

Architectural Control Guidelines

9/24/90 (IX B2 Revised 2002)

FOX VALE HOMEOWNERS ASSOCIATION, INC. ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

STATEMENT OF INTENT AND GOALS

It is the primary function of the Fox Vale Homeowners Association, Inc. (Association) to serve the homeowners. These Guidelines help explain how every member of the Association is protected by the Articles of Incorporation, the By-laws, the Declaration of Covenants, Conditions and Restrictions (Covenants) and the Deed of Restrictive Covenants (Covenants) and to clarify these documents.

The Association's architectural control goals are to maintain the unique quality of architectural design in our subdivision and to maintain the quality of the natural woodlands and open spaces, while fostering good relations among homeowners. Property ownership includes the responsibility for maintenance of all structures and grounds. Maintenance affects the visual character, economic value and safety of the property and neighborhood. These Guidelines and the Covenants are particularly important to us because many of our homes are clustered together.

The Covenants are intended to maintain the character of the neighborhood and not to dictate anyone's aesthetic values to another. With this in mind, each homeowner is reminded that the members of the Association have the right to alter the Covenants be an instrument signed by not less than 90% of the lot owners. It is imperative to the propagation of any Covenant that it be applied equally to each member of the Association and there are certain actions which each of us must take to abide by the spirit of the Covenants. Every efforts has been made to expedite procedural requirements as well as to reduce any personal hardships flowing from regulations and rules.

THE ARCHITECTURAL CONTROL COMMITTEE

Composition

All members of the Architectural Control Committee (Committee) are appointed and removed by the Board of Directors (Board) at their discretion. The Board will designate a Committee Chairperson who shall be a Board member. The Committee must be composed of at least three members, It is the policy of the Association to encourage open participation in the affairs of the community, and volunteers for service on this or any other committee are always welcome to request appointment by the Board, it should be emphasized that ultimate authority and responsibility for any action remains with the Board of Directors as is the Directorship which is elected by the members of the Association and serves at the pleasure of the membership.

Purpose

The Architectural Control Committee is established to assist the homeowners in matters concerning the Covenants of Restriction. It is the function of the Committee to provide prompt action on matters concerning architectural control. The Committee may be called by the Committee chairperson or the Board of Directors to alleviate any undue hardship to a particular homeowner. The Committee will have the responsibility of receiving request for approval of plans and specifications; acknowledging receipt of such requests to the homeowners; insuring adequate notice is given to parties in interest; providing an open forum for settlement of any disputes with regard to submitted plans; approving or disproving plans and making recommendations whenever possible or necessary to assist the homeowner.

Area of Responsibility

The Committee shall have the initial responsibility for reviewing specifications submitted by the homeowners in accordance with these Guidelines and for making initial decisions as to adequacy and appropriateness of such specifications, for investigating complaints brought to its attention by any member of the Association involving architectural matters and thereafter making appropriate recommendations to the Board of Directors, and for bringing to the attention of the Board of Directors any matters involving failure of a member to maintain property in accordance with the spirit and scope of these Guidelines. All members of the Committee are available to advise homeowners as to the appropriateness of proposed alterations. Such advice, however, shall not be construed as permission to proceed with the alteration.

Voting Procedures

Only Committee members may vote. If a quorum is present, a majority vote shall control. A quorum shall consist of 3 members at least one of which is a current Board member. In the event a request is submitted by a member of the architectural Control Committee, such member may not participate in the decision making process of the Committee in determining the appropriateness of the request. Further, a member of the Board of Directors may not participate in the decision making process on an appellate matter involving such member. This rule does not prohibit a member of the Committee or Board from participating in any matter in which such member has an interest as a homeowner.

GENERAL GUIDELINES

These Guidelines are meant to be a general policy statement with regard to the interpretation which will be given to the Covenants and to establish the procedural process by which the Covenants will be applied and enforced.

A. No building, fence, wall or other structure shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the

nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by the Architectural Control Committee composed of three (3) or more representatives appointed by the Board.

B. Unless otherwise indicated in these Guidelines, the Architectural Control Committee must approve all exterior changes to the exterior appearance of any house or lot before work is commenced.

C. The Committee shall permanently retain a copy of all plans, specifications and plot plat, together with all Committee and Board responses.

APPLICATION PROCEDURES

Requests must be submitted in writing. Attachment A (Part 1) is recommended as a cover letter.

Because request may affect neighbors properties, it is required that notice be delivered to adjacent Association homeowners prior to submitting the request to the Association. Such notice must consist of a completed copy of Attachment A, Part 1, or its equivalent. Drawings, plans, etc. do not have to be attached. The request must state to whom notice was delivered. It is further recommended that the applicant discuss the alteration with neighbors before submitting his or her plans to the Committee. This is particularly important when the alteration could have an impact on neighboring property by affecting drainage, view, ventilation, sunlight or safety. Adjacent Association homeowners are those whose property lies within 50 feet in any direction of the boundaries of the requestor's lot.

The request should be brief but specific, containing a description, drawing and all information necessary for the Committee to make a sound decision. Necessary information includes, but is not limited to height, length, width, shape, and type of materials and colors.

For house additions or installation of detached structures, copies of construction plans and architectural specifications should accompany the request.

For such projects or detached structures, the location on the lot and relation to the neighboring lots is an important factor in the Committee's evaluation. Applications should include a copy of the plot plat or similar sketch showing, in scale, the location and its relations to adjoining properties and common areas.

V. APPROVAL AND APPEAL PROCEDURES

Each request is considered on an individual basis and there are no automatic approvals unless exempted herein, even though a request for one property is identical to an approved request on another property.

The Committee will review each request and may:

Approve requests which are consistent with Covenants and guidelines; or
Issue conditional approval; or
Disapprove requests which are not consistent with the Covenants and Guidelines.

The total period for action on a request including appeals and final action by the Board of Directors is 21 days following and not counting the day of receipt.

The Committee will furnish written notice of the preliminary decision to the request via Attachment A (Part 2) and also inform other Association homeowners who express interest in the request. Such written notice is required within 11 days following the official date of receipt of the request. However, to allow time for appeals to and final action by the Board of Directors, the Committee's decision will not become final and effective until 21 days following the official date of receipt of the request, unless modified by the Board upon appeal.

In the event a request is not approved by the Committee, the Committee must cite specific reasons for its decision and should, if possible, make recommendations for modifying unacceptable plans in order to render a request acceptable. Recommendations may, for example, consist of the suggestion of planting and screening where adequate and appropriate.

If a homeowner's request is disapproved by the Committee, the homeowner may:

Resubmit a modified plan; or
Submit new or additional information which might clarify the original plan and demonstrate its acceptability and/or request a hearing with the Committee to discuss the request and the basis for disapproval; or
Appeal to the Board of Directors. The Committee and the requestor will be bound by the final decision of the Board.

Notice of intent to appeal or to request a hearing before the Committee by the requestor or any other homeowner must be furnished in writing or orally by personal delivery to any Board member and to the requestor within 3 days following the date the Committee delivers its written notice of decision to the requestor. An appeal presented to the Board must be in writing. In its discretion, the Board may consider any appeal filed at any

time prior to 21 days after the Committee's receipt of the request, but in all cases the Board's decision may not be delayed beyond the expiration of the 21 days.

The Board shall meet at the request of the President to consider an appeal. The Board shall obtain and review the Committee record and may receive comments from any homeowner. Prior to the meeting, the Board shall make reasonable efforts to notify the requestor, the appellant and other interested homeowners and invite their participation in discussing the appeal.

In case of appeal, if the Board does not issue a written decision within 21 days from the Committee's receipt of the request, the preliminary decision of the Committee shall become the final decision in the matter. A new request may be submitted to the Committee at any time.

VI. CLARIFICATIONS AND COMPLAINTS

A homeowner may request a clarification of the guidelines at any time by submitting such request to the Committee Chairman.

Complaints must be submitted in writing in triplicate to a Committee member in person.

The Committee will promptly consider written and signed complaints from an Association member describing alleged violations of the Covenants or these Guidelines. If the Committee determines that a violation has occurred, it will take the necessary action to inform the Board of Directors so that steps may be taken to rectify the situation.

The Committee will notify, in writing, the homeowner or homeowners who are the subject of a complaint, and furnish them with a copy of the complaint. The Committee will notify such homeowner of the time and place the complaint will be discussed.

VII. FAIRFAX COUNTY PERMITS

A. Adherence to Fairfax County building and zoning codes is the responsibility of the homeowner. Approval by the Committee of a project does not relieve the homeowner from the responsibility of obtaining building and work permits from Fairfax County.

B. The Architectural Control Committee accepts no responsibility for the construction of approved projects.

MISCELLANEOUS REQUIREMENTS

All work should be completed as expeditiously as possible to minimize nuisance for neighbors. Plans for major construction or alterations should include an estimated completion date.

Storage of materials before and during construction should, if possible, be in areas not visible from the street and not create hazards.

SPECIFIC GUIDELINES

The following are guidelines for alterations commonly undertaken by homeowners. This list is not exhaustive, and alterations not enumerated also require Committee approval.

Building Alterations and Detached Structures

This category includes additions to an existing building, exterior alterations, modifications or changes to an existing building, and detached structures. Examples of such projects include porches, gazebos, decks, garages, storage sheds, freestanding enclosures and solar panels.

Each lot is limited to one detached single-family dwelling house not to exceed two and one-half stories above grade.

Storage sheds are limited to on single story accessory building of not more than four hundred square feet in gross floor area for use solely by occupant of said lot.

An addition, alteration, modification or change to an existing building should be compatible with the structure design and character of the original building. A detached structure should be compatible with the primary structure.

If possible, any new structure should be attached to the primary structure. If not possible, the Committee will consider an application for a detached structure. In such case, the Committee will consider the structure's impact on neighboring properties and common areas, and may require the installation of screens or additional landscaping to lessen the structure's visual impact on neighbors.

A homeowner contemplating alterations of this type is invited to consult with the Committee during the preliminary planning stage as well as the construction stages.

B. Materials and Colors

No approval is need to repaint the trim or foundation material, or restain the exterior of a home the original colors or the colors for which the Committee has granted approval previously.

Painting of decorative brick or stone is discouraged on contemporary homes. Materials and colors must be in harmony with the architectural character of the community. Semi-transparent stains, opaque stains and clear stains are permitted. Homes in Fox Vale were originally stained with semi-transparent stain products of natural wood colors. If you are in doubt regarding either the color or the type of stain to use when re-staining your house, please consult the Architectural Control Committee before purchasing your materials. Stains can be deceptive and look different and more intense when put on top of another color. Stains can be diluted and experimentation on a test board may be helpful and is strongly recommended.

If replaced, siding shall be consistent with the architectural character of the community. Materials such as cement-based siding may be acceptable, but permission must be obtained in writing from the Architectural Control Committee to use materials others than those essentially identical to those being replaced.

Storm doors and/or windows need not be submitted for approval, if color and materials are similar to and compatible with those of the primary structure.

C. Fences, Screens, Walls, and Roofs

Homeowners should consider the retention of as much as possible of the open, natural setting of Fox Vale by not installing fences; particularly those placed to delineate boundaries. If fencing is necessary, homeowners should consider requesting the use of open wooden fencing such as split rail or vertically staggered or open board fences.

Fencing of rear yards is automatically permitted provided the height not exceed four and one-half feet and the construction be of wood and of the following designs: (1) split rail, (2) ranch plank, or (3) alternating windgate. No fence may extend beyond the front boundary of the dwelling itself on a ninety-degree angle to lot line. Corner lots are hereby further restricted in that the side yard fence may not extend beyond the established building setback line.

Where necessary for security of children and pets, plans may include wire integrated into wooden fencing provided the wood is the predominant visual factor. Wire shall be non-reflecting.

The installation of solid fencing along boundary lines is discouraged as too often it has an undesirable impact on neighboring properties causing unwanted shade areas, loss of view of open areas and reduction of air

circulation. Boundary delineation can be accomplished with shrubs and trees.

No fence, screen or wall will be approved if its placement obstructs sight lines for vehicular traffic.

The finished side of any fence and screens must face the outside of the lot.

All painting or staining of fences and screens must complement that of the natural wood color.

Gates, if installed, should be of the same material as the fence and be of the same height and color.

No chain link fences will approved.

Retaining walls, which divert surface water to adjoining lots or common ground or otherwise substantially change the drainage pattern, will not be approved.

Roofing materials should be in keeping with the architectural design and character of the original structure. No approval is needed to reshingle a roof utilizing shingles of the same color and character as the existing shingles.

D. Swimming Pools

Permanent-type swimming pools must be approved before work is started. These pools will be approved only after careful Committee consideration.

Homeowners contemplating such a project should consult with the Committee during the early planning stages.

In addition to meeting Fairfax County requirements for pool security by installing fences, the applicant's plan for the fence must be architecturally acceptable to the Committee.

Above ground pools are generally discouraged.

Driveways

Extending, widening, or rerouting of existing driveways requires Committee approval before work is started.

When constructed of matching material, reasonable extensions and widening of driveways will be approved provided drainage patterns are not changed to affect neighboring lots.

Exterior Antennae

Exterior antennae, including satellite dishes, were previously prohibited. The Telecommunications Act of 1996 and the FCC “Over-the-Air-Reception Devices Rule” of 1996 resulted in the lifting of restrictions on such installation. Satellite dish antennae for reception of wireless video programming that are less than 1 meter in diameter, are permitted. Such dishes should be installed where they are the least obtrusive.

Vehicles

Recreational vehicles including but not limited to camping vans, camping buses, mobile homes and trailers and commercial vehicles, including but not limited to buses, trucks and lettered vans, trailers and related equipment shall not be parked or stored regularly outside of the garage or house of the homeowner without prior approval of the Committee. These vehicles have substantial effect on the exterior appearance of the house, lot and surrounding community.

In general, homeowners’ passenger vehicles must be parked in the garage or on the driveway.

Lots and driveways may not be used for storage of inoperative or junk vehicles.

Play Equipment

Semi-permanent children’s play equipment such as sandboxes, swings, slides, wading pools and basketball nets normally do not require approval of the Committee. Approval will be necessary for sports courts, which involved a permanent structure. The design and color of play equipment should be in harmony with its surroundings. Such equipment requires approval if it exceeds twelve feet in height or twenty feet in length. Such equipment must be properly maintained to preserve its appearance.

Landscaping and Planting

1. Landscaping and planting do not require Committee approval.
2. The natural woods are integral to the character of Fox Vale and its retention is a significant factor in review of all applications under the Architectural Control Guidelines. The cutting of any live tree over four inches in diameter, as measured two feet above the ground, must be approved by the Committee. Acceptable reasons to remove a tree are; the tree is diseased/damaged and poses a danger

to structures or the tree is to be removed for purposes of a Committee approved request.

3. Trees, hedges, and shrubs, which restrict sight lines for vehicular traffic, must be cut back or removed.

Miscellaneous

Exterior lighting shall not be directed in such a manner as to create a nuisance to neighbors.

No sign of any kind that is illuminated and/or larger than one foot square should be displayed to public view on any lot. Temporary real estate sale or rental signs of not more than five square feet are allowed, but limited to one sign per lot owner. One additional real estate sign is permitted for those homeowners sharing a driveway. Real estate open house signs are also permitted during the hours of the open house only. No other real estate signs are permitted in Fox Vale.

Trash and garbage containers should not be in public view except on days of collection.

Clothing, laundry and wash should not be aired or dried except in rear yards where reasonable effort should be made to screen its being seen from the street and neighboring lots.

FINES

If it is determined that a homeowners has not complied with a directive of the Committee and/or Board of Directors, the Chairman of the Committee shall advise the homeowner, in writing, of the violation and of what actions need to be taken to obtain compliance. If, after three days, there has been no response or refusal to comply, the Chairman of the Committee will notify the Board of Directors in writing of the circumstances of the Architectural Control violation and recommend that the Board consider the imposition of fines. Thereafter the Board shall meet at the request of the President to consider the imposition of fines. The Board shall obtain and review the Committee record and may received comments from any homeowners. Prior to the meeting, the Board shall notify, in writing, the homeowner charged with the violation, of the meeting. The Board will have authority to impose a fine, not exceeding \$10 per day for a continuing violation of \$50 for a single violation, under such authority provided by the Virginia Property Owners' Association Act.

FOX VALE HOMEOWNERS ASSOCIATION, INC (FVHOA)

Part 1: Notice of Request

To: Fox Vale Architectural Control Committee (FV ACC)

From: (Name) _____ Lot # _____

Date Submitted: _____

Address: _____

Telephone: _____ (h) _____ (w)
_____ (c)

Reason for request (Check one & fill in brief description):

Approval to Construct/Install/Change

OTHER

2. Checklist to expedite approval and inform neighborhood. The following are required for approval within minimum time. Have you:

Familiarized yourself with the FV ACC Guidelines applicable to this request? _____

Included description, plans, & specifications appropriate to this request? _____

Delivered a copy of this request form to FVHOA neighbors whose property lies within 50' of the boundaries of your lot? _____

Please list below names of neighbors notified:

3. Please submit 3 copies of this request to any FV ACC member in person or send to FVHOA P.O. Box Oakton, VA 22124

Signature of homeowner applicant:

Part 2: Notice of Approval/Disapproval

To: Homeowner Applicant:

_____ Date: _____

From: FVHOA Architectural Control Committee

The official date of receipt of your application is: _____

The FV ACC (or the Board of Directors) has reviewed the above application as provided for in the Covenants and Guidelines of the FVHOA and on (date) _____

voted:

_____ Preliminary approval as submitted

_____ Preliminary contingent approval, subject to the changes or restrictions noted on the attached sheet.

_____ Disapproval for reasons noted on the attached sheet.

If preliminary approval or preliminary contingent approval is checked above, final approval is automatically effective on (date) _____ (which is 21 days from the official date of receipt) unless overturned on appeal to the Board of Directors before then. Any homeowner has the right to appeal as provided for in the Guidelines. If disapproval is checked, you may take any of the actions provided in the Guidelines, included appeal.

Thank you for following this application process which is designed to facilitate the review of your request.

Respectfully,

for the FVHOA Architectural Control Committee

