

THALIA WAYSIDE TOWNHOMES HOMEOWNER'S ASSOCIATION, INC.

ARCHITECTURAL GUIDELINES

FOR EXTERIOR ALTERATIONS AND REGULATIONS

REVISED AUGUST 2006

I. COMPOSITION AND DUTIES OF THE ARCHITECTURAL COMMITTEE

The Architectural Committee (AC) consists of three or more regular members. A member is not required to be an architect or to meet any other particular qualifications.

The AC members are appointed by the Board of Directors of TWTHA at the January board meeting. The term of appointment is for a period of one year. Any new member appointed to replace a member will serve that member's unexpired term. The AC may request the TWTHA Board of Directors to remove any committee member who fails to attend four consecutive AC meetings without prior notification to the chairperson(s). The AC may also make a written request to the TWTHA Board of Directors to add a designated person to their committee should a vacancy occur.

The duties of the AC are to consider and act upon applications for alterations submitted to it, to adopt Architectural Committee Guidelines, and to perform other duties imposed on it by the Thalia Wayside Townhomes Homeowner's Association Restrictions. Written complaints received by the AC are kept confidential and are acted upon using the TWTHA Declaration of Covenants, Conditions, and Restrictions and the AC Guidelines as direction. Should the AC be unable to resolve a complaint, either by personal contact, telephone, or letter, the AC may elect to refer the violation to the TWTHA Board of Directors with a recommendation that the board hold a due process hearing or forward the matter to the TWTHA attorney for whatever action deemed appropriate. The AC's final communication to the resident will advise that without resolution of the violation, the AC will forward the matter to the TWTHA Board of Directors, which may lead to legal action.

The AC shall meet every month to perform its duties. The vote or written consent of a majority of members present shall constitute the act of the AC. The AC shall keep and maintain a written record of all actions taken. Members are not compensated for their services. This is volunteer work by TWTHA members.

For additional information about the AC, refer to the THALIA WAYSIDE TOWNHOMES HOMEOWNER'S ASSOCIATION DECLARATION.

## II. AREA COMMITTEES

Due to the number of residents in THALIA WAYSIDE TOWNHOMES HOMEOWNER'S ASSOCIATION, the AC may designate Area Committees, based upon architectural style of residences in each area, to assist the AC in performing its duties.

Area Committees are composed of volunteers who are genuinely interested in maintaining the integrity of the architectural style in their areas. The Area Committee will choose a person who will present the views of the Area Committee to the AC.

The main purpose of the Area Committee is to present a forum for interested homeowners to provide their views to the AC. The AC may ask for information from the Area Committees concerning proposed rules and regulations. The AC may give alteration applications to the Area Committee to obtain their comments.

Area committees are not required by TWTHA Declaration but depend solely upon the interest and participation of the residents of TWTHA. The Area Committees may or may not exist at any given time. It is the hope of the AC that the interest will exist to make the Area Committees an asset to the TWTHA. A resident may contact the AC to find out which Area Committees are active.

## III. APPLYING FOR APPROVAL OF EXTERIOR ALTERATIONS

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1. The homeowner may obtain an Application from the TWTHA office or the AC.
2. The homeowner will return the completed Application to the AC no less than five days prior to the regular monthly AC meeting held on the second Monday of the month.
3. Applications will not be considered submitted to the AC until the Application is complete.
4. The AC will notify the homeowner in writing that a complete application has been received and that within thirty days of that date will reach a decision regarding the Application.
5. The homeowner will receive written notification of the approval or disapproval of his Application from the AC, including any recommendations or alternatives suggested by the AC.
6. Copies of all Applications will be retained in the confidential AC files.
7. AC approval shall be valid for 9 months. If alterations have not been completed within that time, a new Application must be submitted to the AC.

## IV. WHAT MAKES AN APPLICATION COMPLETE?

An Application is complete when all the required information is provided on the application form and the homeowner submits required supporting

documents.

1. Description of Alterations—This is required for all Applications. It can be detailed or simple statements depending on the complexity of the alteration and number of supporting documents.
2. Copy of Physical Survey—This is required for Applications proposing adding new structures, relocating structures, or making landscaping changes. This will allow the AC to see how the proposal will affect neighboring property.
3. Description of Materials—This is required for all Applications. This will allow the AC to maintain uniformity within the area.
4. Contractor's Proposal—This is required for all Applications. It provides the AC with the maximum amount of information. The amount to be paid to the contractor may be blacked out.

This list is not all-inclusive, but shows some of the documents that the AC requires that support the Application.

#### V. WHAT TO DO IF APPLICATION IS DISAPPROVED?

1. If the homeowner is willing to accept changes recommended by the AC, the homeowner may submit an amended Application using the previously submitted Application as a supporting document. The homeowner must indicate the changes that will make the Application acceptable.
2. If an Application is disapproved, the homeowner has the right to appeal the decision to the TWTHA Board of Directors.
3. An appeal must be sent to the TWTHA Board of Directors via certified mail within ten days of notification of disapproval. The TWTHA Board of Directors upon receipt will request all documentation from the AC.
4. The homeowner will be notified of when his/her appeal will be come before the TWTHA Board of Directors. The homeowner will be given an opportunity to present evidence on his/her appeal. There is a maximum time limit of 30 minutes for presentation of the appeal.
5. The AC chairperson, if available, will be present at the appeal meeting of the TWTHA Board of Directors.
6. The TWTHA Board of Directors will issue its decision within 30 days of the appeal meeting.

#### VI. WHAT IF I DON'T WAIT FOR APPROVAL?

If you start alterations without first obtaining written approval of your plans, you do so at your own risk. If you fail to submit an Application or if your Application is turned down or modified, you are liable for the cost of removing the alteration and/or for the cost of any related attorney's fees or litigation.

In cases such as those above, every effort will be made to work out a reasonable solution to the problem.

## VII. WHAT IS THE PROCESS FOR TWTHA DECLARATION ENFORCEMENT?

Upholding the TWTHA Declaration is the job of every resident, but the TWTHA Architectural Committee and the Board of Directors carry out the routine enforcement. When architectural complaints are brought to the attention of the AC and/ or the Board of Directors, they are kept confidential and are reviewed as promptly as possible.

If a complaint is found to be a violation of the TWTHA Declaration or AC Guidelines and/or any amendments and supplements thereto, the AC will notify the homeowner with a written warning or a “cease and desist” letter. This notification will state the nature of the violation, define a specified time frame to correct the violation, and state the Board of Directors’ authority to impose sanctions for failure to correct the violation, after an opportunity to be heard.

If corrective action is not taken within the specified time frame, the AC will refer the matter to the TWTHA Board of Directors. After confirming that the violation has not been corrected, the Board of Directors may, in its sole discretion, schedule and give notice of a due process hearing, at least fourteen days in advance thereof, via registered or certified United States mail, return receipt requested, to such homeowner at the address on the books and records of TWTHA.

Even if the homeowner has corrected the violation within the time frame stated in the written warning, the TWTHA Board of Directors may, in its sole discretion, consider any repeat of the same violation within the next twelve months a continuing violation of the noticed violation and may schedule a due process hearing without written warning as provided above.

The due process hearing shall be conducted by at least three members of the TWTHA Board of Directors. Failure of a homeowner to attend the scheduled due process hearing shall not waive the Board of Directors’ right to continue to hold the due process hearing. The Board of Directors shall have the authority to charge the homeowner for the occurrence or continuing occurrence of the noticed violation.

If the Board of Directors finds the homeowner to be in violation, charges may be assessed in an amount not to exceed fifty dollars for a single offense or ten dollars per day for a violation of a continuing nature until the violation is corrected, or if the violation is not corrected, for a period not to exceed ninety days. Such charge(s) shall be treated as a lien against said homeowner’s unit and shall have the same force and effect as if the charge was a part of the common expense attributable to such homeowner.

The due process hearing result shall be mailed by registered or certified mail, return receipt requested, to the homeowner at the address of record with TWTHA within seven days of the due process hearing.

Any homeowner found to be in violation shall be responsible for all attorneys’ fees, administrative costs, court costs, and applicable interest that may result in the enforcement of the TWTHA Declaration and

AC Guidelines. Such fees and costs may be adopted, imposed, and enforced by the TWTHA Declaration.

#### VIII. HOW CLOSELY MUST I ADHERE TO THE GUIDELINES IN THIS DOCUMENT?

The TWTHA Declaration gives the AC the responsibility to set rules and procedures for architectural control, the power to interpret the covenants, and the ability to allow exceptions to the guidelines and restrictions.

The fact that your plan has been approved at another location does not mean it is automatically approved for you.

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#### IX. MAJOR BUILDING ADDITIONS

A full Application is required including drawings of the proposed addition and a copy of the homeowner's physical survey.

1. Major building additions include, but are not limited to, fences, greenhouses, porches, and room additions.
2. In order to be aesthetically pleasing, the design of major additions should be consistent with the existing shape, style, and size of the dwelling in the following ways:
  - A. Siding, roofing, gutters, and trim materials should be the same as, or compatible with, the existing materials of the dwelling in color and texture.
  - B. New windows and doors should be compatible with those of the existing dwelling in style and color. These should also be located on walls at the same approximate height as those of the existing dwelling and be trimmed in a similar manner.
  - C. Roof eaves and fascias should be the same depth, style, and approximate height as existing eaves and fascias. New roofs should be the same

- approximate slopes as those on the existing dwelling.
3. The following conditions shall be factors for determining the acceptability of addition locations:
    - A. Additions should not significantly impair the view, amount of sunlight or ventilation of adjacent residences, or the public's use and enjoyment of open space. New windows, doors, or viewing areas from the addition should not impinge upon existing internal or external private areas of adjacent residences.
    - B. New additions should not create situations in which adjacent neighbors will have difficulty adding to, modifying, or maintaining existing dwellings.
    - C. Additions must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.
  4. Breaking ground-- The Applicant shall call MISS UTILITY at 1-800-552-7001 for existing locations of utilities before any digging is initiated.

## X. MAINTENANCE

No improvements, alterations, repairs, changes of paint colors, changes of roof color/style, excavations, or other work which in any way alters the exterior appearance of any property with TWTHA can be made or done without prior approval of the AC.

No building or structure upon any property within TWTHA shall be permitted to fall into disrepair. Each such building and structure shall at all times be kept in good condition and repair and shall be adequately painted or otherwise finished.

Please refer to Painting and Staining Exterior, Guideline page 9.

## XI. VIEW FROM NEIGHBORING PROPERTIES

“Visible From Neighboring Properties” shall mean, with respect to any given object, that such object is or would be visible to a person six feet tall, standing on any part of such neighboring property at an elevation no greater than the elevation of the base of the object being viewed.

## XII. ANTENNAS AND SATELLITE DISHES

These devices should be placed in the rear of the unit. No installation is allowed on common areas.

Any such device that is inactive or not in use by the current resident must be removed.

### XIII. ATTIC VENTILATORS, EXTERIOR

All such ventilators require an Application for variance and approval from the AC.

The following guidelines are intended to help balance individual economic interest with neighborhood aesthetic concerns.

1. No part of the ventilator should be visible from the street.
2. The ventilator should protrude no more than 36 inches above the roof surface.
3. Blocking airflow through the ventilator should be accomplished from the inside of the unit.

### XIV. AWNINGS

Awnings are not allowed in the front of any unit in TWTHA.

Any proposed awning for the rear or side of a unit requires Application to and approval by the AC.

### XV. BASKETBALL BACKBOARDS AND SKATEBOARD RAMPS

Use of basketball backboards and skateboard ramps produce noise and vibration. In a compact community such as TWTHA they can become a particular nuisance. For this reason, no skateboard ramps are permitted. No basketball backboards either free standing or attached to a unit are permitted on any residential property or right of way within TWTHA.

Frisbees, footballs, baseballs, basketballs, etc. should not be used on TWTHA neighborhood streets. TWTHA Neighborhood Park has a basketball court and ample playground space for these activities.

### XVI. BOATS, TRAILERS, TRUCKS, RECREATIONAL VEHICLES, COMMERCIAL VEHICLES, AND MOTOR VEHICLES REPAIRS

Except with approval of the TWTHA Board of Directors, no mobile home, trailer of any kind, truck, camper, boat, tent, or similar structure shall be kept or placed (for a period of more than forty-eight hours) upon any property or street (public or private) within TWTHA. In addition, no vehicle may be maintained, constructed, reconstructed, or repaired upon any property or street (public or private) within TWTHA in such a manner as will be visible from neighboring property. However, the provisions of this paragraph shall not apply to emergency repairs.

Neither combustibles nor unsightly materials nor any other nuisance

material may be stored in a pickup truck bed.

Commercial vehicles are not allowed to be parked on the driveways of townhomes within TWTHA.

Units with garages need not apply for variances for boats, trailers, RV's, or repairs provided the vehicle or repair is contained entirely within the garage, i.e., and the garage door must be able to close completely. Nonetheless, a city permit may be required. Contact the Building Codes Office of the City of Virginia Beach for more information.

The Zoning Office of the City of Virginia Beach advises that unlicensed, uninspected, and not in driving condition vehicles are prohibited from being parked in a driveway or on a public street. Such offense may be reported to the Zoning Office at 427-8074.

## XVII. DECKS

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A complete Application is required for any deck. Applications should include the following:

1. A description of the material to be used.
2. An illustration of the proposed deck, including railings and stairs, dimensions, and height above grade.
3. An explanation of any relocation of windows doors meters, and heating/air conditioning units.
4. A description of any changes to exterior lighting
5. A description of plantings to be removed for construction of or added in conjunction with a deck.

Decks should be no more than 12 inches above the ground so as not to impact the privacy of your neighbor.

The AC recommends that all visible portions be woods that will be left to weather naturally or be sealed with clear liquid weather proofing.

Existing decks do not set a precedent for the AC approval of future decks.

The City of Virginia Beach requires a building permit to be obtained prior to constructing a deck. Contact the Building Codes Office for more information.

Decks must be kept in good condition. Any damaged portion of the deck should be repaired within thirty days of damage occurrence.

## XVIII. DOG HOUSES AND DOG RUNS

Dog houses and /or dog runs require an Application to and approval from the AC.

All dog houses and runs must be located behind the rear foundation line and within a fenced yard. They should be positioned so as not to create a nuisance and should be painted and roofed to match the unit.

## XIX. DRIVEWAYS

Homeowners in TWTHA are responsible for maintaining the respective unit's driveway.

Repairs must be made with Portland cement to maintain the original appearance. In order to limit future maintenance problems, care should be taken to select the proper mix.

An Application and approval from the AC are required for any additional driveways or extensions of existing driveways.

Maintenance includes oil stain removal and removal of grass/weeds in driveway cracks.

Residents and visitors should park their cars on driveways in such a manner that does not interfere with pedestrians using the sidewalk area. Vehicles should not be parked on the apron area since they interfere with vehicle and pedestrian traffic and city access to water and sewer meters.

## XX. FENCES

Applications for modification, erection, or addition of fences are required. In a compact townhouse community, fences can easily create an unattractive patchwork appearance. Therefore, any modification to builder-installed fencing as well as any addition to such fencing requires an application to the AC.

Modifying building fencing includes but is not limited to removing slats, staining fences, increasing or reducing fence height, and installing additional fencing to enlarge the enclosed area. When enlarging existing fenced area, new fencing must match original fencing. An appropriate drawing of proposed extension as well as a copy of the original physical survey must accompany each application.

Support posts shall be positioned inside the fenced area.

No fence may be installed across, around, or through pedestrian access easements as shown on plat surveys. The utility company during repairs on utility lines may remove proposed fencing on utility access.

Residents are asked to consider neighbor's access to back easements when erecting fences. If each end unit places fence on property line, the inside units will have no rear access for wood delivery, trash container removal, lawn mower access, etc.

Exterior fencing is to be allowed to weather naturally. No chainlink, plastic, barbed wire, or other metal materials shall be used. Plastic flowerbed fences are not permitted as they create a patchwork effect. No staining or

painting is permitted. However, clear liquid weather proofing is allowed since it does not change the color of the wood.

Repairs to AC approved fencing do not require an Application if the appearance of the fence will be unchanged. However, damaged fencing should be repaired within thirty days of damage occurrence. Such repairs must duplicate the original or approved fencing.

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## XXI. GRILLS

Permanent grills require an Application to and approval from the AC.

All grills should only be located behind the unit's front foundation line or within the fenced area.

Contact the City of Virginia Beach Building Codes Office to obtain the appropriate permit(s).

Contact the City of Virginia Beach Fire Marshall for regulations concerning the storage of flammables.

## XXII. HEATING AND AIR CONDITIONING SOURCES

Installation and/or relocation of an external heating and/or air conditioning unit require an Application to and approval from the AC.

Generally, all heating and/or air conditioning units shall be located behind the unit's rear foundation line and within the fenced yard.

Window and wall units require an Application to approval from the AC.

## XXIII. LANDSCAPING AND LAWN MAINTENANCE

It is a homeowner's responsibility to keep all shrubs, trees, and grass neatly trimmed, properly cultivated, and free from all trash, weeds, and other unsightly materials. Fallen leaves, twigs, etc. must be cleared from yard, sidewalk, and driveway areas.

The homeowner is also required to maintain the grass located behind fences and on easement property. It is very important for homeowners to keep the grass cut on easement areas. Excessively high growth may be reported to the Community Protection Housing Unit of Virginia Beach.

Lawn watering shall be restricted to the homeowner's property. Excessive coverage of streets, sidewalks, mailboxes, and easements will be refrained from.

Flowerbeds must be maintained and must be kept free of weeds. Stones should not be used as ground cover in flowerbeds outside fenced in areas.

## XXIV. LIGHTING, RESIDENTIAL

### 1. General Lighting

- A. The replacement of an existing light fixture, if accomplished with a realistic match to the old fixture, does not require approval from the AC.
  - B. Unusual colors, such as red, blue, orange, green, etc, are prohibited.
  - C. Permanent exterior lighting and wiring requires a full Application to and approval from the AC. All exterior lighting should be installed so as not to shine on adjacent property or public space. It should be aesthetically planned for each location.
2. Security Lighting
- A. Flood lights and various types of high output lights fall under this group.
  - B. Exterior lighting of this group should be considered more carefully because of the impact on neighboring properties. Light fixtures of this type should be carefully aimed so that they illuminate only a specific area, such as a doorway.
  - C. Some high output light fixtures may have to be shielded in a manner similar to some street light installations to prevent unwanted or excessive intrusion of light from one property to another.
  - D. A full Application to and approval from the AC is required.
3. Temporary Lighting
- A. Decorative holidays and festival lighting does not require AC approval. However, all Virginia Beach City fire and safety codes must be adhered to.
  - B. Holiday lighting should not be erected prior to the 16<sup>th</sup> of November in any year and must be removed by the following 7<sup>th</sup> of January.
  - C. The AC suggests that you make sure your lighting display is not objectionable to your neighbors or adjacent properties or across the street from you.
4. Breaking Ground
- A. The Applicant shall call MISS UTILITY (1-800-552-7001) for existing locations of utilities before any digging is initiated.

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## XXV. OIL STAINS ON DRIVEWAYS AND APRONS

The homeowner must remove all oil stains on driveways and aprons.

## XXVI. PATIOS AND WALKWAYS

Patios and walkways outside of existing fences require an Application to and approval from the AC. These should be constructed of Portland cement, paving stones, or bricks.

## XXVII. PATIO, YARD, AND PORCH FURNITURE

All patio and yard furniture should be placed behind rear foundation lines or behind a fenced in area. Visible furniture gives a very cluttered, unkept appearance to the neighborhood.

Front porch furniture of wood or wrought iron is acceptable.

## XXVIII. PAINTING AND STAINING, EXTERIOR

In accordance with the TWTHA Declaration and to ensure a continued attractive neighborhood appearance, exteriors of all living units and of accompanying structures must be kept neatly and adequately painted and/or stained.

If a unit or other structure is to be repainted or re-stained with the original color no Application is required. However, the old and new colors must match. You may obtain the original paint information, including paint number and name, from the TWTHA office.

To both avoid unusual colors and maintain visual harmony within the TWTHA, changes in paint or stain color require a prior Application to and approval from the AC. This shall apply to shutters, roof, and units.

The AC will consider color change Applications based on the following:

1. The material used to affect the change, i.e. the type of paint or stain to be used.
2. The effect of the proposed color combination on neighborhood appearance and adjoining units.
3. The AC will review the proposed combination itself, the new combination in conjunction with the unit's shingle color and the visual effect of the proposed colors on the immediate neighborhood and adjoining units.

## XXIX. PARKING (PROHIBITED AREAS)

No automobile, motorcycle, trailer, camper, or similar vehicles are allowed to be parked on the grass, aprons, or sidewalk areas of the driveway.

Cul de sac areas must remain open to enable vehicles ample turn around space.

The Virginia Beach City Code states that it is unlawful to park vehicles on any city parkway for the purpose of offering it for sale or rent.

## XXX. POLITICAL AND DISPLAY SIGNS

No signs, including political, may be posted in any yard, window, wall, or motor vehicle within TWTHA.

Temporary for sale and for rent signs are exempt from this regulation. However, they may be no larger than five square feet.

### XXXI. RESIDENTIAL IDENTIFICATION SIGNS (HOUSE NUMBERS)

No more than two sets of residential identification signs, i. e., house numbers, are permitted on a particular unit. The total face area of each set of numbers may not exceed seventy-two square inches.

In an emergency situation to aid police, fire, and rescue personnel in locating a residence, the AC recommends that each unit have house numbers that are both prominently displayed at all times and adequately illuminated at night.

### XXXII. RESTYLING

Restyling is any relatively permanent change that alters the exterior appearance of a unit. It includes, but is not limited to, the addition of or change in porches, porch railings, shutters, storm doors, security doors, windows, and etc.

An Application is required. The Application must include:

1. a detailed plan specifying the materials to be used
2. paint and /or stain colors
3. dimensions
4. a sketch of the completed project
5. any other pertinent information

The AC will review each plan based upon the appropriateness of the alteration, the suitability of the proposed materials, and both the physical effects and the visual impact of the alteration on neighboring properties and adjacent properties.

The AC advises fashioning alterations in accordance with the unit's original style. Alterations should have minimal physical and visual effect on neighboring and adjacent properties.

Check with the City of Virginia Beach Building Codes Office for necessary permits.

### XXXIII. ROCK GARDENS

No rock gardens are allowed outside the fenced in area of the unit.

### XXXIV. ROOF REPLACEMENT

An Application to and approval from the AC is required for all roof replacements.

An actual sample of proposed roofing material must be submitted as part of the Application.

### XXXV. SHEDS AND TOOL STORAGE STRUCTURES

A shed or other storage structure in addition to that constructed by the subdivision builder requires an Application to and approval from the AC.

The Application must include:

1. a detailed plan specifying the proposed structure's lot placement
2. its dimensions
3. the materials to be used
4. a sketch of the completed structure
5. a copy of the permit from Building Codes Office from the City of Virginia Beach

Sheds and other storage structures must be located both behind the living unit's rear foundation line and within the fenced area.

The structure should be painted or stained and shingled the same as the existing living unit.

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#### XXXVI. SIDING REPAIRS AND REPLACEMENT

All structures must be properly maintained. In addition to keeping siding adequately painted or stained, siding itself must be kept in good repair. When siding is to be entirely or partially replaced, an Application to and approval from the AC is required.

The AC's primary concerns will be the suitability of the proposed siding material and the visual effect of the new material on neighboring units. To preserve visual continuity, new siding should resemble original siding.

Replacement siding must be painted or stained the original color or a previously approved color.

#### XXXVII. SOLAR COLLECTORS

The proposed panels should have a minimal visual effect on the immediate neighborhood. They should not readily be visible from a street. They also should lie flat on the unit's roof.

Existing solar panels shall not set precedent for future solar devices. In any case, all solar collectors require an Application to and approval from the AC.

#### XXXVIII. STATUES, FOUNTAINS, AND ORNAMENTS

Any statue, fountain, and/or ornament, including but not limited to flag poles, window boxes, weather vanes, bird baths, etc., require an Application to

and approval from the AC if placed in front or side yards of units.

#### XXXIX. SWIMMING POOLS, HOT TUBS, AND SPAS

##### Swimming Pools:

Since few living units within TWTHA have yards suitable for a private pool, both in and above ground pools generally are discouraged. If a pool is contemplated, however, an Application must be submitted to and be approved by the AC.

The AC will consider these Applications on a case by case basis looking primarily at the potential effects of the proposed pool on neighboring and adjacent properties. In particular, the AC will examine planned excavation and drainage and will consider the surrounding landscaping.

All pools must comply with the codes of the City of Virginia Beach.

Neither inflatable nor plastic pools require an Application. However, they should be placed behind the unit and within the fenced area.

##### Hot Tubs and Spas:

Regarding hot tubs and spas, the AC recognizes both their popularity and their potential suitability for townhome lots. Because both the commonly used drainage method, i.e., siphoning through a garden hose and the various lot sizes within TWTHA, hot tubs and spas require an Application to and approval from the AC.

The AC's primary concern is the effect of drainage upon adjacent properties.

Consideration for Application review is:

1. Whether installation requires excavation and if so, the effect of excavation upon adjacent properties.
2. Where siphoning into the yard will be the means of drainage, the gallon capacity of the proposed tub or spa relative to yard dimensions.
3. Location within a fenced area relative to the unit and neighboring properties.

The City of Virginia Beach requires a building permit prior to installing a pool, hot tub, or spa. Contact the Building Codes Office.

Remember, that any structure to be built in conjunction with the proposed pool, hot tub, or spa i. e., trellises, decks, and etc. not only may require a building permit, but will also require an Application to and approval from the AC.

Once installed, pools, hot tubs, and spas must be operated so as not to become a nuisance to neighboring units.

#### XL. SWING SETS, SANDBOXES, AND OTHER PLAY EQUIPMENT

All play equipment requires an Application to and approval from the AC. It

should be located both behind the unit's rear foundation line and within the fenced area.

#### **XLI. TRASH STORAGE AND COLLECTION**

In any neighborhood, garbage and trash storage is particularly important. Improper storage can lead to not only a shabby appearance but also to health and odor problems.

The City of Virginia Beach provides each unit with either a sixty-gallon or a ninety-gallon black plastic garbage container.

TWTHA requires that all garbage and trash stored on properties within TWTHA be kept in covered containers. These containers must be kept inside a privacy fence, shed, garage, or other concealed area. They shall not be kept in the front yard, side yard, porch, behind ornamental fences, or in easement areas.

The City of Virginia Beach requires that garbage containers be placed at the street side on the day of collection only and by 7:00 AM on that day and must be removed by nightfall of that same day. To avoid rodent and other animal problems, it is particularly important that containers, especially plastic bags and boxes, not be put at the curb prior to the morning of collection.

For disposal of large bulky items, call the City of Virginia Beach Bulk Pick Up at 430-2450 at least twenty-four hours prior to our regular trash collection day.

Recycling containers are to be placed at the street by 7:00 AM on trash collection day. This occurs every two weeks. Check with the city for the correct two-week rotation.

#### **XLII. TRELLISES**

All trellises, archways, and ornamental lattices require an Application to and approval from the AC. A picture or drawing of the proposed trellis must be submitted with the Application. Supporting documentation must include proposed material and stain or finish.

#### **XLIII. VEGETABLE GARDENS**

Vegetable gardens do not require approval provided that all of the following conditions are met:

1. All planting is located behind the unit's rear foundation line and inside the unit's rear fencing.
2. The garden is not planted on a grade that will cause damage to property below it through the flow of water onto lower property.
3. No crops exceed the height of rear fencing at its lowest point.
4. Garden must not be visible from neighboring property.

Should one or more of these conditions not be met, an Application is necessary.

Plant supports and dead vegetables must be removed at the end of the growing season.

#### XLIV. WINDOW TREATMENTS

Signs, paper, flags, sheets, and etc. used as curtains either at windows or patio doors are prohibited.

The exterior appearance of all window treatments shall present a neutral color.

#### XLV. WOODPILES

An Application is not required to locate a woodpile. However, all woodpiles must be located both behind their respective unit's foundation line and within fenced in yards. In no instance should a woodpile readily be visible from a street or be visible from neighboring property. Woodpile height shall not exceed the height of the fence enclosing it.

Woodpiles are acceptable with the boundaries stated and must be at least one foot away from any party fence, party wall, or property line to avoid termites and other bug infestations.

#### XLVI. OTHER ALTERATIONS

When a guideline is not available for the project you are proposing a complete Application is required.

#### TWTHA GENERAL INFORMATION

1. TWTHA clubhouse is open every Saturday from 10 AM to noon for resident inquiries.
2. TWTHA clubhouse phone number is 757-498-0287.
3. Trash and bulk pickup as of March 2006 is on Wednesday of each week. Refer to the heading entitled Trash Storage and Collection for detailed information.
4. TWTHA is located in the 3<sup>rd</sup> Police precinct (Bayside). The number is 219-2703. The non-emergency number is 427-5616.
5. The AC meets the second Monday of each month, except December, at the TWTHA clubhouse.
6. The TWTHA Board of Directors meets the third Monday of each month, except December, at the TWTHA clubhouse.
7. The annual meeting of the TWTHA is held in early December. The Board of Directors sends a letter to each TWTHA homeowner notifying them of the date, time, and location of the annual meeting.
8. All residents need to respect the rights of their neighbors with regard to privacy and noise. Please do not play loud music that can be heard through your townhouse walls. The City of Virginia Beach has noise regulations.
9. Dogs and cats must be on a leash when off of your property. Keep dogs and cats out of your neighbors' yard. Dogs may use the grass areas between the sidewalk and the street as long as you remove the poop.

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Attachments:  
 TWTHA General Information  
 TWTHA Exterior Alteration Application Form  
 Resident Reporting Form For TWTHA Violations

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**THALIA WAYSIDE TOWNHOMES HOMEOWNER'S ASSOCIATION**  
**ARCHITECTURAL GUIDELINES**  
**FOR EXTERIOR ALTERATIONS AND REGULATIONS**  
**REVISED AUGUST 2006**