

Proposed Requirements for Construction of a Shed and Third Car Garage
As of 10/17/23

Document Overview and Request for HOA Lot Owner Review:

This document attaches Proposed Construction Requirements that the Oakton Mill Estates (OME) Homeowners Association (HOA), Inc. Board of Directors (Board) would adopt related to the construction of a free-standing shed or third-car garage. The first set of attached proposed construction requirements are for a free-standing shed for the rear of a home; the following two sets of attached requirements are for two third car garage options: a) third car garage attached to home and located adjacent and next to existing garage; and b) third car garage attached to home and located directly behind the existing garage. These three attached sets of proposed construction requirements are posted on our HOA website for Lot Owner review. **HOA Lot Owners should please send any comments they may have on these proposed construction requirements by November 17, 2023 to Ed Hanlon, 2904 Oakton Ridge Circle, Oakton, VA 22124. E.hanlon2@aol.com.**

Background and Overview of the Process to Date:

On August 22, 2023, Ed Hanlon sent an email/ mailing to all of our 83 OME HOA Lot Owners providing relevant documents for Lot Owner voting at an upcoming HOA Special Meeting scheduled for October 4, 2023. The documents included four proposed amendments to our HOA's Declaration of Covenants, Conditions and Restrictions ("Declaration") in our 'Governing Documents'. Two of the proposed amendments would allow sheds and a third car garage to be built upon HOA lots, and two proposed amendments would provide the Board with the authority to adopt construction design standards for an addition to a residence, other structures, and improvements on a Lot, and require lot owners to apply to our HOA's Architectural and Environmental Control Committee (AECC; previously known as the ARC - Architectural Review Committee) for such exterior modifications. The special meeting occurred on October 4th, and Ed sent an email/ mailing to OME HOA Lot Owners on October 11, 2023 noting all four Amendments received at least 50 yes votes (which constituted approval by at least sixty percent of our HOA's Lot Owners), and therefore all four proposed amendments passed.

At the 10/4/23 special meeting, it was noted that if either or both Proposed Amendments 1 and 2 passed, then Requirements for Construction for those Proposed Amendments would be adopted by the HOA Board. Since both Amendments 1 and 2 passed, the Board will adopt the standards. The Board also agreed at the 10/4/23 special meeting to provide HOA Lot Owners an opportunity to review and comment on these construction requirements through a one-month review.

These Proposed Construction Requirements, as well as an executive summary and a background document, are provided on our HOA's 'Fall 2023 Amendments to Governing Documents' website at: <https://www.oaktonhoa.org/portfolio-1>.

In addition, the Board and the AECC are developing proposed construction requirements for storage attachments and additions to the rear of an HOA home, and storage attachments/enclosures beneath a deck or sunroom in the rear of the home. The Board will consider these proposed construction requirements at a future date.

Three Sets of Proposed Requirements for Construction of a Shed and Third Car Garage

1) Proposed Requirements for Construction: Stand-Alone Shed

Size

- Maximum footprint shall be 125 square feet (e.g., 12.5'x10').
- Maximum allowable height shall be 10 feet.
- A maximum of 1 stand-alone shed per lot is permitted.
- No door may exceed 6ft in width.

Location

- The shed must not be attached to the home or deck and be in the rear of the house (i.e., the back yard). The shed should not be located in the front or on the sides of the house when looking at the property from the street.
- Placement of shed must be located and/or screened to minimize visibility to any street, Common Element or neighbors.
 - Among the efforts to minimize visibility to neighbors, where feasible, sheds should preferably be centered behind the rear of the house, located fully within parallel lines along the left and right sides of the foundation of the house, away from next door HOA neighbor's lots. If HOA neighbors are on both sides of the house, the shed should preferably be centered in a location no more than 5 feet from the center line of the house. If there is only one HOA neighbor on one side of the house, the shed should preferably be fully located on the far side (away from the neighbor) of the center line of the house.
- Corner lots: Corner lots must conform to zoning regulations with respect to location of sheds on corner lots.
- Nearby homeowner comments:
 - On lots where a homeowner applies to the AECC Committee to construct a shed, the homeowner must obtain advance written comments from all HOA neighbor(s) with a full view of the proposed placement of the shed from those neighbor(s) homes.
 - The neighbor(s) should provide reasons for any comments against the shed.
 - The AECC would try to work out any issues raised by the neighbor(s) associated with the shed.
 - The AECC has ultimate authority to approve or disapprove the shed.
- Nearby HOA homeowner comments for lot situations where the proposed shed location is directly behind their HOA neighbor's home:
 - On lots that where a homeowner applies to the AECC to construct a shed directly behind their HOA neighbor's home, where the shed would be seen directly behind (i.e., at a 90 degree angle from) the rear windows of their HOA neighbor's home, the homeowner shall obtain advance written approval from their HOA neighbor whose view is so directly impacted. The advance written approval would be a sign off on the proposed shed location and proposal when it is presented to the AECC.
- Use of landscaping shielding should be considered.
- Sheds must be located in a manner that meets applicable County zoning setback lines for sheds.
- Front yard, side yard and rear yard definitions are noted below:
 - Front yard: A yard extending across the full width of a lot and lying between the front lot line and principal building. Note: Corner lots have two or more front yards.

- Rear yard: The yard extending across the full width of the lot, lying between the rear lot line and the principal building. On a corner lot, the rear yard is on the opposite side of the building from the front lot line (the shortest street line).
- Side yard: The yard between the side lot line of the lot and the principal building and extending from the front yard to the rear yard.
- Please see further description and corner lot example on the following Fairfax Permits page:
https://www.fairfaxcounty.gov/code/sites/code/files/assets/documents/pdf/yard_and_lot_de_termination.pdf

Purpose and Use

- Sheds shall not, under any circumstances, be used as a living space for persons or animals.

Structure & Appearance

A) Foundation

- A suitable barrier must be in place to prevent burrowing animals from making a habitat under the shed.
- The shed should have a permanent foundation, and not be moved once constructed. The area around the foundation must be backfilled; no exposed space under the shed will be permitted.

B) Flooring

- No dirt or gravel floors will be permitted.
- The shed must include a solid floor composed of either:
 - A 4-inch-thick concrete slab; or
 - An integrated floor of suitable building material (e.g. pressure treated lumber). This flooring should not have spaces in between the flooring material. All flooring material should be flush with the other pieces, so that there is no space between pieces that would allow for animals to enter the shed through the flooring.

C) Walls and Doors

- Exterior walls must be of framed (e.g., 2 X 4) construction.
- All sheds must have a door that latches.
- Exterior cladding (i.e., outer material layer) shall be wood, vinyl or brick of a color and style that coordinates with the existing home. No plastic, rubber, fiberglass, or all metal shed exteriors will be approved.
- Sheds that meet the requirements of these Requirements for Construction may potentially be purchased from: a) shed companies who make pre-constructed or pre-designed sheds and who would construct/install their sheds on properties within the Oakton VA area; or b) constructed by another entity.
- Windows, if present, should match as closely as possible those on the primary structure in both style and color.

D) Roof

- Roof slope and shingles should match as closely as possible those on the primary residence.
- Flat roofs are not allowed.

E) Utilities

- Any utilities servicing the shed must have underground connections. No above ground utility connections to the shed of any type will be permitted.
- Any shed with an interior sink connected to the home's water supply must also include a drainage connection to the lot's septic system.
- Exterior lighting (if installed) shall not exceed the equivalent of one 1000 lumen light bulb in a permanent fixture attached to the shed. Efforts must be taken to shield neighbors from light overrun.

F) Maintenance

- Sheds must be maintained in good condition.

Guidance on Free Standing Shed Options

- Sheds that are free-standing and meeting the requirements of these requirements for construction may potentially be purchased from: a) shed companies who make pre-constructed or pre-designed sheds and who would construct/install their sheds on properties within the Oakton VA area; or b) constructed by another entity.
 - A limited web-based search indicates many companies offer free standing sheds. Such sheds may meet the requirements of these requirements for construction. Three such companies are noted below as guidance and for illustrative purposes to HOA lot owners. The listing of these three companies and their shed options is not intended to be an HOA endorsement of the products offered by these three companies.
 - Homeowners submitting a shed for AECC approval must show how their proposed shed, regardless of who constructs the shed, meets the requirements of these requirements for construction.
 - The list below is not comprehensive – many other companies may also offer sheds that meet the requirements of these requirements for construction.
 - The following three shed companies and their shed options are provided as guidance, and is not listed as definitive adherence to the above-noted stand-alone shed requirements for construction:
- a) Capitol Sheds: <https://www.capitolsheds.com/sheds-main.html> A nearby office is 5280 Lee Hwy, Warrenton, VA 20187. (540) 317-1839
- Potentially acceptable shed options include: A-Frame; Barn; Quaker; Cottage; Manor; Saltbox; and Carriage.
- b) Creative Outdoor Sheds: <https://www.creativeoutdoorsheds.com/storage-sheds> 727 MD-3, Gambrills MD 21054. (410) 923-6003
- Potentially acceptable shed options include: Classic Cottages; Cottage Shed; Custom Classic Cottages; Dutch Barn Shed; Alpine; Mini Barn Shed; Quaker Shed; Cape Shed; Classic Dutch Barn; Classic Quaker.
- c) Heartland Sheds: <https://heartlandsheds.com/sheds/> Ashburn, VA 20147. (703) 443-0971
- Potentially acceptable shed options include: Garden; Classic; Modern; Ranch; or Barn.

Permits

- The shed shall meet and receive all required County and State permits, permit requirements and setback requirements as appropriate for building a shed.

Plans

- Prior to the construction or installation of this structure on a Lot, plans must be submitted to the Architectural and Environmental Control Committee (AECC) and must show how the shed will meet the requirements of these requirements for construction. Upon review and approval of plans, the AECC would provide provisional/tentative approvals of the plans until the owner meets and receives all required County and State permits for construction. The owners would show the AECC these approved permits before any construction begins; upon review of these documents, the AECC would then approve the plans.
- Sheds must be approved by AECC prior to installation.
- Homeowners can apply for a waiver from the AECC Committee to allow an exception to any of the above-noted requirements associated with Stand-Alone Sheds. The AECC has ultimate authority to approve or disapprove the waiver application.
- It is the responsibility of the homeowner to secure all necessary permits and present these permits to the AECC.
- Must submit details to the AECC including:
 - a) Statements confirming that the above ‘Size’, ‘Location’, ‘Appearance, and ‘Permits’ requirements have been adhered to within the shed design.
 - b) Floor plan with window and door dimensions
 - c) Foundation plan
 - d) Typical wall section
 - e) Roof design and materials
 - f) Location on lot (diagram) and how the shed would look: This diagram would indicate how the shed would look (i.e., a ‘rendering’ diagram) and where the shed would be located on the property.
 - g) Copies of applicable permits from the county, which the AECC will review.

2) Proposed Requirements for Construction: Third Car Garage Attached to Home and Located Adjacent and Next to Existing Two Car Garage

Size

- The maximum height of the third car garage door opening should be the height of the bottom of the roof over the new third car garage, consistent with existing roof lines/shape.
- Homeowners can apply for a waiver from the AECC Committee to allow an exception to the above-noted interior width and door height requirements for a third car garage.
- The third car garage should be sized to be the similar width of the existing single car garage spaces at the home. An existing single car garage has a 9.6ft wide door and space that is 12ft X 21.75ft =209 ft².

Location

- The third car garage must be attached to the home and located adjacent/immediately next to the existing two car garage.
- A third car garage **may not be**:
 - Detached from the existing home/garage,
 - Behind the existing garage, or
 - Located on the other side of the house from where the existing garage sits.
- A third car garage **may not be** located where County or State setback requirements are infringed which would then necessitate application for a County Special Permit or a Variance.
 - Current Fairfax County Zoning Ordinance requirements include that construction of structures with roofs where the base of the structure is between 12.5 and 25 feet from the rear property boundary or easement, or between 10 and 20 feet from the side property boundary or easement, require a special permit.
 - Current Fairfax County Zoning Ordinance requirements include that construction of structures with roofs where the base of the structure is between 0 and 12.5 feet from the rear property boundary or easement, or between 0 and 10 feet from the side property boundary or easement, require a variance.
 - Any driveway that may be installed as part of the third car garage construction must also be located within these County or State setback requirements (i.e., installed driveway pavement must not be within 25 feet from the rear property boundary or easement, or within 20 feet from the side property boundary or easement).
- Nearby homeowner comments:
 - On lots that where a homeowner applies to the AECC Committee to construct a third car garage, the homeowner must obtain advance written comments from all HOA neighbor(s) with a full view of the proposed placement of the third car garage from those neighbor(s) homes.
 - The neighbor(s) should provide reasons for any comments against the third car garage.
 - The AECC would try to work out any issues raised by the neighbor(s) associated with the third car garage.
 - The AECC has ultimate authority to approve or disapprove the third car garage.

Appearance

- The third car garage must have the similar exterior architectural design, roofing, brick, siding, and color as the existing two car garage.
- The front-opening door into the third car garage (e.g., for entry of a car) must match the appearance of the existing door(s) on the two-car garage; if a front-opening door into the third car garage is not available that matches the appearance of the existing door(s) on the two-car garage, all garage doors must be replaced.
- The third car garage shall have a driveway similar and attached to the existing driveway.
- The slope for the third car garage roof should replicate to the extent feasible the roofline slope of the existing two car garage; flat roofs are not allowed.
- Exterior lighting (if installed) shall not exceed the equivalent of one 1000 lumen light bulb in a permanent fixture attached to the garage. Efforts must be taken to shield neighbors from light overrun.
- Any utilities servicing the third car garage must have underground connections. No above ground utility connections to the third car garage of any type will be permitted.
- Any third car garage with an interior sink connected to the home's water supply must also include a drainage connection to the lot's septic system.

Permits

- The third car garage shall meet and receive all required County and State permits, permit requirements and setback requirements as appropriate for building a third car garage (e.g., a structure that is attached to an existing structure). In addition, applicable county zoning and setback requirements must be adhered to and met.

Plans

- Prior to the construction or installation of this structure on a Lot, plans must be submitted to the Architectural and Environmental Control Committee (AECC) and must show how the third car garage will meet the requirements of these requirements for construction.
- Upon review and approval of plans, the AECC would provide provisional/tentative approvals of the plans until the owner meets and receives all required County and State permits for construction. The owners would show the AECC these approved permits before any construction begins; upon review of these documents, the AECC would then approve the plans.
- Third car garages must be approved by AECC prior to installation.
- Homeowners can apply for a waiver from the AECC Committee to allow an exception to any of the above-noted requirements associated with Third Car Garages Attached to Home and Located Adjacent and Next to Existing Two Car Garage. The AECC has ultimate authority to approve or disapprove the waiver application.
- It is the responsibility of the homeowner to secure all necessary permits and present these permits to the AECC.
- Must submit details to the AECC including:
 - a) Statements confirming that the above 'Size', 'Location', 'Appearance, and 'Permits' requirements have been adhered to within the third car garage design.
 - b) Floor plan with window and door dimensions
 - c) Foundation plan
 - d) Typical wall section
 - e) Roof design and materials

- f) Location on lot (diagram) and how the third car garage would look: This diagram would indicate how the third car garage would look (i.e., a 'rendering' diagram) and where the third car garage would be located on the property. The third car garage locational drawing must indicate distances to side and rear property/easement boundaries.
- g) Copies of applicable permits from the county, which the AECC will review.

3) Proposed Requirements for Construction: Third Car Garage Attached to Home and Located Behind Existing Garage

Size

- The third car garage should be sized to be the similar interior width of the existing single car garage spaces at the home. An existing single car garage has a 9.6ft wide door and space that is 12ft X 21.75ft =209 ft².
- The maximum height of the third car garage door opening should be the height of the bottom of the roof over the new third car garage, consistent with existing roof lines/shape.
- Homeowners can apply for a waiver from the AECC Committee to allow an exception to the above-noted interior width and door height requirements for a third car garage.

Location

- The third car garage must be attached to the home and located behind the existing garage.
- A third car garage **may not be**:
 - Detached from the existing home/garage,
 - Adjacent/immediately next to the existing two car garage, or
 - Located on the other side of the house from where the existing garage sits.
- A third car garage **may not be** located where County or State setback requirements are infringed which would then necessitate application for a County Special Permit or a Variance.
 - Current Fairfax County Zoning Ordinance requirements include that construction of structures with roofs where the base of the structure is between 12.5 and 25 feet from the rear property boundary or easement, or between 10 and 20 feet from the side property boundary or easement, require a special permit.
 - Current Fairfax County Zoning Ordinance requirements include that construction of structures with roofs where the base of the structure is between 0 and 12.5 feet from the rear property boundary or easement, or between 0 and 10 feet from the side property boundary or easement, require a variance.
 - Any driveway that may be installed as part of the third car garage construction must also be located within these County or State setback requirements (i.e., installed driveway pavement must not be within 25 feet from the rear property boundary or easement, or within 20 feet from the side property boundary or easement).
- Nearby homeowner comments:
 - On lots that where a homeowner applies to the AECC Committee to construct a third car garage, the homeowner must obtain advance written comments from all HOA neighbor(s) with a full view of the proposed placement of the third car garage from those neighbor(s) homes.
 - The neighbor(s) should provide reasons for any comments against the third car garage.
 - The AECC would try to work out any issues raised by the neighbor(s) associated with the third car garage.
 - The AECC has ultimate authority to approve or disapprove the third car garage.

Appearance

- The third car garage must have the similar exterior architectural design, roofing, brick, siding, and color as the existing two car garage.
- The front-opening door into the third car garage (e.g., for entry of a car) must match the appearance of the existing door(s) on the two-car garage; if a front-opening door into the third car garage is not available that matches the appearance of the existing door(s) on the two-car garage, all garage doors must be replaced.
- The garage door opening to the third car garage may be designed to be either one of the two existing garage doors (i.e., the third car garage would be in tandem with the existing garage space), or be a separate garage door opening on the side of the home behind the existing garage.
 - If the design is to have a garage door opening as a separate garage door opening on the side of the home behind the existing garage, a driveway/pavement must be constructed around the side of the house connecting to the existing driveway.
- The slope for the third car garage roof should replicate to the extent feasible the roofline slope of the existing two car garage; flat roofs are not allowed.
- Any utilities servicing the third car garage must have underground connections. No above ground utility connections to the third car garage of any type will be permitted.
- Any third car garage with an interior sink connected to the home's water supply must also include a drainage connection to the lot's septic system.
- Exterior lighting (if installed) shall not exceed the equivalent of one 1000 lumen light bulb in a permanent fixture attached to the third car garage. Efforts must be taken to shield neighbors from light overrun.

Permits

- The third car garage shall meet and receive all required County and State permits, permit requirements and setback requirements as appropriate for building a third car garage (e.g., a structure that is attached to an existing structure). In addition, applicable county zoning and setback requirements must be adhered to and met.

Plans

- Prior to the construction or installation of this structure on a Lot, plans must be submitted to the Architectural and Environmental Control Committee (AECC) and must show how the third car garage will meet the requirements of these requirements for construction.
- Upon review and approval of plans, the AECC would provide provisional/tentative approvals of the plans until the owner meets and receives all required County and State permits for construction. The owners would show the AECC these approved permits before any construction begins; upon review of these documents, the AECC would then approve the plans.
- Third car garages must be approved by AECC prior to installation.
- Homeowners can apply for a waiver from the AECC Committee to allow an exception to any of the above-noted requirements associated with Third Car Garages Attached to Home and Located Behind Existing Garage. The AECC has ultimate authority to approve or disapprove the waiver application.
- It is the responsibility of the homeowner to secure all necessary permits and present these permits to the AECC.
- Must submit details to the AECC including:

- a) Statements confirming that the above ‘Size’, ‘Location’, ‘Appearance, and ‘Permits’ requirements have been adhered to within the third car garage design.
- b) Floor plan with window and door dimensions
- c) Foundation plan
- d) Typical wall section
- e) Roof design and materials
- f) Location on lot (diagram) and how the third car garage would look: This diagram would indicate how the third car garage would look (i.e., a ‘rendering’ diagram) and where the third car garage would be located on the property. The third car garage locational drawing must indicate distances to side and rear property/easement boundaries.
- g) Copies of applicable permits from the county, which the AECC will review.