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## Ben Oaks Homeowners Association Architectural Review Guidelines

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## Introduction

In order to preserve our community and ensure it will continue to be a desirable place to live, architectural guidelines must be created and maintained. These standards and criteria are designed to maintain and enhance the overall appearance of the Ben Oaks Community. They will be enforced by the Ben Oaks Homeowners Association and the Ben Oaks Architectural Committee. The guidelines presented in this document supplement the Ben Oaks Covenants, Conditions and Restrictions (CC&R), Articles of Incorporation, and the By-Laws. They are not intended to be all-inclusive or exclusive, but aide the Architecture Review Committee (ARC) in their reviewing of applications and the Homeowners in their creation and submission of the applications.

This guide is important to assure Ben Oaks homeowners that architectural standards will be maintained and enforced. These standards apply to all homeowners and their tenants. They are not intended to restrict homeowners rather protect our investments and property values.

Any questions or concerns related to these guidelines shall be addressed to the HOA at [directors@BenOaksHOA.com](mailto:directors@BenOaksHOA.com) or by mail:

Ben Oaks HOA, Inc.  
PO Box 283  
Mechanicsville, MD 20659

## Architectural Change Request Review Process

### Application Request

As stated in the CC&R document, all improvement and architectural changes must be submitted for review by the HOA. The most current version of the Ben Oaks ARC Request document can be found on the HOA website ([www.BenOaksHOA.com](http://www.BenOaksHOA.com)). The request application can be submitted via the website, email or postal mail. The ARC request details the most common improvements that should be submitted for approval. In addition to the application the homeowner should attach a site plan showing the location of the improvement on their lot and any supporting images, drawings or brochures.

Finally, the application contains the Homeowners Agreement whereas the homeowner agrees to abide by basic guidelines prior to and during construction of their improvement

### Homeowner Agreement

1. Written approval must be received before any building or construction can commence.
2. Approval by the Ben Oaks Architectural Review Committee does not certify county or state building regulations have been met.
3. Prior to the start of any improvements or changes requiring earthwork, you must contact 'Miss Utility' to locate any existing underground utility lines on your lot.
4. Homeowner agrees to obtain necessary county and state building permits prior to commencement of any work.
5. Approval is not a guarantee of structural safety or engineering soundness.

6. Any earthwork shall not change the storm water drainage patterns to the detriment of your lot and/or adjacent lots.
7. No changes may be installed within the forest retention area of your lot without approval from St. Mary's County.
8. Any changes made within the 10-foot easement along the front, rear and sidelines of your lot may be removed if required for utility installation or other uses deemed to be necessary.
9. Failure to start or complete improvement within six months of approval shall result in withdrawal of approval unless an extension is requested and approved in writing.
10. Any changes to the approved request and site plan will require an updated request to be submitted and approved by the Architectural Review Committee.
11. Homeowner agrees to notify the Architectural Review Committee for final approval of improvements upon completion of project.
12. Failure to comply with all requirements will result in withdrawal of approval.

## **ARC Review**

Upon receipt of the ARC request the Architecture Review Board will review the submission. The review board is responsible for the approval or rejection of all architectural change requests. The ARC request will be reviewed against these guidelines as well as the Ben Oaks governing documents. As needed members of the review board may visit the lot to gain a more clear understanding of the request or ask for additional information directly from the homeowner. The review period may take up to 30 days to complete; however most requests are responded to within 1-2 weeks.

## **Homeowner Notification**

The issuance of notification of official approval or rejection of the change request is the responsibility of the review board. A majority vote is needed for a decision to be made by the 5 person panel. Where possible the homeowner will be notified via email of the decision for their request. If no response is received from the homeowner within 5 business days a copy of the approval will be mailed to the homeowner.

## **Approved Requests**

Approved requests may immediately be implemented by the homeowner. Unless specified in the ARC approval, all changes must begin within six (6) months of approval and be completed within twelve (12) months. If the project has not begun and/or been completed by the specified date the homeowner must reapply for the change. All changes to the original request must also be resubmitted.

## **Unapproved Requests**

Requests that are denied by the Architecture Review Board may be resubmitted or appealed by the homeowner with additional information or explanation.

## **Unapproved Changes**

Homeowners will receive written notice of a violation if an improvement is implemented prior to architectural approval. The homeowner must bring their property into compliance or submit a ARC request for approval.

## Grandfather Approvals

The HOA acknowledges the fact that some improvements have been previously approved or permitted by the original builder, Marrick Homes. In the event that Marrick Homes. has provided previous approval the homeowner may submit evidence of this approval for a grandfathered approval waiver.

## Enforcement

It is the expectation of the Ben Oaks HOA that members of the community will follow and uphold these Guidelines as a demonstration of respect for their neighbors and the community. In the event that a Homeowner violates these Guidelines, the HOA is permitted by our Governing Documents to utilize numerous methods, including legal action, revocation of voting and common area usage rights and even fines to enforce these Guidelines. If a Homeowner is found in violation of these Guidelines, the following process will be followed:

- A violation letter will be mailed to homeowner requesting immediate compliance or explanation with a compliance date.
- The homeowner may submit an ARC request for review and if approved bring the home into compliance during this period.
- If the violation compliance date passes and action has not been taken a second letter will be mailed noting the potential enforcement actions to be taken as well as opening an option for a hearing with the Homeowner and members of the ARC Board.
- Failure to respond to this letter or bring the property into compliance will result in the enforcement options being acted on and the HOA will reach to its attorney for resolution. All expenses incurred by the ARC and HOA will be the responsibility of the Homeowner.

## Architectural Guidelines

The below items list the current guidelines for the Ben Oaks community. Guidelines may be updated and modified as needed by majority votes and approvals of the Ben Oaks Architectural Review Committee. This document is meant to be a living document and cannot cover all possible scenarios and situations.

### Additions

- All additions to the exterior of a home must be submitted for Architectural Approval. These include but are not limited to: porch extensions, new rooms or add-ons, and new attached or detached garages.

### Air Conditioners

- Window air conditioning units are not permitted unless they are not able to be seen from the street.

### Antennae/Satellite Dishes

- Television satellite dishes are the only type of exterior antennae or satellite dishes permitted.

- Where possible satellite dishes should be installed to the rear of the home. In the event that line of sight is restricted and the dish must be placed in the front of the home all options should be exercised to minimize the sight from the main roads and as close to the home as possible.
- Television, radio and similar antennae and towers are prohibited.

### **Awnings/Trellises**

- An ARC request must be submitted and approved for all awnings, trellises and similar structures.
- Only rear yard installations of awnings and trellises will be considered for approval.

### **Boats/Trailers/RVs/Inoperable Vehicles**

- As described in detail in Article VI: Section VII of the Ben Oaks Covenants, Conditions and Restrictions, inoperable vehicles, vehicles exceeding 25 feet in length, having 3 or more axles, trailers, house trailers, recreational vehicles, boats, or other similar vehicles, machines or equipment of any kind shall not be kept on any part of the property without approval.
- The vehicles and equipment described above will not be considered for approval unless they include methods to screen or enclose the vehicles from view from the street.
- The temporary storage of these types of vehicles may be permitted in preparation for use or travel of the vehicle. Temporary storage is defined as a period of time of 2 weeks or less.
- The seasonal storage of boats, trailers, or RVs is not considered temporary.
- Inoperable vehicles and extended maintenance or renovations are prohibited.

### **Clotheslines**

- Clotheslines are permitted only in the rear of the home and must not be able to be seen from the street.

### **Decks**

- An approved ARC application is required for all decks.
- Decks and stairs must sit in the rear of the house and may not extend forward of the rear corner of the home.
- All required building and construction permits must be obtained by the homeowner prior to any work commencing on the deck.
- Pressure treated wood, vinyl, and composite decking are permitted. Sample colors and drawings must be submitted with the ARC application.
- All decks must be maintained and repaired immediately if damaged.

### **Dog Runs**

- Dog houses must be no larger than 15 square feet and no taller than 4 feet in height.
- Dog houses must be similar to the house color and material.
- Chain link dog runs or enclosures are not permitted.
- Dog houses and dog runs must be placed or built in the rear yard.

## Driveway Extensions

- An approved ARC application is required for all driveway additions and extensions.
- Resealing and patching of driveways do not require ARC approval.
- Driveway extensions shall not change the water runoff or drainage patterns to the detriment on any lot.

## Fences

- An approved ARC application is required for all fence installations.
- ARC applications must include drawings, materials, color and design of the proposed fence.
- Fences may be no taller than 6 feet in height.
- All fences must be installed rear of the back corner of the home. No fencing is permitted in the front of the home.
- Wooden fences are acceptable but must be maintained with stain, weatherproofing or paint.
- All color alterations to fences require ARC approval.
- All fences must have the finished side facing outward.
- Fences are permitted through forest retention areas but must not require the disturbance of any existing trees. It is the homeowner responsibility to adhere to all St. Mary's County regulations and guidance.
- Fence installations shall not change the water runoff or drainage patterns to the detriment on any lot.
- Chain link fences are only permitted when installed in combination with a decorative fence along the front. The chain link fence must be coated to match the color of the decorative section of the fence.
- Chain link privacy and slat fencing is not permitted.
- Wire only fences are not permitted.
- Invisible pet fences are permitted but they must not cross into adjacent lots or common areas.

## Garages and Enclosures

- An approved ARC application is required for all detached garages.
- Detached garages must be similar in appearance, color, and material.
- Carports, non-permanent, tent-like, or fabric covered enclosures or structures are not permitted.

## Grills and Fireplaces

- Movable grills of all types are permitted however they must be stored behind the house or inside the dwelling when not in use.
- Inoperable grills may not be stored on the property.
- An approved ARC application is required for all permanent grills or fireplaces.
- Fire pits are permitted in the rear yard only.

## Hot Tubs

- An approved ARC application is required for all hot tubs.
- Hot tubs may only be located in the rear of the home.



- If being installed on a deck or similar structure, it is the responsibility of the homeowner to determine engineering and weight capacity requirements.

## Landscaping

- Most landscaping changes do not require and ARC application. Planting shrubs, trees, and flowers, and the installation of lawn sprinklers do not require approval.
- No trees or hedges may be placed to obstruct sight lines for traffic on community streets or when exiting driveways.
- When planting trees or shrubs near property lines consideration must be made for future growth of the trees. Trees shall not be permitted to grow across property lines.
- No live tree more than 4" in diameter shall be removed without ARC approval.
- It is the responsibility of the homeowner to clear all dead and felled trees from their lot.
- It is the responsibility of the homeowner to adhere to St. Mary's County forest retention laws.

## Lawns

- Lawns must be cut and maintained by the homeowner. Lawns must not be permitted to grow taller than 8 inches in height. These lawns will be deemed a nuisance in accordance with St. Mary's County Blight Ordinance.
- Drainage ditches and swales are the responsibility of the homeowner. These areas shall not be permitted to grow weeds, grass, or trees taller than 12 inches.
- Grass, weeds and trees shall not be permitted to limit or obstruct the view of any fire hydrant.
- If violation notices are not followed to compliance, the Ben Oaks HOA reserves the right to hire a landscaping company to bring a property into compliance at the homeowner's expense. Estimated expenses as of Spring 2016 are up to \$90 for maintenance of ditches and up to \$180 for the mowing of an entire yard.

## Lighting

- Exterior lights do not require ARC approval.
- Exterior lights must not be directed towards the street or adjacent properties. This restriction does not apply to standard flood lights or security lights.
- Temporary decorative lighting such as holiday lights does not require ARC approval. However they must be removed within one month after the holiday or function.
- Fluorescent bug lights (bug zappers) are not permitted unless they are not able to be seen from the street.

## Mailboxes

- An approved ARC application is required for all mailbox replacements that vary from the black metal, decorative mailbox that is standard in the community.
- All homes must maintain a mailbox similar in design, size and material as that provided by Marrick.
- Wooden post mailboxes are not permitted.

- Damaged mailboxes shall be repaired in a timely manner.
- All mailboxes and posts will be black in color.

### **Painting and Siding**

- The color of all exterior structures to include garage doors, front doors, housing trim, brick, siding or stone shall not be changed without an approved ARC application.
- Repainting or staining doors, sheds, decks, fences or shutters in a color different than the existing color requires an approved ARC application.
- Siding must be maintained and clear of mildew and discoloration.

### **Patios and Walkways**

- An approved ARC application is required for all patios, walkways and concrete slabs in the front of the home.
- An approved ARC application is required for all patios, walkways and concrete slabs over 200sq feet in size.
- Patios and walkway installations shall not change the water runoff or drainage patterns to the detriment on any lot.

### **Pillars/Decorative Columns**

- An approved ARC application is required for all pillars and columns to be installed in both the front and rear of the home.
- The pillars and columns shall not encroach on the county right of way.
- All pillars and columns must be constructed of material to match the color and design of the home.
- Decorative lights or monuments are permitted on top of the pillars or columns, but each will be reviewed on a case by case basis.
- Pillars and columns shall be no taller than 6'.
- Pillars and columns should be symmetrical and match any other columns or pillars in shape and design.
- Mailbox pillars are not permitted.

### **Playgrounds/Swing Sets**

- An approved ARC application is required for all permanent playgrounds, swing set or similar play structures.
- All permanent play structures must remain in the rear yard.
- One temporary basketball backboard may be permitted on a driveway. It must not be stored on the main street or cul-de-sac.

### **Roofing**

- An approved ARC application is required for all changes to color and material roofing changes.

## Screened Porch

- An approved ARC application is required for all screened porches.
- Screen porches must be constructed in the rear yard and may not be constructed forward of the rear corner of the home.
- Roofing and siding must match the color of the main home.

## Sheds

- An approved ARC application is required for all shed installations.
- Shed applications shall include a site plan, colors, type and drawing of the proposed shed.
- Roofing and siding must match the color of the main home.
- Only one shed shall be permitted per lot.
- All sheds must be constructed in the rear yard unless grading does not permit the safe installation.
- Sheds must be maintained and free of visible mildew. All damage must be repaired immediately.
- Shed installations shall not change the water runoff or drainage patterns to the detriment on any lot.
- Metal or tin sheds are not permitted.
- If a gap larger than 18" exists between the bottom of the shed and the ground decorative lattice must be installed around the exterior.

## Signs

- No signs, except professionally made signs of not more than 9 square feet shall be displayed in public view on any lot without ARC approval. 'For Sale' or 'For Rent' signs shall be exempt from this restriction.
- No permanent signs shall be displayed in public view without ARC approval.
- Permanent commercial or business signs are not permitted.
- Event specific signs (elections, yard sales, etc) shall be removed within one week following the event's occurrence.

## Solar Panels

- An approved ARC application is required for all solar panel installations.
- The HOA recognizes the Maryland Solar Access Law and homeowners rights to have solar panels installed on their homes.
- Applications shall include details of the number and placement of solar panels.
- Collectors should be located so as to give maximum advantage to the user and minimum design impact
- All solar panel conduit shall be run in a manner that minimizes design impact and best maintains overall appearance.
- Freestanding collectors or ground mounted solar panel installations are prohibited unless they are obstructed from view of the street.

## Storm Doors

- Storm doors do not require an ARC application.

- Storm doors must be decorative and constructed of rustproof material.
- Storm doors must match the entry door or trim color.

## Swimming Pools

- An approved ARC application is required for all swimming pools.
- ARC applications shall include site plans, drawings, dimensions, proposed fencing and pool type.
- All construction permits must be obtained by the homeowner prior to the start of construction.
- All pools must be installed in the rear yard.
- All pools must be maintained and repaired immediately if damaged.
- Permanent above ground swimming pools are permitted only when constructed with a surrounding deck or patio structure that is level with the top of the pool or by concealing the sides of the pool with trees, landscaping, lattice or similar material.
- Permanent above ground swimming pools should also be constructed with reinforced or steel panels and frames with a colored or sealed finish.
- Temporary inflatable or popup swimming pools are permitted however they must be removed at the end of the swimming season and/or by 1 October.

## Trash Containers

- Garbage and trash shall be placed in covered receptacles screened from neighboring properties.
- Trash containers must be stored behind the house or inside the dwelling except on trash collection days.

## Vegetable Gardens

- Vegetable Gardens do not require an ARC application.
- All vegetable gardens shall be installed in the rear yard.