

2012

DRAFT - Architectural Guidelines



Fairfax Station Homeowners Association

Architectural Guidelines

1/19/2012

Significant Changes

In an effort to simplify the process and encourage greater community participation, listed below are the significant changes to the Architectural Guidelines being proposed. Rules for the following have undergone changes:

- Use of window mounted air conditioners.
- Alternative energy – specifically solar energy.
- Hardscape rules have been combined with Landscaping.
- Play / Recreational Equipment – changes to what needs approval.
- Signs – clarification of covenants with exception for political signs.
- Replacement Door and Window clarification.
- Storage Sheds – limitation on size.
- Portable Storage Units – new rules regarding use.
- Dumpsters – new rules regarding use.
- Revision to Application and Review Procedures.
- There have been a number of minor changes to the wording of the rest of the document in an effort to clarify existing rules.

Important Note – this document is still undergoing review and modification. The input provided by the community will be a consideration in the final product.

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The Architectural Review Board prepared these Guidelines in October of 2011.

They supersede all past Guidelines and modifications.

Fairfax Station Homeowners Association, Board of Directions approved these documents by signing below on _____.

Vincent Burruano, President _____

Craig Eldridge, Vice-President _____

Mike Anderson, Director _____

William Baker, Director _____

Bob Orlosky, Director _____

I. Introduction

Residents of Fairfax Station are protected by certain restrictive covenants that apply to all property in the community. These covenants are, in many cases, quite specific. In other areas, the covenants are general and specific decisions are reserved to an Architectural Review Board (ARB) and the Board of Directors (BOD). The ARB and BOD want to ensure that all residents know the restrictions prescribed in the covenants and that guidelines are established to assist in applying and interpreting these covenants. This booklet has been prepared to explain these covenants and guidelines to you, the residents of the community.

It is the expectation of the ARB that voluntary compliance with the covenants will follow as the community becomes aware of the restrictions and the explanatory guidelines. It is widely recognized that by maintaining a community in accordance with the dictates of good taste, the property in that community retains its value or increases in value over time. This, plus the enhanced beauty of a well-maintained community, increases the enjoyment of that community by all its members.

The ARB recognizes the desire of many residents for independence and wide latitude in the maintenance of their property. However, we must also recognize that the best interests of the community must sometimes be pursued at the cost of subordinating individual desires. The enjoyment of the community by all residents requires the exercise of restraint and good taste, and relies upon the goodwill of neighbors. The nature of the layout of the lots and placement of houses on them in Fairfax Station dictate situations, which demand special consideration. The ARB hopes that the wide dissemination of this booklet will foster such neighborly goodwill.

II. Restrictive Covenants

The Fairfax Station “Declaration of Covenants, Conditions and Restrictions” is recorded in Deed Book 4993 at Page 829 among the land records of Fairfax County. The Restrictive Covenants contained therein apply to all lots in Fairfax Station and are enforceable in a court of law by the Fairfax Station Homeowners Association or any owner.

The Restrictive Covenants as contained in Article VI of the Declaration state as follows:

Section 1. The Properties shall be used exclusively for residential purposes. The Declarant, however, for itself, its successors and assigns, reserves the right, prior to sale and transfer of any lot, pursuant to a recorded resubdivision plat, to alter, amend and change any lot lines or subdivision plan. No buildings shall be erected, altered, placed or permitted to remain on any lot other than the one single-family attached dwelling, garages and other approved structures or pools for use solely by the occupants. No residence, or any part thereof, nor any out buildings related thereto, shall be used for the conduct of any business, commerce or profession other than those authorized by the Code of Fairfax County and applicable zoning ordinances. Except for those related to real estate sales and construction, no sign, advertisement or message shall be displayed or published which might constitute any other kind of business solicitation in, or from, any residence or residential property. Notwithstanding the foregoing:

(a) The Declarants or their assigns may, during the construction and/or sales period, and within five (5) years from the date of subdivision of a particular Section, erect, maintain and operate real estate sale and construction offices, displays, signs and special lighting on any part of the Property and on or in any building or structure now or hereafter erected thereon.

(b) On Lots now or hereafter specifically designated for such purposes by Declarant, there may be erected, and/or operated, a church or place of worship, a school accredited by the State of Virginia Board of Education, a public park, or a non-commercial swimming pool, a recreational area, and appurtenances thereto.

Section 2. No clothing, laundry, or wash shall be aired or dried on any portions of the Lots in any area other than in the rear yards of the Lots.

Section 3. No tree, hedge or other shrubs shall be planted or maintained in such a manner so as to obstruct the sight lines for vehicular traffic, to interfere with the proper drainage and operation of any septic field or tank or to otherwise violate any Fairfax County ordinances.

Section 4. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done or placed thereon which may become an annoyance or nuisance to the neighborhood. Property owners shall, at all times, maintain their property and all appurtenances thereto in good repair and in a state of neat appearance. Except for flowers, gardens, shrubs, and trees which shall be neatly maintained, all open lot areas shall be maintained in lawns or other ground cover approved by the Architectural Review Board. All lawn areas shall be kept mowed and shall not be permitted to grow to a height in excess of three (3) inches.

Section 5. No sign of any kind that is illuminated and/or larger than two square feet shall be displayed to the public view on any Lot, except temporary real estate signs not more than four square feet in area advertising the property for sale or rent and except as provided in Section 1 (a) above.

Section 6. No horse, pony, cow, chicken, pig, hog, sheep, goat or other domestic or wild animal shall be kept or maintained on any Lot; however, common household pets, such as dogs and cats may be kept or maintained, provided that they are not kept, bred or maintained for commercial purposes and do not create a nuisance or annoyance to surrounding Lots of the neighborhood and are in compliance with applicable Fairfax County ordinances.

Section 7. Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection. No accumulation or storage of litter, new or used building materials or trash of any other kind shall be permitted on any Lot after original construction is finished.

Section 8. No person shall paint the exterior of any building a color different than the original color of said building without the proposed color having been approved by the Architectural Review Board.

Section 9. No structure or addition to a structure shall be erected, placed, altered or externally improved on any Lot until the plan and specification, including elevation, material, color and texture and a site plan showing location of improvement with grading modifications shall be filed with and approved in writing by the Association or its Architectural Review Board.

Structure shall be defined to include any building or portion thereof, pool, fence, pavement, driveway or appurtenances to any of the aforementioned. No temporary building shall be maintained on any Lot without the approval of the Association or its Architectural Review Board.

Section 10. No fence or similar enclosure may be built on any Lot without first obtaining the approval of the Association of its Architectural Review Board as to the location, material, color and design thereof. Chain link fences are specifically prohibited. Any fence built on any Lot shall be maintained in a proper manner so as not to detract from the value and desirability of surrounding property.

Section 11. No exterior television or radio antenna of any sort shall be erected or maintained on any Lot without the written consent of the Association, provided that the Association shall have the right to erect and maintain a master antenna on Association property, if the erection of such master antenna is approved by members of the Association pursuant to the provisions of Article IV, hereof. (*Note – The Telecommunications Act of 1996 supersedes this covenant restriction. Additional information found on page _*).

Section 12. No junk vehicle, house trailer, or commercial vehicles, such as, but not limited to, moving vans, trucks, tractors, trailers, wreckers, hearses, compressors, concrete mixers or buses, shall be kept on any Lot. No storage of boats, boating equipment travel trailers, camping equipment, or recreational vehicles shall be visible from the street. The location and design of enclosures for boating, camping, traveling (other than automobiles) and related equipment shall be approved by the Architectural Review Board as required under Paragraph 9 herein.

Section 13. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration of Covenants, Conditions and Restrictions. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so hereafter.

Section 14. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

III. Architectural Review Board

The composition, procedures and responsibilities of the ARB as stated in Article XIII of the By-Laws of the Fairfax Station Homeowners Association are as follows:

Section 1. Composition. The Architectural Review Board shall be comprised of three or more members. Members shall serve staggered three year terms, as determined by the Board of Directors.

The Architectural Review Board shall consist of two committees: The New Construction Committee and the Modification and Change Committee. The New Construction Committee shall automatically terminate on January 1, 1993.

After termination of the New Construction Committee, no member of the Architectural Review Board may be a Director.

Section 2. Method of Selection. The Declarant shall nominate three persons and one alternate to serve as the New Construction Committee of the Architectural Review Board. The Board of Directors shall appoint or reject such nominees and, in case a nominee is rejected, the Declarant shall thereupon nominate another person for appointment.

The Board of Directors shall also appoint the Modification and Change Committee.

Section 3. Vacancies. Appointments to fill vacancies in unexpired terms shall be made in the same manner as the original appointment.

Section 4. Officers. At the first meeting of the Architectural Review Board following each Annual Meeting of Members, the Architectural Review Board shall elect from among them, a Chairman, a Vice-Chairman and a Secretary who shall perform the usual duties of their respective offices.

Section 5. Duties. The Architectural Review Board shall regulate the external design, appearance and locations of the Properties and improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography. In furtherance thereof, the Architectural Review Board shall:

(1) Review and approve, modify or disapprove, within forty five (45) days, all written applications of Owners and of the Association for improvements or additions to Lots or Common Areas; in this regard, during the period the Architectural Review Board is composed of the committees described above, the New Construction Committee shall act with respect to initial improvements to the Common Area and Lots; the Modification and Change Committee shall act with respect to modification and changes to the Common Area and Lots, including improvements thereon.

(2) Periodically inspect the Properties for compliance with architectural standards and approved plans for alteration; and

(3) Adopt architectural standards subject to the confirmation by the Board of Directors; and

(4) Adopt procedures for the exercise of its duties and enter them in the Book of Resolutions; and

(5) Maintain complete and accurate records of all actions taken.

IV. Guidelines

The discussion under Guidelines is for the purpose of providing additional guidance to homeowners with regard to obtaining approval from the ARB where approval is required by the Restrictive Covenants. The subjects discussed under Guidelines should not be considered an exhaustive list of all subjects covered by the Restrictive Covenants.

Homeowners wishing to make a change to their property may submit an application for review. The ARB will review each application and consider the proposed changes and the specific nature of the lot in making a determination.

Alternative Energy:

Solar Energy: Require ARB approval and must only be installed on the rear roofs of houses and garages.

Wind: No windmills, either freestanding or attached shall be approved.

Geo-thermal: Requires ARB approval. Any attendant above ground equipment must be screened from view, and may not be placed in the front of the house.

Antennas and Satellite Dishes:

The Telecommunications Act of 1996, 47USC151, 154, 207, 303, and 309(j) provide homeowners substantial latitude in installing antennas and satellite dishes. No television antennas are to be visible. Externally mounted satellite dishes 39 inches or less in diameter are authorized, but such dishes should be mounted to the outside of the house in a manner that minimizes their visibility from the street and other homes. If possible, these dishes should be mounted on the rear of the house or otherwise placed to hide them from street view. Approval of the ARB is only required in cases where multiple dish antennas are desired, e.g. DirecTV and Dish. Ham radio antennas and single side band antennas are prohibited.

Attic Ventilators, Exhaust Fans and Air Conditioners:

A ventilator or attic fan located on the side of the roof, which is away from the public view, is hereby approved. All ventilators must match the siding or trim on the house, if mounted on a gable end.

Air conditioning units, mounted in the window or through the wall, are not permitted in the front of a home. These units are discouraged but may be used on the side or rear of a home only.

Awnings and Other Sun and/or Weather Screens:

The addition of awnings and other sun and/or weather screens must be approved by the ARB. Awnings are to be in keeping with the color of the house. Metal and other non-canvas awnings are prohibited.

Decks:

The addition of a deck or the alteration of an existing deck must be approved by the ARB. Deck color must also be approved. Deck design, material, and color are to be in keeping with the color of the building. The area under elevated decks must be generally hidden from view if it is to be used for informal storage. The type of screening must be approved by the ARB.

Doors and Windows:

Replacement doors and windows are hereby approved in keeping with the color theme and architectural style of the house. The addition or removal of doors or windows requires ARB approval.

Private Driveways and Turnarounds:

Only hard surfaces such as asphalt or concrete will be approved. Approval by the ARB is required.

Private driveways and turnarounds, which are visible from the street, may not be used to store boats and certain other types of vehicles, in accordance with Section 12, of Article VI, of the Declaration of Covenants, Conditions and Restrictions. Also, note that no junk vehicle or house trailer may be stored on any lot. Allowed vehicles **shall** be parked only on driveways or turnarounds.

Dumpsters:

The use of portable dumpsters (all styles including roll off units) for up to 7 days are approved. Required usage beyond 7 days requires ARB approval. Dumpsters shall be placed on private driveways only.

Exterior Lighting:

Lampposts should be a style, which is consistent with the architectural style of the house. Mercury or sodium vapor lights are prohibited. The applicant should consider the impact on neighbors.

Exterior Painting:

Exterior painting in a color other than the original color requires ARB approval. Colors approved will be similar to those currently used in the subdivision.

Fences:

In general, fences of any kind are discouraged because they detract from the natural openness of the community. The ARB, however, will consider requests on a case-by-case basis for fences that comply with the following guidelines:

Styles of Fencing - Chain link, barbed wire, and privacy fences will not be approved under any circumstances, nor will freestanding wire fences of any kind. Chain link fencing may not be used for any purpose on any lot. Fences made of plastic or metal (except for wire mesh described below) will not be approved. The only types of fences that will be considered by the ARB are:

- (a) Open split rail, with either two or three rails, or
- (b) Paddock style, with either two or three horizontal bars.

Dimensions - Fences must be between 42 and 48 inches tall. The height is measured from the ground to the uppermost rail/bar. Vertical posts must be from 48 to 54 inches in length, measured from the ground to the top of the post.

Gates - Gates must be of the same material and height as the fence.

Additional Materials - Wire mesh may be used in conjunction with approved split rail and paddock style fences. The wire mesh must be made of galvanized steel with 2-inch by 3-inch rectangles. The wire mesh must be coated with brown or green vinyl covering. The use of chicken wire, plastic material of any kind, or chain-link materials is not permitted. If used, the wire mesh must be attached to the inside of the fence and the top of the mesh may not extend beyond the top rail/bar of the fence.

Location - Under no circumstances will fences of any kind be permitted in front yards, nor should fences extend forward of the horizontal axis of the house. Applications from homeowners on corner lots will be considered on a case-by-case basis.

Maintenance - Homeowners are responsible for yard maintenance on both sides of their fence.

Special Cases:

- (a) "Invisible fences" installed underground for pet control do not require ARB approval. The flags normally used to delineate the outline of the "fence" must be removed within 30 days of installation.
- (b) Fences required by Fairfax County regulations for swimming pools must comply with those regulations and be approved by the ARB.

Firewood:

If tarps are used to protect the firewood from the elements, they shall be brown, green or clear in color.

Flagpoles:

Freestanding, unlighted flagpoles will generally be approved upon request. Wall mounted flagpoles less than eight (8) feet in length do not require approval.

Landscaping:

As noted throughout this booklet, landscaping can be used to soften the effect of certain property modifications.

In general, shrubs and trees should be planted with consideration given to their size when full grown. As noted in Section 3, of Article VI, of the Declaration of Covenants, Conditions and Restrictions, no planting may obstruct the line of sight of vehicular traffic.

Landscaping, using only trees, shrubs and plants does not require ARB approval. However, extensive landscaping in the front of the home, that will change the appearance of the property, including ground covers (other than grass lawns) or construction, must be approved by the ARB. Rocks used in landscaping shall be left in their natural color.

Hardscapes, such as patios, retaining walls, garden walls, permanent outdoor fireplaces or fire pits, and water features, require ARB approval. Materials need not be identical to the building but are to be in keeping with the natural environment.

Mailboxes and Posts:

Mailboxes mounted on natural wood posts are recommended for use throughout Fairfax Station. Dark stain or natural weathering is encouraged.

Since mailboxes are a functional necessity, not a decorative item, they should be as conservative as possible and comply with USPS regulations. Generally, black or muted earth tones should be considered. Mailboxes shall include the property’s house number.

Play/Recreational Equipment: (Basketball structures, swings, jungle gyms, trampolines, etc.)

Permanent play or recreational equipment requires ARB approval.

Portable play or recreational equipment (such as basketball structures, trampolines, soccer goals and other similar items) does not require ARB approval. This equipment shall not impede the use of common drives or streets.

All play equipment shall be kept in good repair.

Pools: All pools, associated decking, and pool-site fencing must be approved by the ARB. The pool and all appurtenances must comply with Fairfax County and ARB requirements.

COMPLIANCE WITH FAIRFAX COUNTY ORDINANCES AND REGULATIONS IS THE RESPONSIBILITY OF THE INDIVIDUAL HOMEOWNER.

Porches:

The addition of a porch or enclosure or screening of a previously open porch must be approved by the ARB. Construction materials used for the roof and siding must be similar to those used in the original house. For color restrictions, refer to “Exterior Painting.”

Portable Storage Units:

The use of portable storage units (such as PODS, Rat Pack, etc) are permitted for up to seven (7) days and must be placed in the private driveway during the loading and unloading process. For use beyond 7 days an ARB application must be submitted for approval.

Shutters:

Shutters may be added or replaced without ARB approval, provided all shutters, on the house, are the same design and that the color complies with “Exterior Painting” restrictions.

Sidewalks and Pathways:

Natural stone and brick pathways or sidewalks are hereby approved by the ARB. All sidewalks and pathways should be set back at least four (4) feet from the property line and generally be installed flush to the ground.

Signs:

Section 5, of Article VI, of the Declaration of Covenants, Conditions and Restrictions, states that signs may not be larger than two square feet (288 square inches), except for temporary real estate signs which may not be larger than four square feet (576 square inches). Authorized signs, including house numbers, will be in keeping with the rural setting.

Political signs may be displayed no sooner than 30 days prior to an election date, and must be removed within 7 days after the pertinent election.

Structures and Additions:

All structures and additions, such as chimneys, carports, garages, extra rooms, including structures near the water edge, etc., must be approved by the ARB. All additions, structures and appurtenances thereto shall be in the architectural style of the houses in the community.

No structure may be built or maintained on Fairfax Station Homeowners Association Common Open Space without the consent of the Homeowners Association and the approval of the ARB.

Greenhouses and Conservatories: Greenhouses and conservatories must be approved by the ARB. Greenhouse and conservatory location must be to the rear of the house. Window-size greenhouses do not need ARB approval but cannot be located on the front of the house.

Detached Structures: Detached structures, such as doghouses, playhouses, gazebos and tree houses must be approved by the ARB. These structures should be located away from public view, with consideration given to the effect on the neighboring lots. Construction materials used for the structures must be similar in quality and design to those used in the original house.

Structures erected at some distance from the house must be painted or stained to blend into the surroundings, or be constructed from materials that age naturally, if this is more appropriate than the house color. Landscaping shall be used to screen the structure.

Storage Sheds: The footprint of the structure shall not exceed 120 square feet, nor may the structure exceed 15 feet in length. The height of the structure from the lowest point of its interior floor to the highest point of its exterior surface shall not exceed eight feet, and the height of the structure from the lowest point of its grade to the highest point of its exterior surface shall not exceed nine feet.

Metal, plastic, rubber or vinyl structures will not be approved.

Construction materials used for the structure shall be similar in quality and design to those used in the original house or that blend in to the surrounding landscape.

Sheds or other detached structures may not be equipped with plumbing. Electricity is permitted, on a limited basis, if all work is certified by a licensed electrician and approved by the ARB.

All sheds shall be screened with approved landscaping from any view.

Trees:

Homeowners are encouraged to save as many original trees as possible on their lots. If trees are cut down, they must be cut flush with the ground.

Yard Decorations:

Placement of yard decorations, such as wagon wheels and large statuary, must be approved by the ARB. Statuary should generally be of natural materials, which will blend in with the surrounding landscape. Large pieces should be considered in relation to the size of the landscape plantings around them. A rear yard placement is preferred. Plastic, painted or colored decorations are not allowed in the front yard. Seasonal decorations should be removed in a timely manner.

V. Application and Review Procedure

Article VI, Section 9, of the Declaration of Covenants, Conditions and Restrictions, requires that “No structure or addition to a structure shall be erected, placed, altered or externally improved...without approval writing by the ARB, or by the Association.

A completed applications form is required for ARB approval. A sample form is attached to this booklet. Additional forms may be obtained from the ARB members or from the Homeowners Association website.

Applications should be mailed, faxed or hand carried to Armstrong Management Services. Each application should be dated; and it has to be complete before the ARB will act upon the Application.

The following items are to be included with the application:

- The proposal should include drawings, photos, site plans, color samples, and material lists, as well as copies of Fairfax County approvals if required.
- Estimated completion date.
- The Application Signature Sheet signed by all property owners adjacent to or who have a view of the proposed change. This Sheet is required for all fences, fence sections, driveway parking pads, pools, tennis courts, gazebos, and solar heating and cooling equipment. The Sheet may be used in other instances.
- Residents who wish to comment on proposed changes to a neighbor’s property should contact any member of the ARB within two (2) days after signing the Application Signature Sheet. These comments will be considered along with other information as part of the ARB Review Process.

The review process followed by the ARB, Modification and Change Committee, is shown in the “Architectural Review Process” flow diagram. This diagram includes procedures for reviewing changes made by homeowners without application to/approval from the ARB.

Either the ARB or the Board of Directors will notify the homeowner of approval or disapproval of the application. The application package will not be returned, but will be retained as part of the ARB's permanent records.

Homeowners should expect the application review process to take up to 45 days to approve, disapprove or request a modification/clarification to the original application.

The ARB shall conduct an onsite review of the completed work for compliance to the ARB approved plan. If not in compliance with the approved plan, the applicant will be notified to correct any deficiencies. Failure to correct any deficiencies will constitute a violation of the covenants.