or Duron paint colors from collections/palettes different from those specified in the foregoing paragraphs is noncompliant.

All siding must be painted uniformly one color. Likewise, all shutters must be painted uniformly one color. Also please note, when making your color selection, that dark colors on siding will fade much faster than bright colors. Therefore, lighter colors are strongly recommended for siding.

### **B. Brickwork and Concrete**

All brickwork on walls and front steps is required to be in good condition. Broken or loose bricks and missing mortar are not in compliance. Bricks and mortar may not be painted or otherwise colored. Steps covered with debris or growth are not in compliance.

Concrete steps may be overlaid with brick without advance Board approval, provided the color of the brick is compatible with the color of the brick used on nearby house walls.

Concrete used in the construction of steps, landings, or walkways may not be painted.

### **C. Siding and Trim**

Replacement siding or trim that differs from the original as to material, size, or design requires advance Board approval. The Board will approve any request to use replacement siding or trim made of fiber-cement composite (such as Hardi-Plank), provided the replacement siding or trim is the same size and contour as the original masonite siding or wooden trim used on MPC/G/G houses. Only entire wall sections of fiber-cement replacement siding will be approved (no partial renovations can be made with fiber-cement siding).

### **D. Special Doors**

#### **1. Storm Doors (MPC/G/G and VT)**

Installation of a storm door at the front door may or may not require prior Board approval, depending upon the style of door chosen.

A storm door (or storm/screen door) may be installed at the front door without advance Board approval, provided that it is in the "full light" style and in a color matched as closely as

possible to the color of the house's exterior trim or front door. Manufacturers make doors in a variety of shades of white; avoid the selection of a door whose color is true white. No ornamental grill work is allowed. A single cross bar at the middle of the door is allowable if it is necessary for stability and safety. A screen may replace the glass panel during warm seasons.

An owner wishing to install a storm door whose glass is segmented by pane dividers must obtain advance Board approval. Such a door must also comply with the color requirements set out in the preceding paragraph.

## **2. Louvered Shutter Doors (MPC/G/G)**

Some MPC/G/G units, whose front door is on the ground level, also have a set of louvered-shutter style wooden doors installed flush with the front wall of the structure. As specified in the guideline concerning painted surfaces, these doors are required to be painted Amber White. A homeowner may remove these doors without first obtaining Board approval, provided that the homeowner also removes the door hinges and restores the underlying woodwork to its original condition.

## **3. Security Doors (MPC/G/G)**

Some MPC/G/G units whose front door is on the ground level also have metal security-style doors in front of their regular door. Any homeowner wishing to add such a door (or to replace a louvered-shutter style door with a metal security door) must obtain advance Board approval prior to installation. Any application for Board approval of a security door must include a pictorial rendering of the proposed door. A homeowner may remove a previously-installed security door without first obtaining Board approval, provided that the homeowner also removes the door hinges and restores the underlying woodwork to eliminate all evidence of the removed hinges and door.

## **E. Windows and Related Features**

### **1. Windows**

Window replacements require advance Board approval. An owner considering window replacement should follow the guidelines concerning window pane dividers and the color requirements applicable to trim. Manufacturers make replacement windows in a variety of shades of white; avoid the selection of a window whose color is true white and instead select a window whose color best approximates the color of the house's trim. Selection of energy-efficient windows is encouraged.

### **2. Window Shutters**

Both MPC/G/G and VT were originally designed with a mix of

shuttered and non-shuttered windows. Windows originally equipped with louvered wood-textured vinyl shutters are required to have louvered vinyl shutters. Windows originally designed without shutters are required to remain without shutters. Any homeowner wishing to deviate from the foregoing rules respecting window shutters is required to obtain advance Board approval. Loose or bent shutters are noncompliant. Vinyl shutters are subject to the standards contained under section V.A regarding paint color and condition; accordingly, shutters whose paint is faded or flaking, or of an unapproved color, are noncompliant.

### **3. Window Pane Dividers (Mullions)**

Most MPC/G/G and VT windows were originally designed with window pane dividers (also called "mullions") in all of the double hung windows and the fixed pane dormer windows. The preferred look is for window pane dividers to appear in all such windows. If a homeowner wishes to remove the pane dividers from a window, then the homeowner must remove the pane dividers from all the windows on the same side of the house. A house is not in compliance if either the front or rear contains a mix of windows with and without pane dividers. A house is also not in compliance when sections of the pane dividers are broken or when their horizontal and vertical members are not perpendicular to each other. Pane dividers encased between the double panes of glass of replacement windows are an excellent alternative. The pane dividers of replacement windows must segment the glass in the same pattern as used in the original window.

### **4. Dormer Window Covers (MPC/G/G)**

Window covers are required in MPC/G/G dormer windows in order to block public view of the roof trusses and other unfinished attic space. Covers may be plain white curtains, or black or white shades. Bare windows are not in compliance. Homeowners with windows covered with plastic that is both intact and securely hung have until January 1<sup>st</sup>, 2005, to replace the plastic with curtains or shades. Plastic that is torn or falling down may be cited as noncompliant before that date.

### **5. Screens**

Window screens are preferred in all windows. An owner may remove all screens from all front or all rear windows without advance Board approval. A house whose front or rear contains a mix of windows with and without screens is not in compliance. A house that contains torn or loose screens is not in compliance.

### **F. Garage Doors**

An owner wishing to replace his or her garage door must obtain advance Board approval, unless the replacement is an exact

copy of the original in material and in all design details. No windows in garage doors are allowed.

### **G. Roofs**

Roofs are required to look "sound". Missing or loose shingles, ridge vents or flashings are not in compliance.

**MPC/G/G roofs** are required to be 1) cedar shake (not cedar shingle) of a similar grade as that originally installed, 2) GAF/ELK Timberline Prestique Lifetime fiberglass shingles in the "Weathered Wood" or "Barkwood" color, 3) GAF Grand Sequoia Architectural Shingles in either the "Weathered wood" or "Autumn Brown Blend" color, or 4) CertainTeed Presidential Shake Shingle in the "Autumn Blend" or "Weathered Wood" color.

**VT roofs** are required to be 1) any of the choices listed in the preceding paragraph for MPC/G/G or 2) plain red 3-tab asphalt shingles (identical to those originally installed).

An owner may replace the main roof and/or kitchen roof of his property without advance Board approval, provided the replacement roof complies with the applicable roof guidelines.

### **H. Attic Fans**

An owner may install an attic fan without advance Board approval on the rear half of the roof only, provided that the fan is small, has a low profile, and limited noise output. (A fan designed for commercial or industrial use is not permitted.)

### **I. Skylights**

Skylight glass and frames are required to be kept in good repair. An owner may replace an existing skylight with a new skylight having the same profile. An owner wishing to install a new skylight in a portion of the rear roof covered by shakes or shingles must obtain advance Board approval before proceeding. (The Board will not approve the installation of any skylight in the front half of the roof.) The selection of replacement skylights having sun-reflecting glass for energy savings and heat refraction is encouraged.

### **J. Light Fixtures**

All front light fixtures on a house are required to be identical, electrical (gas light fixtures are forbidden), and made of brass (either bright brass or antiqued) or of metal with black matte coating. Fixtures with broken glass or corroded metal are not in compliance.

Rear light fixtures having a directional beam should be positioned so as not to shine in a neighbor's yard.

Small, unobtrusive landscape lighting installed at ground level in front, side, or rear yards is permitted.

An owner may install replacement or new exterior light fixtures without obtaining advance Board approval, provided that the fixtures comply with the foregoing guidelines.

#### **K. House Numbers**

House numbers set on a backing board are required to be affixed next to the front door. These numbers are required to be either polished brass or black; the backing board is required to be painted off-white (trim color). (These requirements are intended to promote both neighborhood uniformity and safety.) An owner does not need advance Board approval before installing replacement house numbers next to the front door, provided that the numbers comply with the foregoing guidelines. An owner may also install, without advance Board approval, a second set of house numbers.

#### **L. Driveways**

A driveway is required to be black asphalt. A driveway is out of compliance if it is noticeably stained, mildewed, or has cracks wider than 1/4".

#### **M. Satellite Dishes**

An owner may install a satellite dish having a diameter of less than 1 meter on the rear wall or rear deck or in the backyard of his property. An owner may also install such a dish on his chimney as close as possible to the roof if a satellite signal would not be available to a dish installed on the rear wall or rear deck or in the backyard or his property. No dish may be installed in the front yard or on a front or side wall of any property. An owner does not need advance Board approval before installing a satellite dish, provided that he/she complies with the foregoing guidelines and the rules of the Federal Communications' Commission.

#### **N. Rear Decks (including Stairs), Patios, and Front Wood Stairs**

**Decks (hereafter defined to include all components and features of a deck, including deck stairways)** and patios are required to be structurally sound. All rear deck and patio changes (including expansions and replacements, the addition or alteration of stairs, and the use of non-wood deck flooring

material) require advance Board approval. Any alteration or replacement of a deck (including thus changes to stairs) also requires advance approval from Fairfax County, Virginia, and must comply with the local building code.

An application for a rear deck or patio change must include a site plan showing the size of the structure, location as it relates to the applicant's house and property lines, height off the ground, description of materials to be used, and details of railings, posts, stairs, steps, benches, and other design features.

All rear deck and patio changes require advance notification to the adjoining neighbors; the application for Board approval of a deck or patio change is required to contain a statement that a copy of the application was furnished to the adjoining neighbors, or an explanation as to why compliance with this requirement was not possible. In this latter case, the Board may make a good faith effort to seek compliance prior to approving the changes.

Metal stairs are approvable for decks, only if they are spiral in design.

The application of paint to front wood stairs and decks/deck stairways is not permitted. The application of clear sealer or transparent or semi-transparent stain is permitted without advance Board approval. An owner wishing to apply opaque stain must obtain advance Board approval; only opaque stains that reproduce natural wood colors will be approved.

Decks' width may not exceed house width. In the absence of special extenuating circumstances, decks may not project more than 15 feet behind the house (as measured from that segment of the rear wall farthest away from the rear lot line).

Given the configuration of the MPC/G/G homes, some MPC/G/G decks are located alongside a wall that encloses a neighbor's house alone ("sidewall"). That sidewall is the sole property of the neighbor. To allow a neighbor unfettered access to his/her sidewall for routine maintenance and help prevent moisture build-up (including leaves and snow) alongside that sidewall, MPC/G/G decks may not project within 6 inches of the sidewall of a neighbor's house (as with an original design of MPC/G/G decks). A MPC/G/G homeowner with a non-compliant deck that was installed by the owner (current or former) after having received approval from the Board (current or former), pursuant to an application for external change properly filed by the owner, is granted a permanent waiver, but for changes that further expand the deck towards the sidewall. MPC/G/G homeowners may obtain a waiver on compliance with this feature with the approval of the sidewall's owner and the Board.

More generally, as is appropriate, to allow a neighbor unfettered access to his/her sidewall for routine maintenance, it is highly recommended that deck railings installed alongside a neighbor's sidewall be easy to remove (for instance, the use of screws, in lieu of nails, is strongly recommended).

Patios may also affect the grade of the yard and drainage (for instance, some patios are built to be waterproof and water will run off these patios). To help prevent water runoff from a patio from flowing into a neighbor's property, patios that project within two feet of fences on the lot line between adjoining neighbors must include a 6-inch water runoff drain alongside the said fences. The Board may approve a request to substitute appropriate landscaping for a drain.

**Deck privacy dividers** require advance Board approval. The application for Board approval of a privacy divider is required to contain a statement that a copy of the application was furnished to the adjoining neighbors, or an explanation as to why compliance with this requirement was not possible.

Basic guidelines for a privacy divider's design are as follows: maximum height of 6 feet as measured from the deck flooring; a maximum length of 6 feet beyond the wall (whether yours or your adjoining neighbor's) closest to the rear lot line; and the degree of "opacity" of the divider in summer and winter.

Solid wall-like structures that obstruct the view entirely are not permitted. Privacy dividers are not permitted on stairs leading from the deck to the back yard. Plants growing on deck dividers may not encroach on an adjacent neighbor's property.

#### **O. Fencing**

Fences are required to be sound. Insect-damaged wood, age-eroded wood, broken or missing boards, broken or missing gate hinges or locks, leaning posts, and panels not securely attached to their posts are not in compliance. Paint or stain on a fence is not permitted. The application of a clear (colorless) sealer (not stain) to a fence is acceptable and does not require advance Board approval.

Replacement fencing does not require advance Board approval, provided that the replacement fencing is made of wood (either pine or cedar), is installed in the same location as the original, is the same height as the original, and meets the following additional requirements.

The fencing shall be installed in such a way that the bottom line of the fence follows the slope of the ground. Boards customarily vertical are required to be vertical (and not parallel to the ground when installed over sloping terrain).

Each fence should have at least one gate.

**MPC/G/G fence panels** are required to consist of alternating boards whose tops are cut in a scalloped design. MPC/G/G fence posts are required to be topped with sound cannonball-style finials.

**VT fences** are required to be either "stockade" or "alternating board"; the tops of the panels are required to be straight. Finials are not allowed on VT fence posts. (A VT owner wishing to replace "stockade" fencing with "alternating board" fencing must obtain advance Board approval.) The owner of an end-unit who wishes to extend his/her fence, so that it would wrap around the house like the end-units of MPC/G/G, must obtain advance approval, based on a detailed plan.

End units with fences extending on the side may have a gate in the rear or a gate in the portion of fence closest to (and parallel with) the road, or both.

Fences on the lot line between adjoining neighbors are their common property and joint responsibility. The replacement of a damaged or age-deteriorated common fence is a shared expense for which both neighbors are liable. Neighbors should discuss and strive for agreement on proposed undertakings related to their common fence. If a dispute over a proposed common fence undertaking is brought to the Board's attention, the Board will render a judgment as to whether the fence is noncompliant and whether, in view of the fence's condition, the proposed undertaking is reasonable.

#### **P. Front and back yards**

The front and rear yards of each housing unit (and the side yard in the case of an end unit) are the responsibility of the owner. This responsibility extends to landscape design, installation of plants, and maintenance. (The contractor hired by the MPHOA maintains the common grounds only and not the yards of individual units. The common grounds include the strip of grass between the sidewalk and curb.)

Each owner is required to maintain his or her yard in good condition. This obligation includes cutting grass, removing weeds (including suckers and invasive vines), pruning trees and shrubs, and removing dead or damaged plant material, fallen leaves and other plant debris. A yard that is not maintained in good condition is noncompliant. Grass higher than 6" is noncompliant.

An owner may install a stone wall not more than 12" in height (as measured from the level of the driveway) in the front

yard. (There is no height restriction applicable to stone walls installed in a rear yard, as long as steps are taken to avoid potential drainage problems in neighboring yards.)

The owner is responsible for the proper placement of plantings, and for trimming plants to keep them from growing out of bounds. No weeds, plants or other landscape elements may intrude on a neighbor's property or the common grounds of MPHOA.

Tree branches may not project so far or so low as to interfere with pedestrian passage on the sidewalk or with car travel on the roadway and driveways. Also, tree branches should not be so long as to hit any window, gutter, or downspout on windy days. An owner may be liable for damage caused to persons or property due to their negligence.

Owners are encouraged to periodically prune (or to remove) the Bradford Pear trees on their properties. These fast-growing trees quickly become too large for small MPHOA front lots, and they are very susceptible to splitting or falling during high winds. Without attentive maintenance, these trees can quickly grow to violate the requirements set out in the preceding paragraph.

An owner wishing to **replace or plant a tree in a front yard** may do so without advance Board approval, provided that the tree is one from the following list. For the sake of neighborhood consistency, all listed trees produce white flowers, some in spring, others in summer.

- *Cornus kousa* (Chinese dogwood), white variety. Does well in direct sun, fairly disease resistant, slow to medium growth (20-30 feet) with equal spread depending upon the area.
- *Lagerstroemia indica* "Natchez" (Crape Myrtle - Natchez), white variety. Requires full sun, flowers in summer. Grows up to 20-30 feet tall and up to 20 feet wide after about 14 years. Very mildew resistant.
- *Lagerstroemia indica* "Byers Wonderful White" (Crape Myrtle). Is not as mildew resistant as preceding. Needs full sun, blooms in July. Upright form, grows up to 20 feet tall.
- *Magnolia virginiana* "Nimbus" (Sweet bay magnolia). Semi-evergreen pyramidal tree, blooms in May-June. Growth rate medium to fast (up to 30 feet by 10-20 feet large).
- *Magnolia stellata* "Royal Star" - Star magnolia, white variety. Very early bloomer (March depending upon

temperatures), which may be hit by late freezes; avoid southern exposures. Grows 15-20 feet with a 10-15 feet spread.

- *Styrax japonicus* "Emerald Pagoda" ('Sohuksan' Japanese snowbell - Emerald Pagoda). A lovely low branched tree with white flowers in May-June. Grows up to 20-30 feet in height and width. Susceptible to some insect problems, but very heat tolerant.
- *Stewartia pseudocamellia* (*Stewartia*). A lovely tree, which prefers shade during the hotter parts of the day; best for east facing homes. Grows up to 20-40 feet in height. Produces white flowers in June.
- *Malus sutyizam* "sugar tyme" (Crab apple 'sugar tyme'). Lovely crabapple with pink buds opening to white flowers. Resistant against diseases and Japanese beetles. May have problems with fireblight. Needs full sun.
- *Prunus Snow Fountain* (weeping cherry). A small weeping white cherry that may grow up to 12 feet. Best in full sun.

An owner wishing to install a different kind of tree in his or her front yard must obtain advance Board approval before doing so.

Except as otherwise specifically noted in the preceding paragraph regarding replacement trees other than the above listed, an owner may make landscaping changes in a front or rear (or, in the case of an end unit, side) yard without obtaining advance Board approval, so long as the owner complies with the foregoing guidance.

Each owner's front yard contributes to the overall appearance of the MPHOA community. The Board encourages each owner to go beyond mere maintenance minimums and to beautify his or her front yard with attractive and well-tended plantings.

While rear yards are not part of the "public face" of MPHOA, the adjoining neighbors must see it every day. A rear yard that is noncompliant, directly and adversely affects the ability of adjoining neighbors to enjoy their own property and to realize the highest possible value when selling it. Unlike front yards, the Board will cite an owner for a noncompliant rear yard only pursuant to a determination made following a review prompted by a complaint filed by an adjoining neighbor.

**Retaining walls** on property lines are common property between neighbors. The cost of repair or replacement of these

walls should be shared by neighbors. Defective retaining walls are out of compliance. Retaining walls installed or rebuilt after April 14<sup>th</sup>, 2004 are required to incorporate a drainage pipe properly connected to gutter downspouts (if any).

#### **Q. Signs**

No vendor or contractor signs are permitted on the common grounds of the MPHOA. A vendor or contractor working at a MPHOA house may, with the permission of the owner, install a sign in the house's front yard on the day the work is performed.

One "For Sale" or "For Rent" sign not exceeding 2 feet tall or 2 feet wide may be installed in the front yard of a house. No such sign may be installed anywhere on the common grounds of the MPHOA. An "Open House" sign may be installed on the common grounds at the entrance to MPHOA during the hours of the open house and not more than one hour before and one hour after.

One small security sign is permitted in the front yard of a house provided it is installed at ground level. Additionally, one small security sign may be affixed to the exterior side of the rear fence.

Except as provided above, no signs are permitted to be attached to any mailbox, pole, tree or other support. An owner is responsible for any noncompliant sign installed by any contractor, agent, or other person acting on behalf of the owner.

The grass strip areas in between the sidewalk and road alongside Kirby Road and Great Falls Street are state maintained right of way areas. The VDOT prohibits signs in this area (that is, signs are *illegal*) and there is a \$100 fine per occurrence. The Board may report to the VDOT homeowners with signs in state maintained right of way areas (homeowners are held responsible for any sign installed by any contractor, agent, or other person acting on behalf of the owner).

#### **R. Holiday Decorations**

Holiday decorations are permitted provided they are removed from public view within 30 days after the holiday they celebrate. Holiday decorations left on view after the 30 days have elapsed are noncompliant.

#### **S. Other Structures and Features**

No structure of a temporary character (including, but not limited to, a basketball backboard, roller-blade ramp, trailer, tent, shack, barn, pen, or kennel) is allowed on any lot or the common area.

Outdoor clotheslines are also prohibited. No clothing, laundry, rugs, or the like may be hung from any part of any house, tree, or other support in MPHOA, if it is visible to any person standing on the common areas or from any vantage point on an adjoining neighbor's property.

One small dog house may be kept in the rear yard, so long as its installation is temporary and it is located in an unobtrusive place. No pet door is allowed on the front side of the house.

Free-standing flagpoles are prohibited. A homeowner may install a flag on a staff not exceeding 6 feet in length attached at an incline to the front wall of the house without advance Board approval.

Air conditioning units installed in windows or holes in walls are prohibited.

Firewood is permitted, provided it is neatly and safely stacked not higher than 4 feet and not closer than 3 feet from any fence co-owned with an adjoining neighbor or a wall owned by such a neighbor. (The requirement that firewood be located no closer than 3 feet from a co-owned fence or a neighbor's wall is intended to minimize the spread of damage caused by termites and other wood-eating insects attracted to the firewood. Elevating the firewood stack off the ground might also reduce insect damage.)

#### **T. Trash**

No burning of any trash and no unreasonable or unsightly accumulation or storage of litter, new or used materials, refuse, trimmings from plants and trees, bulk materials, building materials or trash of any other kind is permitted on any property. Construction material for in-progress projects must be stored in such manner as to minimize the impact on neighboring properties. Excess material and debris must be removed immediately following completion of construction.

The MPHOA hires a trash contractor to remove trash placed on the curbside on specified collection days. Homeowners are required to set out their trash securely contained in trash receptacles or sturdy plastic bags. The requirement that trash be securely contained is intended to minimize accidental trash spills and dispersals caused by the wind or animals. If a resident's trash gets loose, that resident is required to re-collect it.

Trash and trash receptacles and bags may not be kept in public view except during the period that begins at 6 p.m. on the evening preceding trash collection day and ends at the conclusion

of trash collection day. Residents are urged to set out their trash curbside on the morning of collection day in order to avoid overnight trash spills caused by the wind or nocturnal animals. Residents are urged not to take advantage of the rule allowing them to set out their trash on the evening preceding trash collection day unless MPHOA's trash contractor regular collects the trash in the early morning.

## **VI. SPECIAL ISSUES AND TIPS**

Certain aspects of the MPHOA houses present chronic maintenance problems. The Board suggests that owners be especially attentive to the following maintenance and other tips:

- The original masonite siding used on MPC/G/G houses is prone to decay from the reverse side. While the paint on the exterior side of the siding might appear to be intact, a bubbled surface indicates decay underneath. Tightly caulking a house can help to minimize this problem.
- All units have sidewalls. A sidewall above or beyond your neighbor's house is NOT a party wall; any wall that encloses your house alone is your solely-owned property and its maintenance is YOUR responsibility. When painting and repairing damaged siding and trim, remember to attend to your sidewalls, including the sidewalls that overlook your adjoining neighbor's yard and roof. The sidewall above a neighbor's roof is often forgotten when a house is painted, resulting in a derelict appearance and damage to the siding and 'rake board' trim.
- As discussed in Section V.N, the installation of landscaping or a new deck or patio can, by altering the grade of your yard, affect drainage patterns. Likewise, the installation of a deck can, if installed too close to your neighbor's sidewall, facilitate moisture build-up on that sidewall. If your neighbor is adversely affected by these changes, you may be liable.
- All the elements of the MPC/G/G dormers, including the siding and the trim around the windows, are susceptible to decay. The windows of several neglected dormers have moved downwards, leaving an opening between the glass and the upper part of the frame. Binoculars are useful for examining the integrity of the dormer area.
- The roofs on all MPC/G/G and VT homes were originally constructed using a type of fire-retardant plywood that was subsequently found to be defective. (The chemical

used to retard fire caused the wood to deteriorate prematurely.) While the defective roofing has been replaced in many houses (the builder of MPC/G/G replaced many roofs in the early 1990s), it may not have been replaced everywhere. When it comes time to replace your roof, discuss with your contractor whether you need to replace your roof's plywood as well.

- The gable end vents (triangular in the case of MPC/G/G and octagonal in the case of VT) on end units are frequently overlooked when maintenance is performed.
- When replacing gutters and downspouts, consider whether you should change their size. Replacement gutters and downspouts that are 6" wide can accommodate runoff much better than the original 4" gutters and downspouts.
- Easily seen house numbers are important to fire and police responding to an emergency. High contrast between the numbers and their background makes them easier to read. Keep shrubbery trimmed so that it does not obscure house numbers.
- Many actions require Fairfax County review and permits. It is the homeowner's responsibility to obtain all county approvals and permits as may be required by Fairfax County. Fairfax County authorities should be contacted prior to the commencement of any work in order to determine the procedures that must be followed. Fairfax County approval does not obviate the need for Board approval for any change to your property and vice versa.
- All homeowners and residents must pick up after their dogs.
- Call "Miss Utility" (800-552-7001) regarding the location of underground utility lines prior to any digging for construction of decks, fences, landscaping projects, etc.
- Bradford Pear trees were planted in front of many of the MPC/G/G houses when they were originally built. Besides attaining a size overly large for many of their sites, these trees have proved to be weak and prone to damage in high storms. Any owner of a Bradford Pear tree should regularly trim or remove the tree before it falls and causes damage and inconvenience to others.
- Organic fertilizers are preferred over chemical fertilizers. Test your soil before adding any fertilizer, especially in areas where there is a chance

of runoff, and avoid over-fertilization. Contact the Fairfax County Cooperative Extension Service for a test kit.

- Do not use mulch containing cacao bean shells (sometimes called "cocoa mulch"). The shells contain theobromine, a xanthine compound similar in effect to caffeine and theophylline. The same chemical is found in chocolate as well, and the mulch containing cacao bean shells smells like chocolate. The mulch attracts animals. It is lethal to dogs and cats that ingest it.

## **VII. ARCHITECTURAL REVIEW PROCESS**

### **A. Owner Submission of External Change Request**

The general rule is that an owner wishing to make any change to the exterior appearance of his or her property must obtain advance Board approval before taking action. An owner may make such a change without advance approval only if such action is expressly authorized by the Architectural Guidelines and the change action conforms fully with the terms of that authorization. If you are uncertain whether a proposed action requires advance Board approval, request approval. If a question should arise, the burden of proving compliance rests with the owner. Accordingly, retention of receipts and other supporting documents is recommended.

The performance of certain regular or semi-regular maintenance activities does not require advance approval if the purpose of the activity is to maintain the status quo or restore the property to the status quo ante. Easy examples are cutting grass (regular maintenance) and removing mold and mildew from concrete and brick surfaces (semi-regular maintenance). An example of a repair that may or may not necessitate advance Board approval concerns replacement of damaged siding: if the new siding is of the same material, dimension, and color as the original, then advance Board approval is not required; if the new siding differs in any respect from the original, then advance Board approval is required.

A request for advance Board approval for a change to the exterior of any MPHOA property must be submitted in writing. A copy of the request form is appended at the end of these guidelines and will be posted separately on the HOA's website [www.mcleanprovincehoa.org](http://www.mcleanprovincehoa.org). The request should describe the change with a degree of detail consistent with the complexity of the proposal. It should also include a description and (where different from those of the existing structure) samples of the materials and colors to be used, as well as all the information

specifically required by the Architectural Guidelines to be submitted with the application. The inclusion of sufficient detail and rationale with the request will facilitate the Board's consideration of the application.

Requests for changes should be mailed to the MPHOA Board of Directors (Attention: Architectural Review Chair), P.O. Box 8134, McLean, VA 22106. Alternatively, an owner may contact the Architectural Review Chair (identified in the most recent issue of the MPHOA Newsletter) to discuss the possibility of hand delivery.

The Board will not entertain either retroactive or oral requests. The Board also regards "rush" requests with disfavor. Accurate MPHOA recordkeeping is not possible with oral exchanges. The Board maintains an architectural compliance file on each house in MPHOA. A request for change necessitates examination of the file and may require discussion among the full Board. Allow one month from submission for consideration of the request by the Board. (While many requests will be acted upon more quickly, the one-month guidance is necessary in order to allow the Board to discuss more difficult requests at its monthly meetings.) Section 5(b) of Article III of the Covenants provides that Board approval is deemed to have been granted if the Board fails to act within 60 days with respect to any correctly and completely filed request to make a change that does not violate the Covenants, By-laws, or Architectural Guidelines. See section 5(c) of article III of the Covenants regarding the appeal of an adverse Board decision.

No owner should undertake any change for which advance Board approval is required until that approval has been conveyed in writing. The Board is empowered to require the restoration of any exterior feature that is changed without proper advance approval.

After a request for a change has been approved by the Board, the owner may not deviate from the specifications that were submitted to the Board as part of the application; if the owner wishes to so deviate, the owner must first submit the revised specifications to the Board and obtain Board approval prior to taking any action. Further, Board approval for a change, once granted, expires after 120 days (unless the owner has requested and secured Board approval for a longer duration). If the requested change is not made within the specified timeframe, the owner must submit a new request and secure new Board approval of the change before it can be undertaken.

The Board reviews each application on an individual basis. There are no "automatic" approvals, unless provided for specifically in these guidelines or by separation resolution. For example, a homeowner who wishes to construct a deck identical

to one already approved by the Board is still required to submit an application and obtain Board approval prior to undertaking construction.

Each owner is responsible for maintaining a copy of the Board's approval in his or her own records. If an issue should subsequently arise as to whether a change to a property's exterior has been undertaken in accordance with the Architectural Guidelines and the Covenants, the burden of proving conformity will rest with the owner.

### **B. Architectural Compliance Reviews**

The Board also enforces the Architectural Guidelines and requirements of the Covenants respecting the appearance of individually-owned property in MPHOA by means of compliance reviews. These reviews are conducted periodically; they may cover the entire MPHOA community or a particular geographical segment of it; they may also focus exclusively on one or more properties revealed to have compliance issues; they may also focus exclusively on a single requirement contained in the Architectural Guidelines or Covenants (e.g., the requirement that trash cans be out of public view on days on which trash pickup is not scheduled).

When the Board reviews a property for its compliance with the Architectural Guidelines and the Covenants, the review may extend to all aspects of the property's appearance. For example, a house whose siding is in prime condition and freshly painted with an unauthorized color will be cited as noncompliant, as will a house whose siding is damaged and bearing a faded or peeling old coat of paint in an authorized color.

On August 12, 2003, the Board adopted McLean Province Homeowners Association, Inc. Policy Resolution No. 2003-1. This resolution sets out the process by which the Board may enforce compliance with the Covenants, By-laws, and Architectural Guidelines. A copy of the resolution is posted on the MPHOA's website [www.mcleanprovincehoa.org](http://www.mcleanprovincehoa.org).

The process begins with notice to the owner of a noncompliant property. If the owner fails to correct the noncompliance problem in a timely manner, the Board may fine the owner. If the owner fails to timely pay the fine, the amount owed may be increased by such interest and penalties as are allowed by the Covenants, By-laws, and the Virginia Property Owners Association Act. A lien may be recorded upon the owner's property and may be foreclosed upon as well. All costs of collection, including the legal fees incurred by the Board in pursuing collection (including the placement and foreclosure of a lien on the owner's property) shall be borne by the owner.

The foregoing compliance enforcement procedures may be applied to all violations of the Covenants, By-laws, and Architectural Guidelines, but do not preclude the Board from exercising other enforcement procedures and remedies authorized by such documents or law including, but not limited to, the initiation of lawsuits and self-help remedies.

The failure of the Board to enforce any provision of the Covenants, By-laws, or Architectural Guidelines shall in no event be deemed a waiver of the right to do so thereafter.

MCLEAN PROVINCE HOMEOWNERS ASSOCIATION  
P. O. BOX 8134  
MCLEAN, VA 22106

Request for Approval of Exterior Change

Owner's Name: \_\_\_\_\_

MPHOA Property Address: \_\_\_\_\_

Owner's Mailing Address (if different): \_\_\_\_\_

\_\_\_\_\_

Phone number (indicate if day or evening): \_\_\_\_\_

E-mail: \_\_\_\_\_

Date: \_\_\_\_\_ NOTE: Allow 30 days for MPOHA action.

Describe the proposed change with a degree of detail consistent with the complexity of the proposal. A sketch or photograph must be accompanied by a written description. Include a description and (where different from those of the existing structure) samples of the materials and colors to be used. Include all information required by the Architectural Guidelines to be submitted with the application. Attach extra sheets if necessary.

Owner's Signature: \_\_\_\_\_

Committee Action: Signature of Approving Official/ Date/ Comments