

# Whetstone Run Homeowners Association, Inc.

## Design Guidelines

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# WHESTONE RUN HOMEOWNERS ASSOCIATION, INC.

## GUIDELINES AND OBJECTIVES OF THE ALTERATION STANDARDS AND USE COVENANTS

This document's overall objective is to serve as a guide to aid members of the Covenants Committee (the "Committee") and homeowners and residents in maintaining and enhancing Whetstone Run's carefully designed environment. The guidelines described in this booklet address improvements for which homeowners most commonly submit applications to the Committee. They are not intended to be all-inclusive or exclusive, but rather serve as a guide to what may be done. The specific objectives of this document are:

1. To increase residents' awareness and understanding of the alteration standards and use covenants.
2. To describe the organizations and procedures involved with the alteration standards established by the Committee.
3. To illustrate design principles, which will aid homeowners and residents in developing exterior improvements that are in harmony with the immediate neighborhood and the community as a whole.
4. To assist residents in preparing an acceptable application to the Committee.
5. To provide uniform guidelines to be used by the Committee in reviewing applications.

### **THE AUTHORITY**

The basic authority for maintaining the quality of design in Whetstone Run is found in the Declaration, which is a part of the deed to every property in Whetstone Run. The intent of the enforcement is to assure homeowners and residents that the standards of design quality will be maintained. This, in turn, protects property values and enhances the community's overall environment. Every Whetstone Run property owner should have received a copy of the Declaration at settlement. All too frequently the homeowner does not read this information. Since these Covenants "run with the land," they are binding on all property owners whether or not they have been read. They should be periodically reviewed and fully understood. The Declaration established both the Whetstone Run Homeowners Association and the Committee.

## **WHAT CHANGES MUST HAVE COMMITTEE APPROVAL?**

Article 6 of the Declaration states what alterations require the approval of the Committee. This Section explicitly states that the Committee must approve any change, permanent or temporary, to the exterior appearance of one's property. Further, once a plan is approved it must be followed or the Committee must approve any subsequent change or modification.

It is important to understand that Committee approval is not limited to major alterations such as adding a room or deck to a house, but includes such items as changes in color and materials, etc. Approval is also required when an existing item is to be removed.

Each application is reviewed on an individual basis. There are no "automatic" approvals, unless provided for specifically in these Guidelines. A homeowner who wishes to construct a deck identical to one already approved by the Committee is still required to submit an appropriate application.

The exceptions to this rule are as follows: (a) a property owner need not obtain approval for new or restored improvements to its Lot which (to the extent permitted by applicable law) replace or substitute for, and are substantially similar to, improvements damaged or destroyed by a Casualty or taken in a Taking; (b) the Developer or any Developer Entity or Builder may make any alteration without approval before the record title to the Lot is conveyed to its First Private Owner; and (c) a property owner may make any alteration to its Lot if required (and whose nature and design are specified) by applicable law or a title matter.

## **COMMITTEE REVIEW CRITERIA**

The Committee evaluates all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing model and the individual site, since what may be an acceptable design of an exterior in one instance may not be for another.

Design decisions made by the Committee in reviewing applications are not based on any individual's personal opinion or tastes. Judgments of acceptable design are based on the following criteria, which represent in more specific terms the general standards of the Declaration.

1. Validity of Concept. The basic idea must be sound and appropriate to its surroundings.
2. Design Compatibility. The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in material, architectural style, quality of workmanship, color and construction details.
3. Impact on Neighbors. The proposed alteration should relate favorably to the

landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage. For example, fences may obstruct views, breezes or access to neighboring property; decks or larger additions may cause unwanted shadows on an adjacent property or infringe on a neighbor's privacy.

4. Scale. The size (in three dimensions) of the proposed alteration should relate well to adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.
5. Color. Color may be used to soften or intensify visual impact. Parts of the addition that are similar to parts of the existing house, such as roofs and trim, must match in color.
6. Materials. Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house.
7. Workmanship. Workmanship is another standard, which is applied to all exterior alterations upon completion. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.
8. Timing. Alterations may be constructed or installed by the residents themselves rather than a contractor. However, projects, which remain uncompleted for long periods of time, are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must include estimated start and completion dates. An alteration shall be completed within one (1) year after it begins and shall proceed continuously without delay. Cessation of construction/installation before its completion, for more than sixty (60) days, shall be evidence of an attempt to abandon it in a partially completed state and it shall be deemed a public and private nuisance.

## **APPLICATIONS**

Application forms are available from the Management Company. The application form calls for information, which will be useful in determining the scope and detail of the proposal. The same form will be used for all modifications. All applications should include as much information as possible, specifically including the following (if applicable):

A house location plan or survey is required as part of all applications. This plan is a scale drawing of your lot (site) that shows the exact dimensions of the property, adjacent properties, if applicable, and all existing improvements. Those alterations, which are subject of the Committee applications, shall be clearly marked. Contour lines are required where

drainage is a consideration. A base of a plan for applications is the plat plan provided to you when you purchased your home.

1. Style and specific description of materials to be used, including colors.
2. Dimensions of any additions, including dimensions of railings, posts, stairs, steps, benches, and other details should be provided.
3. List of all exterior colors on the house and appurtenant structures; including color samples of the new color to be used.
4. Estimated start date and estimated completion date in terms of days after start.

The applicant must sign the form. Additional signatures by affected neighbors will indicate only their awareness of the application.

### **REVIEW PROCEDURES**

Each application will be checked for completeness. If information, which is pertinent for the review of the application, is missing, the application will be returned, marked incomplete.

All information on or with the applications (sketches, landscaping, screening, etc.) will be considered as part of the proposed improvements unless explicitly noted otherwise.

Within sixty (60) business after the Committee receives an application and accompanying plans meeting the requirements of the Committee, it shall give the applicant a notice responding to the application which (a) approves it unconditionally, or (b) approves it subject to satisfaction of a condition, or (c) states that the Committee requires, and identifies, additional or more detailed plans and/or other information to be submitted before the Committee is prepared to approve or disapprove the application, or (d) disapproves the application and states the grounds therefore in reasonable detail.

If the Committee fails to give the applicant the notice within the period prescribed above, the applicant may give the Association a second notice (“Deemed Approval Notice”) expressly requesting that the Committee respond to the application. This notice shall (a) state in upper-case bold type that it is a **DEEMED APPROVAL NOTICE** and (b) identify the application and the plans submitted with it. Unless the Committee gives the applicant the required notice within five (5) business days after it receives the Deemed Approval Notice, it shall be deemed to have approved the application unconditionally.

It is the responsibility of adversely affected property owners and residents to make their objections known to the Committee prior to the Committee’s decision. Objections will be considered during the Committee’s deliberations. Objecting property owners and residents will be notified of the Committee’s decision.

Within thirty (30) days after the Committee makes the formal decision, any property owner

may appeal it to the Board of Directors by giving express Notice to the Association, the chairperson of the Board, the Committee and all applicants, stating with particularity the grounds for the decision. The Board shall, at a Board Meeting held within thirty (30) days after its chairperson receives the appeal Notice, and after permitting testimony by and evidence from the Association, the Committee, appellant and each applicant, make a formal, written decision on the appeal which either (a) affirms the Committee decision, with or without modification, or (b) reverses it, with or without remanding it to the Committee for further action. Unless the Board reverses or modifies the Committee decision within the 30-day period, it shall be final and not further appealable. When the Board makes the decision, it shall promptly give a copy to the Committee, appellant and each applicant.

### **ENFORCEMENT PROCEDURES**

The Declaration requires the Board to ensure compliance of all Lots with the Association architectural standards by all property owners. The Board has adopted the following enforcement procedures; all violations will be confirmed by a site visit by the Committee and/or a member of the Board or the Management Agent.

1. An attempt will be made to contact the resident in violation.
2. If, within three (3) working days, no contact has been made, a violation notice will be sent by certified mail.
3. If the violation is not resolved within fifteen (15) calendar days after the written notice, a notice will be sent by certified mail informing the resident of the time and place of a hearing by the Board concerning the violation.
4. If the Board cannot resolve the violation, appropriate action will be initiated. The action may include, but not be limited to the levying of a monetary charge, Board initiated enforcement to be billed to the property owner, and/or legal action.

Please review Article 7, Use Restrictions, of the Declaration regarding permitted uses within Whetstone Run. The following items are a sampling of the more common alterations or use issues that are found in a homeowners association community. All homeowners are required to abide by the governing documents of the association, so a careful review and full compliance with Article 7 of the Declaration is warranted.

### **FENCES**

#### **General Fencing Guidelines**

Fence means a freestanding fence, wall, trellis, gate or other improvements made of masonry, stone, wood, wire, plastic or other nonliving material, or hedge, designed or configured to

provide a visual or physical barrier. Fencing is used to separate property, provide security and visual privacy, or architecturally define space. In achieving any one of these goals, a barrier is created which has both visual and physical impact on the boundaries or common land and properties of adjacent homeowners. Careful consideration should be given to the basic fencing concept and the manner in which the concept is executed.

Fencing should be restricted to rear yard locations. Particular attention should be given to the amount of adjacent open space and the height and compatibility of materials and color with the existing house and other houses in the immediate vicinity.

Fence height should not be greater than is necessary for its intended use since fencing can have a significant impact on adjoining properties. No fence shall be more than six feet (6') in height. Fencing should relate to the principle architectural feature of the house in design, location and the way in which it connects to the existing house.

Front yard fences (or fences which appear to be in a neighbor's front yard due to lot configurations) will not be allowed.

Gates should be compatible to fencing in design, material, height, and color.

Chain link fencing is not allowed.

Fencing which is finished on one side only must be constructed with the finished side facing out.

Fencing should never visually compete with or dominate a house.

Fencing should respect open space frontage.

### **Fence Type**

Fencing should be compatible with the applicant's house, but it should also be appropriate for its intended purpose. For example, a "privacy fence" has different design considerations than a fence, which is used to define property boundaries. Listed below are suggestions, which may be helpful in selecting a fence style:

1. Property Separation. Where the homeowner's goal is property separation but not privacy, an "open" fence is appropriate. Open fences provide visual definition of property boundaries without obstructing views but should only be used where necessary
2. Security. Many homeowners wish to restrict children or pets to or from their property. Security fences where privacy is not a factor can be the "open" type. Property line fences should not be counted on to provide security for dogs.

3. Privacy. While fencing can be used to create private outdoor spaces, homeowners should also consider ventilation. A spaced board fence is “semi-open” and allows natural ventilation while affording varying degrees of privacy depending on the size of the boards and spaces between them. More privacy may be obtained, while still allowing ventilation, by the use of a board-on-board fence.

### **STORAGE SHEDS**

An inconsiderately placed or poorly designed shed can visually and functionally negate an otherwise desirable residential area. Therefore, it is important to remember in choosing and locating a shed that there are needs other than storage that must be considered.

Storage sheds must be placed in the rear of the home. The storage shed must be designed to appear as part of the house/fence theme and may be part of a deck or patio.

The storage shed must be designed to respect the “visual rights” and aesthetic interest of neighboring properties.

Materials used to finish the storage shed must be identical or compatible with the exterior finish of the house. If house siding or finishing materials are difficult to obtain, the shed may be of wood and painted to match the color of the house or any attached fencing. If the shed is built or installed below a deck that is elevated eight (8) feet or less it must be compatible with the surroundings. Roofing should be the type and color of the roofing material (shingles, etc.) already used on the house, if not built below an elevated deck. The highest point of a stand-alone shed must not exceed six (6) feet in height.

### **DETACHED GREENHOUSES & DETACHED SOLAR COLLECTORS**

Detached greenhouses and solar collector panels will be reviewed on a case-by-case criterion, under the same criteria as storage sheds with consideration for the special requirements of sun orientation. (Attached greenhouses will be reviewed as room additions with special attention given to visibility of interior activities.)

### **PATIOS AND DECKS**

#### **Patio and Deck Location**

Patios or decks should be located in rear yards. All decks and patios over eight (8) inches above grade will be treated as “attached decks.”

When patio or deck schemes include other exterior changes, such as fencing, lights, plantings, etc., other appropriate sections of these Guidelines should be consulted prior to

application.

### **Patio & Deck Construction**

Patios may be constructed of poured concrete, brick, stone or commercial paver tiles. Proper workmanship to ensure solid construction and attractive appearance is required. Wood decks will be constructed of pressure-treated lumber, #2 southern pine or better. Wood decks may be treated with a clear or light wood tone preservative sealer.

### **Under-deck Storage**

Raised decks include an under-deck area, which has a visual impact on neighbors in the surrounding area. Storage should be maintained so as to present a neat, uncluttered appearance. Special under-deck storage screening or landscaping is required and must be approved by the Committee.

### **Drainage**

If changes in grade or other conditions, which will affect drainage, are anticipated, they must be indicated. Any adverse drainage, which results from the construction of a deck or patio, must be considered and remedied by the responsible property owner.

In all cases in which a patio or deck is contemplated, serious consideration should be given to making ground level surfaces of porous material or to provide mulched beds to offset additional impervious deck or patio area. The Committee will require details as to what drainage consideration have been taken, especially when large areas are involved

## **RECREATION AND PLAY EQUIPMENT**

All recreation and play equipment must be placed in rear yards. Any recreation or play equipment that is not permanently installed can be placed without permission from the Committee. Any equipment that is permanently installed needs approval from the Committee. Screening may be required to minimize any visual impact on neighboring homes.

Portable basketball backboards may be placed in the driveway while in use and must either be stored in the rear of the house or stored out of sight (i.e., inside a garage) when not in use. Basketball backboards, which are permanently installed or attached to homes, are prohibited.

## **SWIMMING POOLS AND WATER AREAS**

Requests for swimming pool or other water area construction will be reviewed on a case by case basis.

## **MAJOR EXTERIOR ALTERATIONS**

Major alterations are considered to be those, which substantially alter the existing, structure either by subtraction and/or addition. The proposed structure must be compatible with the original structure and in keeping with the existing lot size.

Major building alterations include, but are not limited to, construction of driveways, garages, porches, greenhouses, rooms, fireplaces, chimneys, other additions to a home, etc. However, other site changes such as driveway modifications are also included.

The design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent homes.

The location of major alterations should not impair the views, or amount of sunlight and natural ventilation on adjacent properties.

New windows and doors should match the type used in the applicant's house and should be located in a manner, which will relate well to the location of exterior openings in the existing house.

If changes in grade or other conditions, which will affect drainage, are anticipated, they must be indicated. During construction, materials must be stored so that impairment of views from neighboring properties is minimized. Excess material should be immediately removed after completion of construction.

No debris may be allowed to accumulate during construction.

## **EXTERIOR DECORATIVE OBJECTS**

### **Seasonal Decorations**

Seasonal holiday decorations are allowed and do not require the advance approval of the Committee. However, they must be removed within 30 days after the end of the holiday.

### **Non-seasonal Decorations**

All non-seasonal yard decorative objects larger than two (2) feet wide by two (2) feet long by three (3) feet high such as fountains, sculptures, figurines, statues, etc. require Committee approval unless these objects are screened by fencing. Flower boxes, planters and wind chimes that are standard shapes and sizes do not require approval. If the use of any outside decorative object(s) is deemed to be excessive, unsightly, or offensive, the Committee has the authority to have the owner remove the unacceptable item(s). Prior to initiating steps to remove any decorative items, the Committee must consult with the property owner, Board and adjacent neighbors.

## **EXTERIOR LIGHTING & INSECT TRAPS**

No exterior lighting shall be directed outside the applicant's property. Lighting which is a part of the original structure must not be altered without Committee approval. Light fixtures, which are proposed in place of the original fixtures, must be compatible in style and scale with the applicant's house. Low wattage path or garden lights are acceptable, however any associated wiring must be concealed out of the site of public view.

Electric insect traps are not allowed.

## **ANTENNAS & SATELLITE DISHES**

Subject to prior review and approval by the Committee, owners may install certain antennas or satellite dishes for the purpose of receiving Audio and/or Video Programming:

1. A "dish A" antenna that is one meter (39 inches) or less in diameter (Direct Broadcast Satellite).
2. TVBS-Television Broadcast Stations.
3. Antenna one meter or less in diameter or diagonal measurement and designed to receive video programming service via MMDS.

Masts higher than six (6) feet will not be permitted.

Antennas should be installed in the least obtrusive location along the gutter line to the roof peak. Where possible, antennas should be located on the side of the roof least visible from the street. The satellite dish should be located as unobtrusively as possible on the property that still provides a quality signal. Screening, such as shrubs, is required where possible.

Owners are required to comply with all safety restrictions as outlined by federal, state and local requirements including, but not limited to, fire, electrical and FCC codes. All antennas must be installed as required by the manufacturer and must be properly grounded.

## **FIREPLACES**

The addition of a fireplace to a home requires Committee approval. Gas fireplaces are allowed as long as they are vented to the outside and require Committee approval. The section on Major Exterior Alterations covers fireplaces. Standard wood burning fireplaces will be allowed so long as chimneys are compatible with the basic structure of the home. Location should be in such a manner as to minimize visual impact.

## **CHIMNEYS AND METAL FLUES**

If a property owner chooses to add a fireplace to his home, chimneys must be consistent with the original structure of the house.

## **DOG HOUSES AND RUNS**

Doghouses must be compatible with the applicant's house in color and must be located in the rear yard of the house. The same criteria applies to doghouses as to storage sheds. Dog runs are prohibited.

## **EXTERIOR PAINTING**

Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing, and other appurtenant structures. Change of exterior color should be in conformance existing neighborhood colors. Repainting or staining a specific object to match its original color need not be submitted.

## **FLAGPOLES**

Flagpoles will be allowed on a case by case basis.

## **GRILLS**

All grills should be placed in the rear of the house.

## **COMPOST PILES**

Compost piles will not be allowed.

## **VEHICLES**

No inoperable vehicle shall be parked or stored in Whetstone Run. No vehicle shall be constructed, restored or repaired within Whetstone Run other than minor repairs such as oil, filter, battery, belt, wiper, light and tire changes, or emergency repairs which cannot reasonably be performed elsewhere.

### **HOT TUBS AND SPAS**

Exterior hot tubs and spas require the advance approval of the Committee and must have a hard cover when not in use. Hot tubs and spas are required to be reasonably hidden from public view. Portable hot tubs placed on the ground or on decks less than 18 inches above the ground do not require Committee approval if they are reasonably hidden from public view. Any application for a hot tub or spa must address issues such as appropriate draining.

### **STORM DOORS**

All screen and storm doors require the advance approval of the Committee. The color of the storm door must match either the color of the trim around the door or the door itself.

### **EXTERIOR UNIT AIR CONDITIONERS OR FANS**

Air conditioner units extending from windows are prohibited.

Fan units will not be installed in windows.

### **ATTIC VENTILATORS**

Attic ventilators and turbines must match the siding or trim on the house if mounted on a gable end or be painted to match the roof if placed on a roof. Roof location shall be on the least visible side of the ridgepole.

### **CLOTHESLINES**

Exterior clotheslines are not allowed.

No clothing, laundry or washing may be aired or dried on any exterior portion of the Lot including on patios or hung from decks.

### **MAILBOXES**

Mailboxes shall remain consistent with the original mailboxes installed throughout the community.

### **REAL ESTATE SALES/RENT SIGNS**

A single sign having a surface area of not more than six (6) square feet, indicating that that

Lot and/or any dwelling thereon is “for sale,” “for rent,” or “sold” is allowed without approval of the Committee. Signs may only be placed in the front yard of the property available.

### **SOLAR PANELS AND SOLAR WATER HEATERS**

Solar panels and solar water heaters require the advance approval of the Committee. Panels mounted to the front side of roofs are not permitted. Panels mounted to the rear side of roofs may be flush or elevated. If elevated, they must not extend above the roof peak so far that they are visible from the yards of facing houses, across streets or pipestems.

No other mounting locations are acceptable.

### **AMENDMENTS TO THE GUIDELINES**

The Committee will conduct a yearly evaluation of the Guidelines to determine if amendments are required. If an amendment is necessary, the Board shall adopt the actual amendment following the same procedures used for adoption of the original Guidelines.