

Roxbury of Mount Vernon Homeowners' Association

***Rules Governing Architectural Review
and Use of Common Element Grounds***

July 2011

Roxbury of Mount Vernon Homeowners' Association

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Roxbury of Mt Vernon - Unit Paint Color Chart

1. Introduction

1.1 The Declaration of Covenants, Conditions and Restrictions, is the overall governing document of this Community and Association. The document places limitations and restrictions on the exterior changes homeowners may make to their property and on the use of the common grounds. The Declaration of Covenants, Conditions and Restrictions, is a legal document that is binding on all homeowners, and is provided at settlement. Everyone is encouraged to make sure they have a copy and read it.

The Declaration also established the responsibility of the Architectural Review Committee and much of what follows below. It should be noted that Board fully supports Title 55.513 of the Virginia Code that allows for imposing of fines for violations and will act accordingly.

The Declaration of Covenants, Conditions, and Restrictions, the rules provided herein, and other important documents and information is available on the Roxbury of Mt Vernon HOA website at <http://roxburyhoa.tripod.com>. Free access to the Internet is provided at the Fairfax County Services Building located just south of our community on Richmond Highway and on Buckman Road.

1.2 Article VIII, Section 9 of the Declaration prohibits homeowners from making any change to the exterior of their townhouse or yard without first submitting plans to the Committee and receiving written approval. Safety, harmony of external design, color and location in relation to surrounding structures and topography, and conformity with the community design concept is required. Rules that spell out the procedure for submitting proposed changes to the Committee are in Section 3. All Owners are responsible for assuring that changes and additions are made only in accordance with the provisions of these Rules.

1.3 The Committee has deemed certain commonly requested items as "pre approved" and therefore homeowners need not seek written approval for these items only. These items are spelled out in Section 9. Keep in mind that an item not on the pre-approved list is not necessarily prohibited. Its absence from the list means only that the homeowners must seek written approval from the Committee before making any charges to the property.

2. Purpose

The purposes of Architectural Control Committee are twofold: (1) to establish and preserve the harmonious design for the community; and (2) to protect the value of property in the community. The basic idea of Architectural Control is to keep the Roxbury Community a nice place to live.

The Architectural Control Committee and the Board of Directors will ensure that review of applications received is carried out in a fair, consistent and expeditious manner.

3. Procedures For Obtaining Written Approval from Board of Directors

The Architectural Control Committee's decision serves only as a recommendation to the Board of Directors that the proposal should be accepted or rejected. The Board will make the final decision.

3.1 Homeowners must submit all applications in writing via "certified return receipt requested" mail or attendance at a regularly scheduled meeting of the Board of Directors. Verbal requests will not be considered. The maximum "60 day" waiting period begins when the Board receives the proposal.

3.2 On the attached Change Request Form, provide homeowner's name, address, telephone number, signature and a description of the item(s) (to include plans and locations) for which approval is requested. Items shall be in conformity with County requirements. Committee approval is not to be construed as a representation that County requirements have been met.

3.3 Any change request may be submitted by the unit owner only. Renters should contact the unit owner to discuss any change.

3.4 Attach a copy of the house location plat (received at settlement) for any changes affecting the yard (such as fence or deck).

3.5 Attach a drawing showing the complete plan of the change requested. The plan should be drawn to scale with a straight edge (as nearly as possible), with full dimensions and details clearly labeled. Homeowners are encouraged, but not required, to discuss with their neighbors, both adjacent and in line of sight, any proposed changes that might cause inconvenience or controversy.

4. Homeowner's Responsibilities

4.1 The responsibility lies with the applicant to demonstrate the acceptability of the proposal. Applicant may submit with the application any materials such as exhibits, petitions, photographs, experts' statements, etc. that applicant deems necessary. Applicant may appear before the Committee, along with any experts or others, to present the proposal as necessary.

4.2 Applicant is responsible for keeping the external appearance of the unit and surrounding common elements neat and clean and is specifically responsible for removal of any debris generated due to the requested change.

5. Design Guidelines

5.1 General Review Criteria

All applications are evaluated on the basis of the restrictions contained in the Declaration, the guidelines contained in these Rules, and on its individual merits. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the community housing type and the individual site.

5.2.1 Patios and Decks

Patios or decks installed by the Builder as an option with the sale of a unit are pre-approved. All other patio or deck installations or modifications including stairways, require application to Fairfax County for a building

permit, and approval from, the Committee. Fairfax County website information is located at: <http://www.fairfaxcounty.gov/dpwes/publications/decks/>. Ground level patios or decks may be constructed of poured concrete, brick, stone, commercial paved tiles or pressure treated wood. Proper workmanship to assure sound construction and attractive appearance are required. Appropriate landscaping to soften the effect of the installation is encouraged. Drainage must not be adversely affected. For ground level decks, one way is to allow space between wooden slats.

The Committee will not approve any changes in property grade. The proposal must also be designed to prevent animals from burrowing under and inhabiting the spaces beneath the decks. Vertical cedar slats around the perimeter or crushed stone, or wire mesh recessed inconspicuously, are ways to prevent this from happening.

Elevated decks may be installed on the rear of homes provided that the width of the deck does not exceed the width of the unit and allows six (6) inches of open space on both sides of the deck, and is no more than ten (10) feet in depth from the rear wall of the unit. Such elevated decks shall be constructed so that there is no ground level drainage to discourage standing water on the deck, and that no ground level drainage problems are created on either the adjoining properties or Common Grounds.

Dimensions (width, depth and height), materials and location within the backyard must be specified. Elevated decks must be constructed of pressure treated wood and may be painted, stained, or otherwise finished with the ACC color approval and must have an open railing.

Awnings, mesh screens, siding or any type of enclosures are allowed above or below the deck with approval of the ACC/Board.

5.2.2. Stairways on Decks

All patio or deck installations or modifications **including stairways**, require application to Fairfax County for a building permit, and approval from, the Committee. Fairfax County website information is located at: <http://www.fairfaxcounty.gov/dpwes/publications/decks/>.

Stairways may be attached to elevated decks to allow access to the ground, provided the following conditions are met:

- a. The dimensions of the deck do not exceed the dimensions listed in paragraph 2, Section 5.2.1. The dimensions of the deck may not be extended to incorporated stairs.
- b. The stairway must have handrails and an open rail.
- c. Stairs will consist of one (1) stair risers with a maximum height of eight and one half inches (8 1/2") and two (2) stair treads which may not exceed twenty four inches (24") in depth and may be no wider than four feet (4').
- d. Stairways will consist of a continuous series of such stair beginning at the edge of the deck and continuing to (the ground or to a ground level deck) (at least a point below the fence line). It is specifically prohibited to construct or attach any platform to the deck that (a) exceeds the size of the stair as defined in the paragraph above and (b) is less than eight and one half inches (8 1/2") below the height of the deck.

5.2.3 Fences

Proposed fence additions must consist of pressure treated vertical slats and pressure treated posts and must match the height, finish and design of the privacy fence installed by the Builder. Gates must be of the curved top variety as installed by the developer. Fences must meet easement requirements, where applicable. All fencing must be contiguous with other fencing and the house.

Fence placement must ensure that a clear passage is maintained for pedestrian traffic (such as for interior access, and for lawn maintenance around the outside of the fence. A clearance of at least five (5) feet is

required. Under extenuating circumstances, the Committee may, in its discretion and with the Board's approval, permit a lesser clearance.

5.3 Miscellaneous

5.3.1 Exterior Antennas

Exterior antennas of any type are prohibited, excluding satellite dishes.

We recommend that the satellite dishes should be mounted on the roof of your home to deter burglary and to provide the best reception. They should not be mounted on decks, fences or in back yards. Dishes should be installed 18 inches down from the peak of your roof line and should be centered. (The roof placement improves safety, deters burglary, and allows for the best reception.) Homeowners may not install satellite dish in front yard or front of house.

If the satellite dish is placed on the roof all wiring must be installed to enter your home where the post for the satellite dish is secured. No wires may hang on, drape over, or run along your roof.

Permission to install a satellite dish is not required prior to installation. However, as with any other change to the exterior of your home, an Architectural alteration request must be submitted. As long as you have followed the simple instructions above, your request for an exterior change will be approved.

5.3.2 Exterior Clotheslines

Exterior clotheslines and clothes drying apparatus are prohibited except in the rear yard of the unit.

5.3.3 Exterior Lighting

No additional lighting may be installed without approval of the ACC.

5.3.5 Firewood

Firewood may be stored only within the privacy fence. Firewood shall be neatly stacked to height no greater than the top of the fence and in a manner so as not to damage the fence, and should be 12 inches away from the fence.

5.3.6 Brass Numerals

Brass address numerals must be displayed on the front of townhouse units.

5.3.7 Storm Door

Design shall be full view with the finish the color of the house trim or the color of the front door. Aluminum finish is prohibited.

5.3.8 Roof

Shingles shall be equal to or identical to original shingles as to quality and color.

6. Final Decision

The applicant will receive written notification of a final decision from the Board of Directors through the ACC. No other form of notification may be considered official and binding on the Association. For applications submitted by the 2nd Tuesday (regular Board meeting) of the month, a final decision will be rendered normally by the 2nd Tuesday of the following month and the applicant will receive official notification shortly thereafter. In the event a final decision is not rendered within sixty (60) days, the applicant may consider the request approved and binding upon the Association.

The sixty (60) day period does not commence until the application is received by the ACC. If the initial application does not contain sufficient information for the ACC to make a decision, the ACC will request information from the applicant and the sixty (60) day period will not commence until the information is received by the ACC.

An approval shall automatically void upon the expiration of six (6) months from the date the applicant received official notification of approval. Thereafter, the applicant will have to resubmit prior to beginning or completing construction. An approval shall be automatically rescinded if information furnished in the initial application is found to be inaccurate.

7. Compliance Inspections and Certificates

Upon completion of construction, the homeowner shall notify the ACC, and the ACC (and/or the Board of Directors) shall make an inspection to determine whether the construction is in compliance with the filed approved plan. If it finds noncompliance, it will request corrective action by the homeowner. If it finds compliance, upon the homeowner's request, the Board shall issue a Certificate of Compliance, which, if made part of a Resale Certificate, shall constitute proof that the change was made in accordance with Association requirements.

8. Appeal Procedures

If an application is disapproved, the Committee shall advise the applicant why and, if feasible, make suggestions for modifying the application to make it acceptable. The applicant may appeal an adverse decision to the Board of Directors, who may reverse or modify such decision by a 2/3 vote of those Directors present and voting at a meeting at which quorum is present. The appeal must be filed in writing with the Board of Directors within thirty (30) days of the receipt of the ACC disapproval. The Board shall be provided with all plans and specifications and act upon the appeal' at its next practicable meeting. The appellant may address the Board at this meeting. During the appeal procedure, the applicant may not proceed until the Board has rendered a decision.

9. Pre-approved Items

Homeowners need not obtain prior written approval of the Committee for projects that fall within one of the categories described below. Please note that items that do not appear below are not necessarily prohibited:

9.1 Any repairs and maintenance to the existing structures provided it is consistent with the original design.

9.2 Any standard dead bolt lock, peephole, or electric doorbell.

9.3 Any attic cooling fan that is installed on the roofs rear slope and does not extend above the roofs peak. Ridge roof vents may be installed for ventilation.

9.4 The "full view" storm/screen door. Doors may be painted to match the trim or the existing door. Storm doors made in a color that is different from the existing front door, wood trim, or the siding, must be approved by the Committee.

9.5 Cable or Satellite wiring installed by an authorized cable services vendor in the rear of the unit, provided it is installed as inconspicuously as possible.

9.6 In enclosed rear yards: any desired change that will not extend above the fence line and will not affect party walls, fences, adjacent areas or existing drainage patterns. This same exception applies to those portions of un-enclosed yards that lie within the existing fence line. These exception notwithstanding, homeowners must obtain approval for decks and other substantial structures in advance as specified in Section 5.2.

10. Storage of Items on Private Lots

10.1 Article VIII, Section 4, of the: Declaration: prohibits allowing anything to remain on any lot that may become a nuisance or annoyance to the neighborhood. The Committee views any objects, particularly trash,

stored outside enclosed areas and in the line of sight to be an annoyance to the Community. You must have prior approval from the Board of Directors, prior to erecting or installing any temporary storage shed.

10.2 Article VIII, Section 7, prohibits the storage of trash or building materials on any lot. It also forbids placing garbage "in public view except on days of trash collection."

11. Front Yard Landscaping

Lawn ornaments, including, but not limited to, statuary, birdbaths, decorative balls, fountains, etc., are specifically prohibited. All trees and shrubs must be located so as not to obstruct walkways or views from neighboring units. Ornamental hedges may be no more than 3 feet in height. Trees, hedges, or shrubs that restrict lines of sight for vehicular traffic shall be cut back or removed. Proper maintenance of all plant material installed by any owner becomes and remains the responsibility of the owner.

No sign larger than 2 square feet shall be placed in the front of any house or lot except for temporary real estate signs.

12. Common Element and Other important homeowner information:

12.1 All homeowners are entitled to use the common grounds. However, no individual homeowner may convert any portion of the common grounds for his exclusive use. Obviously, it is important for each homeowner to be aware of precisely where his lot begins and ends. Everything in Roxbury that is not a private lot, is considered common grounds. However, due to Builder's security concerns for the community, certain end-unit fences were extended to meet the community property boundary perimeter fence to preclude unwanted foot traffic through and in the community.

12.2 Rules for use of the tennis courts and tot lot are posted in those respective areas.

12.3 Pet owners are required to clean up after their pets, in accordance with prevailing Fairfax County ordinances.

12.4 Flag display devices are permitted in accordance with prevailing Fairfax County ordinances.

12.5 Garage Unit owners should be aware that the apron of the driveway is part of the sidewalk and as such is Common Element. Parking on the sidewalk or driveway apron of any unit is not allowed. See Parking Rules and other important documents and information on the Roxbury of Mt Vernon HOA website at <http://roxburyhoa.tripod.com>.

I understand that submission of this change request does not relieve me of any obligation to comply with local law and/or building codes, nor does it relieve me of any required authorizations from government agencies. Representatives of the Roxbury of Mt Vernon Homeowners' Association or the Architectural Control Committee may visit my property after reasonable notification for purpose of reviewing the proposed site of the above described change or project while in progress or upon completion. Failure to complete any project within 6 months of approval for same, renders the approval null and void and a new request would be required to be submitted for consideration and approval notwithstanding prior approval.

(Owner signature)

(Date)