

Special DRC Committee Legal Questions
DRAFT: 3.27.06

1. Is the current Hollin Hills covenant legally valid?
2. What legal standing/authority/protection do the DRC guidelines provide CAHH/DRC?
3. Does Virginia law, as reflected in precedent, generally support use of neighborhood covenants to restrict or ban alterations of existing houses, including complete demolition and replacement of an existing house with one of a different design?
4. Can CAHH/DRC expressly restrict or ban teardowns entirely pursuant to the Hollin Hills covenant?
5. Can CAHH/DRC expressly restrict or ban teardowns entirely through amended DRC guidelines (with community approval)?
6. Can CAHH/DRC set a limit on the percentage (fraction) of the house that can be demolished, beyond which the alteration is not in harmony and conformity pursuant to the Hollin Hills covenant?
7. Can CAHH/DRC require replication of some percentage (fraction) of the original house if demolition is necessary for whatever reason?
8. What legal steps will be required to successfully challenge a teardown if the guidelines are revised to include a restriction or ban on teardowns?
9. Is CAHH/DRC putting the Hollin Hills covenant at risk by pursuing a ban on teardowns?
10. Would there be a negative impact on the Hollin Hills design review process (e.g. make the covenant unenforceable in general?) if Hollin Hills lost a legal challenge to restrict or ban teardowns?