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## **MALVERN OF MADISON CONSTRUCTION RULES AND GUIDELINES**

As the Malvern of Madison Property Owners Association, Malvern Club, Inc., is responsible for formulation of rules and guidelines for architecture and construction within the Malvern of Madison subdivision. These construction rules and guidelines are in addition to the building codes enforced by the State of Virginia and Madison County. These rules and guidelines have been formulated to help Malvern of Madison property owners meet the requirements of the Malvern of Madison Deed of Dedication and By-Laws when planning a construction project. In all cases, the Deed of Dedication and By-Laws contain the complete legal enforceable covenants between the property owner and the association. These rules and guidelines summarize and clarify the covenants relating to architecture and construction. Property owners are encouraged to review the Malvern of Madison Deed of Dedication and By-Laws to ensure that the proposed project meets all association requirements for construction and is in compliance with the covenants.

1. Contractors and/or property owners are liable for all damage to Malvern of Madison roads caused by construction activity or construction equipment. The property owner shall inform all contractors that preservation of the roads must be given a high priority.
2. In order to protect the roads, the contractor shall install all necessary culverts and suitably surface any entrance to the property with stone or other approved material, prior to the commencement of construction.
3. Heavy equipment must be kept off the roads at all times, including the loading and unloading of equipment. Parking and unloading areas must be provided on the property owner's lot.
4. There will be no parking on the roads, and excessive dirt tracked onto the roadways must be removed by the contractor.
5. Before clearing for the house site, drain field, driveway, etc., silt fencing and/or other erosion control measures must be in place in order to prevent erosion and protect our streams.
6. All debris (stumps, brush, etc.) must be removed or disposed of before house construction begins. All excess building materials must be removed at the completion of the project.
7. Construction activities (lot clearing included) will be permitted only between the hours of 7am to 8pm Monday through Friday, 8am to 8pm on Saturday, and 10am to 6pm on Sunday.

### **APPLICATION REQUIREMENTS:**

An "Application for Approval of New Construction" or an "Application for Approval of Environmental Modification" must be submitted to the Architectural and Environmental Committee before any construction project may begin. The application and required road impact fee must be received by the first Thursday of the month. If the application is complete with all

information and supporting documentation, it will then be presented to the Malvern Club Board for approval at the next Board meeting, which is held on the second Thursday of each month. Applications received after the first Thursday of the month will not be submitted to the Board until the following month.

When the Committee receives the application package it will review the application and the supporting documentation, then work with the property owner to ensure that the application is complete with all requested information and all required documentation. The Committee will then submit the application to the Board for consideration. The application will require written approval of the Board before construction activities may begin.

Applications must be accompanied by the following:

1. Complete final plans, specifications, and design of the house, showing the exterior, height, front and rear elevations, building materials, and color scheme, and a plot plan showing the proposed location of the new structure or addition.
2. **In the case of new residence construction, a deposit from the contractor/owner in the amount of \$5,000 must be submitted to the Treasurer, this deposit is a non-refundable road impact fee to cover wear and tear due to heavy construction equipment.**
3. For additions/renovations to an existing house, a non-refundable road impact fee must be submitted by the contractor to the Treasurer, as follows:
  - a. \$500 for construction projects involving the addition of square footage (including basement) that is less than one-half the existing square footage.

or

- b. \$1,000 for construction projects involving the addition of square footage (including basement) that is equal to or greater than one-half the existing square footage.

Note: In Madison County it will be necessary to dig a well before applying for a state construction permit. Well-digging is the only construction activity permitted before receiving Malvern of Madison approval of construction. Neither a health department permit nor a building permit is required to be submitted with the Malvern Club application, but both are required by the state before construction may begin.

## **COMPLETION OF CONSTRUCTION:**

1. Construction must be completed within a period of fifteen (15) months from the date of the commencement of construction.

2. The property owner may request one (1) three (3) month extension in the case of unforeseen problems.
3. When construction and site cleanup have been completed to the satisfaction of the Architectural and Environmental Committee in the length of time agreed upon, and the Roads Committee has determined that no damage has occurred to the roads, the deposit held in escrow will be refunded to the contractor.
4. In the event that times agreed upon have not been met, the deposit held in escrow will be forfeited and the money will be deposited in the Malvern Club Treasury.
5. In the event of road damage, Malvern Club will retain the deposit held in escrow until such time as the contractor has made repairs. If repairs are not made to the satisfaction of the Roads Committee, the deposit held in escrow will be forfeited and the money will be deposited in the Malvern Club Treasury.
6. In the event that the deposit held in escrow is insufficient to cover the required road repairs, Malvern Club will bill the property owner and/or contractor for the shortfall.

## **BUILDING INFORMATION:**

The following Malvern of Madison and Madison County requirements must be followed prior to construction:

### **MALVERN OF MADISON**

No structure, whether residence, accessory building, or other improvement shall be constructed or maintained upon any building lot and no alterations to the exterior of the structure shall be made unless there shall have been submitted to and written approval obtained from the Property Owners Association (Malvern Club Board) of the complete final plans, specifications, and design thereof, showing the exterior height, front and rear elevations, building materials, and color scheme of the building, and further setting forth the location of said structure building plotted on a plat of said lot. Malvern Club, Inc., reserves the right to make copies of all materials submitted with your application to build. Application forms may be downloaded from the Malvern of Madison website or obtained from the Architectural and Environmental Committee.

### **Setback Requirements:**

All structures, whether residence, private garage, garden tool house, woodshed, storage facility, or other permanent structure, shall be set back at least one hundred (100) feet from the edge of all roads and at least sixty (60) feet from all side and back lot lines, unless prior written approval for a deviation is obtained from the Malvern Club Board.

### **Permitted Structures of Residence:**

- (a) Log Homes

(b) Stick Built Homes

(c) Off-frame Modular Homes

1. All modular homes must meet all state, local, and/or regional building codes.
2. All homes must be set and anchored on a permanent concrete or masonry block foundation.
3. Modular homes require state registration and proper labels.

**Prohibited Structures of Residence:**

- (a) Modular homes built and transported on a permanent steel base.
- (b) Any home that requires ground anchors and/or tie-down straps.
- (c) Any home with less than a 5/12 roof pitch.

**Building Size:**

- (a) A minimum of 1,500 square feet of living space in a one-story house.
- (b) A minimum of 1,200 square feet of living space on the first floor of a “one-and-a-half story” house, plus 600 square feet of living space on the upper floor.
- (c) A minimum of 2,200 square feet of living space on the floors of a two-story house.

“Living space” as referred to above is “finished heated space” within the confines of the main house. Basements, conditioned crawl spaces, utility/mechanical rooms, garages, screened porches, decks, porches, and carports are not considered to be “living space” in this context.

**MADISON COUNTY**

Health Department approval must be obtained before a building permit will be issued. To reach the Sanitarian, it is best to phone before 8:30 a.m. or after 3:30 p.m., Monday through Friday. On visiting your lot, the Sanitarian will do soil tests, make a sketch, and record the location of the house, septic drain field, and well. The drain field must be a minimum of fifty feet from any potable water.

The building permit is obtained from the Building Inspector and is good for twelve months. In addition to the Health Department approval, the Zoning Administrator will require a scaled plot plan showing lot dimensions, building location on the lot, distance from road front, distance from adjacent owners, building dimensions, and building plans. The building plans must be in sufficient detail for a determination of whether or not they meet the applicable codes. Malvern Club requires a copy of your scaled plot plan with your application to build.

Your building contractor will work with the Building Inspector to secure required state and county inspections. During construction, Malvern Architectural and Environmental Committee members will also inspect the building exterior and the location of the structure on your lot. Any deviation from the approved exterior plans or in the siting of the structure will require written approval from the Malvern Club Board prior to occupancy.

### **GENERAL INFORMATION**

#### **Electrical Service**

Contact Rappahannock Electric Cooperative, Culpeper District, (540) 825-8373. Allow adequate time for installation of power lines to your lot. Malvern Club recommends that lines from the nearest pole to the house be underground.

#### **Telephone/Cable/Internet Service**

Contact Verizon, Culpeper, 1-800-564-0999 (toll free).

or

Contact Comcast/Xfinity, 1-800-934-6489 (toll free).