

**Shaker Woods
Home Owners Association
(SWHOA)**

***NEIGHBORHOOD GUIDELINES
AND RULES INCLUDING
ARCHITECTURAL REVIEW
STANDARDS AND PROCESSES***

**FINAL ARC AND BOARD REVISIONS
SEPTEMBER 2010**

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1.0 INTRODUCTION

Shaker Woods is a distinctive neighborhood in Fairfax County, offering large lot sizes, an open space environment, and beautiful homes. Many homeowners were drawn to Shaker Woods because of the high aesthetic standards of the neighborhood. It is a living environment worth preserving. The Shaker Woods Home Owners' Association (SWHOA), its Board and the Architectural Review Committee of the Board (ARC) provide a means for preserving the high quality of our neighborhood.

The SWHOA Declaration of Covenants, Conditions and Restrictions ("Declaration") and Articles of Incorporation (the "Governing Documents") authorize the SWHOA Board of Directors and ARC to implement rules that "protect the value and desirability of [...] properties" and to "...promote the peace, health, comfort, safety, and general welfare of the owners and inhabitants." These rules and standards are intended to balance the needs of the community as a whole with those of the individual homeowner. They are designed to provide a consistent set of standards for property maintenance, modifications, alterations or additions to individual Lots, and regulate the activities that affect the community as a whole. As used herein, the term "Lot" shall include an individual homeowner's real property and any structures or personal property thereon.

This revised version of the SWHOA Guidelines and Rules (the "2010 Guidelines and Rules") was approved by the Homeowners of the SWHOA on Month 00, 2010, and went into effect on that date (the "Effective Date.") Any projects or improvements approved by the ARC prior to the Effective Date shall be allowed, even if such projects or improvements would not be allowed under the 2010 Guidelines and Rules. From the Effective Date forward, any new projects or improvements a Homeowner wishes to make are subject to the 2010 Guidelines and Rules and all of the standards set forth herein, as are any projects or improvements made before the Effective Date for which any Homeowner failed to seek ARC approval as required by the previous version of these 2010 Guidelines and Rules.

2.0 NEIGHBORHOOD GUIDELINES AND RULES

To maintain property values and the natural beauty of the neighborhood, as well as the enjoyment of living in Shaker Woods, the following guidelines and rules have been adopted by the Board of Directors. These guidelines and rules reflect the common courtesy that is a hallmark of our community and the reasonable consideration of which should be

afforded to each resident's neighbors.

2.1 Standards for Maintenance

Homeowners shall ensure that their property and all improvements located thereon have a neat, clean, attractive, and serviceable appearance. Such maintenance includes, but is not limited to, the following:

Repainting, restaining, washing and renovating on a periodic basis, as needed, all exterior surfaces which are significantly deteriorated in appearance by reason of weathering, fading, peeling, cracking, blistering, staining, mildewing, blistering, or otherwise.

Replacement of missing building components or timely repair of exterior damage or deterioration, including but not limited to deteriorated or damaged siding, trim, fascia, roofing, doors, shutters, downspouts, flues, windows, screens, fences, walls, decks, porches, sheds, recreational structures, or exterior lighting, walks, driveways, and pavement.

Replacement or repair of fences and/or retaining walls which are no longer uniform in appearance, structurally sound or plumb.

Lawns and landscaping visible from the street, adjacent properties or the common areas must be kept in a neat and attractive manner. This includes regular mowing of grass, trimming of shrubs and bushes and removal of dead or fallen trees and shrubbery. Removal of live trees is subject to Section 3.4.3 below.

2.2 Vehicle Parking

Vehicles not parked in garages must be in operable condition, with all essential parts required for operation intact and well maintained so as to not present a negative visual impact on the neighborhood. All vehicles parked within the SWHOA must be properly licensed and registered, and must be parked in such a way as not to obstruct the view of the neighbors pulling in and out of their driveways. As a courtesy, it is particularly important not to park, nor to have guests park, for extended periods of time greater than 72 hours, in front of neighboring properties without prior permission from the affected homeowner.

2.3 Commercial Vehicles, Panel Trucks, Motor Homes/Recreational Vehicles, Boats, Campers, Buses, Utility Trailers and Any Other Vehicles Not Intended for Routine Passenger Transportation

Homeowners and their guests shall not store, park or allow to be stored or parked any commercial vehicles, panel trucks, motor homes/recreational vehicles, campers, buses, utility trailers or any other vehicles not intended for routine passenger transportation, on their property or neighborhood streets overnight where such vehicles are visible from the street or adjacent properties. For purposes of this Section, commercial vehicles include, but are not limited to, all vehicles registered as commercial vehicles, those vehicles defined under Section 82-5-7 of the Fairfax County Code, and any vehicle that bears advertising or other commercial writing, or has ladders, tools, supplies or similar items affixed to its roof or sides. Sport utility vehicles and pick-up trucks are considered routine passenger transportation, unless they have the characteristics of a commercial vehicle as defined in the previous sentences.

a. Boats, Trailers and Other Recreational Vehicles:

Homeowners and their guests shall not store, park or allow to be stored or parked, any boats, trailers, or other recreational vehicles on their property or neighborhood streets overnight where such vehicles are visible from the street or adjacent properties. Other recreational vehicles include all-terrain vehicles, motorized dirt bikes, pocket bikes, mini-bikes, scooters and bicycles. Boats include all motorized and unmotorized water craft.

b. Miscellaneous Motorized Vehicles and Machinery:

Homeowners and their guests shall not store, park or allow to be stored or parked, any motorized vehicles and machinery such as lawn mowers, lawn tractors and similar items on their property or neighborhood streets overnight where such items are visible from the street or adjacent properties.

2.4 Signs

Trade, service, or business signs are permitted only during the period of service and only on the homeowner's Lot. Signs advertising the sale, lease, or rental of property must conform to the Fairfax County Zoning Ordinance 12 - 103. This ordinance permits only one

sign per Lot (except corner lots which may have two), and those signs must not exceed 4 square feet nor 6 feet in height. The restriction of one sign per property applies no matter where the sign is placed on the Lot. Temporary signs advertising craft sales, garage sales, open houses, etc., may be put up no more than 24 hours before the event, and must be removed within 24 hours after the end of the event advertised.

2.5 Clotheslines

The use of clotheslines is allowed only in rear yards or where not visible from the street and only when such use does not adversely impact any adjacent properties.

2.6 Clutter

Homeowners may not leave tools, ladders, building materials, play equipment, supplies and equipment outdoors in view of neighbors and pedestrian or vehicular traffic when not in use. These items must be put away at the end of each day. In addition, gardening materials, such as mulch, topsoil, gravel, etc. shall not be deposited in the street or on the shoulder of the street in front of the homeowner's lot. The continued presence of these items adversely affects the natural attractiveness of the neighborhood, and creates a safety hazard.

Trash, junk, building materials, appliances, infrequently used and broken items, including play equipment, dead limbs/trees/bushes (where discernible from the natural landscape) should not be accumulated in yards, front or rear, or where visible from the street, adjacent properties, or common areas, and should be removed when not in use for an extended period.

2.7 Trash, Recyclables and Refuse Removal

To preserve the attractiveness of the neighborhood, trash and refuse must not be set out for collection prior to dusk the day before scheduled trash and refuse removal. Since the trash disposal service does not always return the containers to the side of the road, containers must be removed the same day that trash removal occurs to avoid hazards in the roadway and to preserve the appearance of the community.

Garbage containers must be covered when possible, and trash will be placed in front of the owner's property on days of collection, within the extension of the property lines. At all other times, trash and garbage containers must be stored out of street view.

3.0 ARCHITECTURAL REVIEW STANDARDS

The standards which follow address a broad range of exterior alterations for which homeowners frequently submit applications to the Architectural Review Committee (ARC). Since it is impossible to address each specific design condition, these standards are presented to outline the criteria that should be considered by homeowners when submitting an application to the ARC for a proposed alteration. For example, the standards often outline the permitted size, location, quality of construction, materials and color based on the intended *use of the proposed alteration* and its relationship to surrounding areas.

An owner's review of these standards should assist the homeowner in submitting a complete application for approval to the ARC, which will expedite the ARC's review of the proposal. If an application is not approved by the ARC, the homeowner may be informed as to possible alterations which, if made, would gain the approval of the ARC.

These standards should in no way restrict the homeowner in the design of well thought out alternative approaches where the homeowner can demonstrate the feasibility of the alternate design and its harmony with the aesthetic standards of the SWHOA.

Since special circumstances may apply to any given Lot, homeowners should not assume that their project will be approved simply because a neighbor has been given approval for a similar (or identical) project on a nearby Lot. Accordingly, if an owner commences construction of an alteration without the required approval of the ARC, the owner will be solely responsible for the costs (including, but not limited to, legal fees) associated with the removal of the alteration from their Lot, if the alteration does not conform to the SWHOA's Governing Documents or otherwise satisfy the criteria set forth herein.

SPECIAL NOTE: The ARC assumes no responsibility for the safety of new construction by virtue of design or workmanship. ARC approval of a design implies only that the design meets with accepted aesthetic standards of Shaker Woods. In addition, many modifications and additions require Fairfax county review and permits. It is the homeowner's responsibility to obtain all required county approvals. Fairfax County should be contacted prior to beginning any work in order to verify the procedures that

must be followed and to obtain any required permits, and should be sought before ARC approval is requested. However, County approval does NOT eliminate the need for ARC approval and vice versa.

3.1 Design Review Criteria

The ARC evaluates all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior alteration in one instance, may not be acceptable for another.

Design decisions made by the ARC in reviewing applications are not based on personal opinion or taste. Judgments of acceptable design are generally based upon the following criteria, which represent in more specific terms the general standards of the SWHOA's Declaration:

- a. Relation To The Shaker Woods Open Space Concept: Fencing in particular can have damaging effects on open space. Other factors, such as removal of trees, disruption of the natural topography and changes in the rate and direction of storm water run-off also adversely affect the Shaker Woods open space.
- b. Validity Of Concept: The basic idea must be sound and appropriate to its surroundings.
- c. Design Compatibility: The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.
- d. Location And Impact On Neighbors: The proposed alteration should relate favorably to the landscape, the existing structures, and the neighborhood. It should NOT adversely affect any of the properties within view of the proposed project.

The primary concerns are access, view, sunlight, ventilation, and drainage. For example, fences could obstruct views, breezes, or access to adjacent properties; decks or larger additions could cast unwanted shadows on an adjacent patio or infringe on a neighbor's privacy.

Since alterations can impact adjacent properties, it is strongly suggested that the applicant discuss the proposal with the neighbors prior to submitting the application to the ARC. It may be appropriate in some cases for the applicant to submit neighbors' comments along with the application. Since the ARC may consult affected neighbors to confirm that they have been notified of the proposed projects, prior discussion with neighbors will expedite the ARC's review process.

- e. Scale: The size (in all three dimensions) of the proposed alteration should relate well to adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.
- f. Color: Color may be used to soften or to intensify visual impact. Parts of the addition that tie into the existing house (such as roofs and trim) should be matching in color.
- g. Materials: Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials used in the original house. For instance, horizontal wood siding on the original house should be reflected in the alteration/ addition. On the other hand, an addition with wood siding might be compatible with a brick house.
- h. Workmanship: Workmanship is another standard which is applied to all exterior alterations. The quality of work should be equal to or better than that of the surrounding structures. Poor construction practices, besides causing the homeowner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.
- i. Timing: Projects which remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for the neighbors and the community. All applications must include the estimated completion date. If such period is considered unreasonable, the ARC will disapprove the application. Projects shall, unless otherwise agreed to by the ARC, be commenced within 180 days of approval and completed within the date specified by the SWHOA Board.

3.2 Applications

3.2.1. Contents of the Application

The SWHOA/ARC Application form can be found in Appendix A of these Rules, can be obtained from any SWHOA Board Member, or downloaded from the SWHOA Website. Applications to SWHOA/ARC for any modifications or additions should include (as applicable):

- a. Estimated start and completion dates for the project.
- b. A site plan, where applicable, showing location, dimensions, elevations, and relation to the applicant's house, adjacent houses, any other structures, and property lines.
- c. Description of the materials to be used, including color.
- d. A scaled drawing or photograph of the proposed modification, showing in elevation or perspective, the relationship to the applicant's house, if applicable.
- e. Sketch, photograph or sample of the manufacturer's product proposed for use. Information on the proposed device, and the dimensions, construction details, method of installation or attachment to the house, materials and color used should also be included.
- f. Details of any proposed landscaping/planting that will be installed to lessen the visual impact of the modification, if appropriate.
- g. Details of railings, posts, stairs, steps, benches and other details as required to clearly describe in the proposal.
- h. With respect to a proposed fence, the rationale for the desired fence and an explanation as to why an alternative to fencing (e.g., landscaping) is not appropriate.
- i. An indication of what provisions have been made for storm water run-off and direction of flow when applicable.

For larger projects such as pools, patios, decks, porches, or additions, an application for preliminary approval is highly recommended to be submitted to the ARC to prevent additional expense to the homeowner in accommodating any changes required by the ARC. The preliminary application should include as much information as possible about the project. The final application may be a duplicate of the documents which are to be submitted to Fairfax County for any required permits or approvals.

3.2.2 ARC Action on an Application

If an application includes all the necessary supporting documentation, the ARC will send an email acknowledgement of the receipt of the application to the homeowner within one (1) week of receipt of the application. Once an application has been acknowledged by the ARC as complete, the ARC shall advise the applicant by email as to whether the application has been approved, conditionally approved or disapproved within 30 days. If email is not available to an applicant, the application and related written communications can be sent to the SWHOA Post Office Box, P. O. BOX 1017, Herndon, VA, 20170.

3.3 Exterior Home Modifications

3.3.1 Decks And Porches

An application for approval must be submitted to the ARC and approval received prior to the construction of any decks or porches on a Lot. Decks and porches are an extension of the house, and therefore, have significant impact on its appearance. Decks may also affect the privacy of adjacent properties. These two factors are weighed heavily in the review of applications. The following considerations should be taken into account in planning the addition of decks and porches:

- a. Modifications to existing decks should provide continuity in detailing such as material, color, and the design of railings and trim.
- b. Privacy of adjacent homes should be considered in the planning of decks.
- c. Shadow patterns created by decks should be considered particularly as they affect the use of outdoor space as well as impact on grass and plant materials.
- d. Decks are primarily located in the rear yards, although applications for decks in

other locations will be considered under special circumstances where warranted.

- e. Wood decks may be left to weather naturally. If a deck is not left to weather naturally, any colors used in staining or painting should be compatible with the applicant's house. Since semitransparent stains retain their new appearance longer without continual maintenance, they are generally preferred over opaque stains. Paint will match or be complementary to the house trim.
- f. Screening used in porches should match the color of existing window and door screens, and the porch must conform to the standards of Section 3.1.

3.3.2 Storm and Screen Windows And Doors

Existing storm doors and windows may be replaced without submitting an ARC application as long as the replacements are of the same style, color and ornamentation as the originals. The addition of energy conserving measures, such as storm doors and windows, must not compromise the visual quality of the neighborhood. Any changes to existing storm door and window components require an application for approval to be submitted to the ARC that conforms to the standards outlined below:

- a. Architectural Continuity: Many homes in Shaker Woods have been designed so that the addition of storm windows on the outside would seriously disrupt the architectural continuity of the structure. Often installation of storm windows on the inside or the use of insulating glass is a viable alternative.
- b. Color: Storm windows or screen doors must be painted to match or complement entry doors behind them. However, special consideration will be given to doors that match the architectural trim. Consideration will depend upon the design of the particular door and its relation to the design of the house and adjacent houses. Generally, storm and screen window frames or doors should be compatible with the color of the existing window frames or doors.

3.3.3 Additions

An application for approval must be submitted to the ARC and approval received prior to the construction of any additions to a dwelling. The major features of the house, such as vertical and horizontal lines, projections and trim details should be reflected in the design

of additions. The general standards listed in Section 3.1 must also be followed.

3.3.4 Major Exterior Alterations

Major alterations are generally considered to be those which substantially alter the existing structure either by subtraction and/or addition. However, other site changes such as driveway and walkway modifications are also considered a major exterior alteration. An application for approval must be submitted to the ARC and approval received prior to the construction of any major exterior alteration on a Lot. The following factors must be considered in proposals for major exterior alterations:

- a. The design of major alterations should be compatible in scale, color, and materials with the applicant's house and adjacent houses.
- b. The location of the alterations should not impair the views, amount of sunlight or natural ventilation on adjacent properties.
- c. Any pitched roofs which may be added should match the slope of the roof on the applicant's house.
- d. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well with the location of exterior openings in the existing house.
- e. If changes in grade, landscaping or other conditions which will affect drainage are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.
- f. Construction materials should be stored so that impairment of views from neighboring properties is minimized. Excess material and debris should be removed promptly after completion of construction.

3.3.5 Sun Control Devices

An application for approval must be submitted to the ARC and approval received prior to the installation of any sun control devices on a dwelling. Awnings and trellis work can provide effective control of the glare and excessive heat buildup on windows and door openings. The manner in which the sun control is implemented has considerable effect on

the visual appearance of the house and the neighborhood.

Materials are available for application on the inside of windows to reduce thermal transmission and glare. These materials may provide effective and economic alternatives to awnings and trellises. Effective sun control can often be provided by white-backed insulated curtains, Venetian blinds, or planting deciduous trees to shade the windows. In the event that these alternatives are not sufficient, the following standards should be followed in selecting a sun control device:

- a. Materials And Color: Sun control devices should be compatible with the architectural character of the applicant's house, in terms of style, color, and materials. Solid colors should be used rather than stripes or patterns. Trellis work should match the trim color of the house. Pipe frames for canvas awnings should be painted to match the dominant trim color of the house. When awnings are removed for storage (e.g. for winter), the pipe frames must also be removed.
- b. Design And Appearance: When awnings are used, they must be of straightforward design without decorative embellishment such as scallops, fringes, and contrasting color stitches. Awnings and trellises should be consistent with the visual scale of the house to which they are attached.
- c. Location: Awnings may not be used on the front of the houses, and where used, must not adversely affect the views, nor block sunlight or natural ventilation of adjacent properties.

3.3.6 Air Conditioners and Heat Pumps

Air conditioning units extending from the windows are prohibited. Replacement air conditioning and heat pump units installed in the same location on a Lot as the unit being replaced do not require the prior approval of the ARC. Exterior units added or relocated to new locations do require an application for approval to be submitted to the ARC.

3.3.7 Attic Ventilators and Radon Remediation Systems

Attic ventilators or other mechanical apparatus requiring penetration of the roof should be as small in size as functionally possible, and should be painted to match the roof. They should be located on the least visible side of the roof (generally the side of the roof furthest from the homeowner's street) and should not extend beyond the ridge line.

3.3.8 Chimneys and Metal Flues

Metal flues which penetrate the roof should be painted either flat black or to match the roof. Masonry chimneys and wood flue enclosures may be used when compatible in design, location, and color with the existing house.

3.3.9 Exterior Lighting

Any exterior lighting should be positioned so that it illuminates only the homeowner's property and does not intrude on the privacy of any adjacent or facing properties.

3.3.10 Exterior Painting

Repainting or staining to match original colors need not be submitted to the ARC for approval.

Change of exterior color should relate to color of the other houses in the immediate area, and must be submitted to the ARC for review. Color changes apply not only to the house siding, but the trim, roofs, doors, shutters, and other apparent structures to include out buildings.

3.4 Yards and Landscaping

3.4.1 Front and Back Yards

Properties with front and/or back yards that are visually open to adjacent properties shall maintain the yards in a manner that will not adversely impact views from adjacent yards, such as by the storing large, unused items out of sight, not allowing the overgrowth of weeds, keeping clutter to a minimum, and adhering to all maintenance standards set forth elsewhere in these Guidelines and Rules.

3.4.2 Fences

An application for approval must be submitted to the ARC and approval received prior to the construction of any fencing on a Lot. Fencing is used to separate property, provide security for pets and / or children. In achieving any one of these goals, a barrier is created which has both visual and physical impact on the boundaries of common land and property of adjacent homeowners. In general, fences are incompatible with the open space concept of Shaker Woods. Hence, only under special circumstances shall the ARC consider

the approval of additional fences in Shaker Woods. In all cases when applications for fences are approved, landscaping will be required to reduce the visual impact of the fence. Careful consideration must be given to the basic fencing concept and the manner in which the concept is executed.

Remember, there are alternatives to fencing that may achieve the needed results. For example, short segments of screen fencing may be combined with landscaping to achieve the desired amount of privacy without a severe impact on natural open space. The use of plant material alone can be a viable alternative. The following considerations must be taken into account in all applications for fencing:

- a. Height: Fence height should be no greater than necessary for its intended use. The fence must not exceed a height of 6 feet (including any decorative additions to the top) regardless of purpose. The height and design of fences should conform to other fencing that may exist in the area.
- b. Openness: The degree of "openness" of a fence will depend on its purpose, however, the use of solid fencing for privacy will also produce undesirable consequences for adjacent properties (such as shadows, loss of natural ventilation, and unsightly views). Therefore, this type of fencing is discouraged and, absent special circumstances, privacy should be achieved through the use of landscaping rather than continuous, solid fencing.
- c. Location: Fencing should relate to the principle architectural features of the house design, location and the way in which it connects to the existing house. The fence may not extend farther forward than either back corner of the existing house.
- d. Design: The tops of all fences, except certain low-open types (such as split rail) should be maintained parallel to the ground or horizontal. For horizontal if the ground slopes, the fence should be stepped. The bottom of the fence should be no more than 6" to 12" above the grade at any point depending on the type of fence. Vertical parts of the fence should be plumb and not extend beyond the uppermost horizontal portion of the fence. Metal caps on posts are generally not acceptable unless painted to match the fence. Fences will be of quality construction so as not to become a detriment to the adjacent property or neighborhood.

- e. Gates: Gates should match fencing in design, materials, height, and color.
- f. Finishing: Fencing which is finished on only one side must have the finished side facing outwards, away from the Lot.
- g. Type: The type of fencing must be compatible with the applicant's house, but it should also be appropriate to adjacent properties. Chain link fences are generally not acceptable, and barbed wire fences are not acceptable under any circumstances. Property line fencing must be of the open type construction (such as split rail).
- h. Materials: The fencing materials and colors should be compatible with the materials and colors in the applicant's house and the prevailing materials in the adjacent houses. Continuity of texture and scale of materials must also be considered. If masonry is used in the fencing, it must match that of the applicant's house.

3.4.3 Tree Removal

No tree, six inches (6") in diameter or larger measured 4 feet above ground level, shall be removed without the prior approval of the ARC, except where the tree has died or poses an immediate safety threat.

3.4.4 Recreation and Play Equipment

An application for approval must be submitted to the ARC and approval must be received prior to the placing of any recreational or play equipment on a Lot. Most play equipment, such as swings, basketball backboards, etc., is unsightly. Creatively designed equipment is encouraged. The standards listed below are provided in an effort to reconcile the need for play equipment with the goal of minimizing its visual impact. (For guidelines specific to tree houses, see Section 4.6 of these Guidelines and Rules below.)

- a. Location And Size: Equipment should be placed in rear yards, in order to minimize visibility from the street. Consideration may be given to alternate locations, based on the merits of the particular proposal (screening, color, size, etc). Non-permanent equipment, when not in use, should be stored in garages or out of view. Basketball backboards may not be secured to houses or garages.
- b. Materials and Color: Equipment using natural materials is encouraged. Metal play equipment, exclusive of the wearing surfaces (slide poles, climbing rings, etc.), and

basketball backboards and their poles should be painted to blend in with the surroundings, or the color of the house, if it is in close proximity.

3.4.5 Swimming Pools, Hot Tubs and Spas

An application for approval must be submitted to the ARC and approval received prior to the construction of any swimming pool, hot tub or spa on a Lot. Any such application should adhere to the following:

- a. Location: Pools, spas and hot tubs should be located in rear yards, although if special circumstances apply (such as unusual topography), consideration may be given to other locations. It is important to keep pool walls an adequate distance from the property lines. Above ground swimming pools will not be approved.
- b. Fencing: The pool, spa or hot tub and any mechanical equipment must be protected by a fence. Fences and gates must conform to the standards enumerated for fences in Section 3.4.2 above. Approval of the fence will be considered as part of the swimming pool application, and shall be contingent upon the completion of the pool.
- c. Government Approvals: All applications for the construction of pools, spas and/or hot tubs must include copies of all current, required state and local permits and comply with all applicable government standards.
- d. Pool Use: All pool use must conform to Fairfax County Noise and other applicable Ordinances.

3.4.6 Vegetable and Herb Gardens

While ornamental flower gardens may enhance the beauty of a property; vegetable and herb gardens are more functional in nature and should, therefore, be confined to rear yards or other locations where they are not visible from the street.

3.4.7 Patios and Ground Level Decks

For patios and ground level decks not immediately adjacent or attached to the house, an application for approval must be submitted to the ARC and approval received prior to the construction of any patio or ground level deck on a Lot. Any such application should adhere to the following criteria:

- a. Location: Patios should generally be located in rear yards. However, front and side yard locations will be evaluated on the merits of the individual proposal.
- b. Materials and Color: Materials should have natural weathering qualities such as brick, wood, stone, concrete or any approved composite material. If stains are used, the semitransparent varieties are preferred. The material used in ground level decks should generally match the trim or dominating color of the applicant's house. Certain kinds of woods may be left to weather naturally, but should be maintained on a regular basis.
- c. Drainage: If changes in grade or other conditions which affect drainage are anticipated, they must be indicated in the application. Generally, approval will be denied if the adjoining properties are adversely affected by changes in drainage.

3.4.8 Greenhouses

An application for approval must be submitted to the ARC and approval received prior to the construction of any greenhouse on a Lot. Any such application should adhere to the following criteria:

- a. Location: Greenhouses should be located in the rear of the house.
- b. Design: Greenhouses should maintain a continuity of building lines, materials, etc., with the primary structure. Detached greenhouses should conform to standards established for storage sheds regarding size and location set forth in Section 4.1 below.

3.4.9 Retaining Walls

An application for approval must be submitted to the ARC and approval received prior to the construction of any retaining wall on a Lot. Retaining walls may be used to preserve trees, improve drainage patterns, and define area. Walls should be kept as low as possible. Use of indigenous rock or wood in combination with appropriate landscaping is encouraged.

Because retaining walls may alter existing land forms, the design of such walls should be carefully considered to avoid adversely affecting drainage patterns.

4.0 MISCELLANEOUS

4.1 Storage Sheds / Out Buildings

An application for approval must be submitted to the ARC and approval received prior to the construction of any shed or out building on a Lot. Well designed and sited storage sheds or out buildings can materially enhance individual property and the neighborhood by concealing many cluttering objects such as garden tools, trash cans, bicycles, etc. To achieve this effect, the building will be compatible with the architecture of the applicant's house and landscaping as indicated below:

- a. Location: Sheds should be located in rear yards. Sheds which are close to the house, however, require more attention to compatibility of architectural details. Views from other properties should always be considered and additional landscaping may be required to lessen the visual impact.
- b. Materials and Color: Materials and color should match or generally be compatible with the house or setting to which it is most visually connected or physically attached. In most instances, this includes matching major materials such as siding and roofing, dominant colors, construction details such as trim, and roof pitch.
- c. Size: While sheds must provide sufficient volume for their intended use, they must be of a size which is appropriate for the size of the property, and which is architecturally compatible with the applicant's house and adjacent houses.

Unless attached to the primary structure or privacy fencing, sheds on wooded lots should be located so that they will be screened from view by existing trees. Metal storage sheds of straight forward design are discouraged, but will be considered on their individual merits. Sheds which are remotely located from the primary structure should be painted to blend in with the background.

4.2 Temporary Storage Containers and Trash Dumpsters

An application for approval must be submitted to the ARC and approval received prior to the placement of any temporary storage container or trash dumpster on a Lot. The application must specify the project requiring these items, the proposed location, and the time frame for placement and removal. Storage containers, including storage "pods", may

not be stored: a) in street view on any Lot, or b) on the private streets or common areas within the SWHOA. If the storage container or dumpster is used as part of a renovation, the homeowner shall note this in the application for ARC approval, and state the time frame that the storage container will remain on the Lot. If the storage container remains on the property beyond the time frame set forth in the ARC application, this shall be considered a violation of these Guidelines and Rules.

4.3 Garages

An application for approval must be submitted to the ARC and approval received prior to the construction of any garage on a Lot. Detached garages should relate appropriately to the house and environs, and are subject to the same construction guidelines as sheds or other out buildings. Specific site and design considerations will be evaluated on their individual merits and must conform to the general standards defines in Sections 3.1 and 4.1 above. Carports are incompatible with the character of the neighborhood and shall not be allowed. Garage doors should be compatible with the design of the house. Roof configuration and ridge lines for any garage should relate positively to those of the applicant's house.

4.4 Driveways, Walkways and/or Parking Pads

An application for approval must be submitted to the ARC, including dimensional drawings of the changes sought and plans to address drainage issues, and approval received prior to altering the surface or rerouting any driveway, walkway or parking pad on a Lot. Any application for changes in surfacing or rerouting of driveways will be evaluated in terms of the visual impact on the site and surrounding properties. Where possible, access to corner lots shall be from the least traveled streets.

Generally for driveways and parking pads, only hard, stabilized surfaces such as asphalt, paving block or concrete will be approved. Materials other than these will be considered ONLY if they are compatible with the surroundings. Parking pads must be constructed of the same materials as the existing driveway.

4.5 Dog Houses

An application for approval must be submitted to the ARC and approval received prior to erecting any dog house on a Lot. Dog houses should be compatible with the applicant's house in color and materials, and should be located where they will be visually unobtrusive such as rear yards, or in wooded areas.

Dog runs will not be permitted.

4.6 Other Free-Standing Structures (Tree Houses, Gazebos, Etc.)

An application for approval must be submitted to the ARC and approval received prior to the construction any free-standing structure on a Lot. Any such structure should be compatible with the architecture of the applicant's house and landscaping as indicated below:

- a. Location: Structures should be located in rear yards. Views from other properties should always be considered and additional landscaping may be required to lessen the visual impact.
- b. Materials and Color: Materials and color should match or generally be compatible with the house or setting to which it is most visually connected or physically attached. In most instances, this includes matching major materials such as siding and roofing, dominant colors, construction details such as trim, and roof pitch.
- c. Size: All structures must be of a size which is appropriate for the size of the property, and which is architecturally compatible with the applicant's house and adjacent houses.

4.7 Mailboxes

Replacement of an existing mailbox does not require the prior approval of the ARC as long as the replacement follows the standards below and is the same style and approximate size as the original.

Mailboxes are a functional necessity, not a decorative item. Since they are usually in a very prominent and visible location they should be straightforward in design, mounted on a plain metal or wooden post and well maintained in a condition substantially similar to its original condition. They should be painted black, or earth tones, or to match or complement the house trim. The visual impact of the mailbox in combination with those on nearby properties must be taken into account in the evaluation of any particular proposal. Its location must not obstruct any traffic sight lines.

4.8 Flags and Flagpoles

An application for approval must be submitted to the ARC and approval received prior to the installation of any permanent flagpole with flags. Permanent flagpoles should be of the height, color and location which are appropriate to the Lot and neighboring property. Permanent free standing flagpoles, if approved by the ARC, must be installed and maintained in a vertical position. Temporary flag poles and staffs may be installed near the front door of a dwelling without the prior approval of the ARC; however, any such staff must be no longer than 6 feet when fully extended.

4.9 Solar Standards

An application for approval must be submitted to the ARC and approval received prior to the installation of any solar collectors on a Lot. Solar collectors should be located in such a way as to minimize visibility from the street and adjacent properties. The more visible the installation, the more critical will be the degree of integration into the architectural style of the applicant's house.

The following considerations should be taken into account in the design of any solar installation:

- a. Color: Support racks and the frames of the collectors must be painted to match the background, or in some cases, be enclosed and painted to match an architectural building element.
- b. Appearance: Piping, wiring, and control devices must be concealed or designed to be unobtrusive in appearance. The entire installation should appear integral with the roof if the collectors are on the roof.
- c. Trees: If the collectors require the removal or significant pruning of existing trees, the application generally will not be approved.

4.10 Antennas

Generally, exterior TV antennas and satellite dishes will not be approved. The design of alternatives to the traditional type of exterior antennas will be considered in the evaluation of any particular proposal.

The availability of trees to screen the visual impact of the antenna, and the location and

visibility from neighboring properties will be an important consideration in the review.

Radio antennas (CB, etc.) must also meet the above criteria.

4.11 Propane Tanks

An Application for ARC approval must be submitted and approval received prior to the installation of any propane tank on a Lot. Propane tanks will be installed such that they are not visible from the street. Screening or plantings shall be used to achieve this objective.

5.0 ARCHITECTURAL REVIEW

Even if homeowners believe that their planned alterations will comply with the standards provided herein, they must still submit an application in accordance with paragraph 3.2 above, and receive approval prior to beginning any alteration, addition, modification or change to the exterior of their home or property. As set forth in Section 3.2 above, Application forms can be requested from a SWHOA Board Member or can be downloaded from the SWHOA Website, theshakerwoods.org. All applications for approval of an alteration or modification must be hand-delivered or sent via certified mail, return receipt requested, to the Architectural Review Committee.

The SWHOA Board or ARC may accept applications in other forms (e.g., email/registered mail) but a homeowner must receive express written acknowledgement that the application is being formally accepted in that fashion.

If a homeowner does not agree with the final decision of ARC, the homeowner can appeal the decision to the SWHOA Board of Directors. The Board of Directors will act as a "check and balance" for the ARC, working with the homeowner and the ARC towards a resolution. Any such appeal must be mailed, via certified mail, to the Board of Directors within fourteen (14) days of the date of the ARC's written decision. The decision of the SWHOA Board of Directors will be final and will be issued in writing to the affected homeowner.

FURTHER REGULATION: The SWHOA Board may, from time to time, in accordance with Virginia Law, revise or supplement these guidelines, rules and standards as deemed appropriate and such revisions shall be published to the members of the SWHOA.

5.1 Property Access

Upon reasonable notice (consisting of a phone call, email or written notice), homeowners shall grant access during daylight hours to representatives of the Board of Directors and the ARC, to the exterior of their Lot for the purpose of assisting the Board or ARC in the review of applications submitted to the ARC, the resolution of disputes, and/or compliance with such approvals and inspections of property for preparation of disclosure packages (see Section 5.2 below).

5.2 Selling A Home

The SWHOA is required by Virginia law to provide prospective buyers or homeowners with disclosure packages. A disclosure package includes a copy of these Guidelines, Rules and Standards and sets forth information concerning the SWHOA and the Lot and enumerates conditions of the property which are not in compliance with the SWHOA's Governing Documents (which include the Declaration, Bylaws, Articles of Incorporation and all Rules and Regulations adopted by the Board of Directors of the Association). The existence of any violations can adversely affect the resale of the property until the condition is corrected. Therefore, it is in the interest of all homeowners to assure that their Lot is maintained in accordance with these Guidelines and Rules and that any proposed alterations are not commenced without the prior written approval of the SWHOA Board or ARC.

Accordingly, when a homeowner wishes to sell his home, he must obtain a Disclosure Package from the SWHOA. As of the date of these Guidelines, any request for a resale Disclosure Package should be directed to the ARC in writing. An inspection of the property will be performed by a representative of the SWHOA ARC in order to complete the preparation of the Disclosure Package. Any owner who requests a resale Disclosure Package from the SWHOA will be deemed to have consented to granting representatives of the SWHOA with access to their Lot for the purpose of conducting inspections.

6.0 Enforcement and Violations

The guidelines, rules and standards contained in this document shall be enforced by the SWHOA ARC and the Board of Directors in accordance with the By-Laws and Virginia law. Any homeowner may notify the Board or ARC of a perceived violation. Per the Declaration of the Association, "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 thereafter."

6.1 Follow-Up Inspection

At the completion of any approved project, the ARC will make a follow-up visit to verify that the outcome agrees with the original application.

6.2 Complaints by Homeowners/ARC Reviews

Any homeowner may notify the Board of Directors or the ARC of a perceived violation. This notification must be in writing or by email and must identify the complainant. The identity of the complainant will be shared with the members of the SWHOA Board and ARC but not necessarily with other homeowners; however, the identity of a complainant may be shared with the homeowner in cases where the complaint cannot be independently verified by the SWHOA Board or ARC or where further enforcement action is warranted. The SWHOA Board or ARC will investigate all complaints and determine the appropriate action to be taken, if any. In addition, the ARC may act on its own initiative to review the condition of any homeowner's property, and may send Notices of Violation of these Guidelines and Rules to a homeowner when warranted.

6.3 Violations

Per the Virginia Property Owners Association Act and SWHOA Policy Resolution 99-01, the Architectural Review Committee or SWHOA Board of Directors may impose a monetary charge of up to \$50.00 per violation and an additional \$10.00 per day for each violation of a continuing nature. Monetary charges for any continuing violation of the Association's Governing Documents may accrue for up to 90 days or such period as permitted by Virginia Law.

The Board may also suspend an owner's right (and that of his or her family members, guests and tenants) to use the facilities or receive services during any period in which an owner is delinquent for at least 60 days.

Prior to imposing monetary charges or suspending facilities or services, the Board shall follow the due-process procedure set out in Policy Resolution 99-01. These procedures are summarized as follows:

- a. The Board shall provide the owner with written notice describing the violation and requesting the violation be corrected and a time period (not less than 14 days from the date of the notice except in emergency situations or violations involving safety

issues) in which the owner has the right to correct the violation, pay any outstanding charges, or request a hearing before the Board. The notice may be copied to any tenants involved but the owner of the property bears the primary obligation to notify any tenants involved.

- b. The Board or its designee shall confirm correction of the alleged violation within the time period prescribed in the first notice.
- c. If the homeowner requests a hearing within the time period specified, a hearing will be scheduled and written notice shall be sent to the homeowner at least 14 days in advance of the meeting.
- d. The hearing shall be held before the Board of Directors in an open session except for deliberations by the Board which may be held in closed session. The owner has the right to have counsel present (however, the Board reserves the right to reschedule the hearing if the owner brings counsel, in order for the Board to be similarly represented) and to present any and all evidence in his or her defense.
- e. Failure of the homeowner to request a hearing or to attend the hearing constitutes a waiver of the opportunity to be heard and the Board may make a decision to impose monetary charges or suspend privileges as if the owner were present.
- f. If a hearing is requested, the SWHOA Board of Directors shall issue a written notice to the owner advising them of the outcome of the hearing within seven (7) days of the date of the hearing or such other time frame permitted by Virginia law.

The SWHOA Board of Directors reserves the power to hold owners legally responsible for ensuring that they and their tenants, guests and invitees comply with the Governing Documents, and these Guidelines, Rules and Standards contained herein. The Board may exercise all enforcement procedures and remedies authorized by the Governing Documents and Virginia law, outlined above, including, but not limited to, the initiation of a law suit, to enforce these Guidelines, Rules and Standards.

APPENDIX A
SWHO A ARC STANDARD APPLICATION
FOR REVIEW
(revised September 2010)

DRAFT

**SWHOA ARCHITECTURAL REVIEW COMMITTEE
STANDARD APPLICATION FOR REVIEW**

1. GENERAL INFORMATION

Name: _____ Date: _____
Property Street Address: _____ Lot #: _____
Telephone Number(s) Home: _____ Work: _____
E-mail: _____
Mailing Address (If different from above) _____

2. REQUEST FOR STANDARD EXTERIOR CHANGE (Check appropriate box; please submit separate application for each project)

- Major Exterior Alterations (Garages, Driveways, Additions, Siding, Roof)
- Storage Sheds Fence Storm Windows & Doors
- Recreation and Play Equipment Deck/Patio Swimming Pool
- Greenhouses / Pool houses Tree Removal Solar Collectors
- Miscellaneous (See ARC Guidelines)
- Add dumpster or storage pod (please specify time frame, from _____ to _____)

3. DESCRIPTION (Must conform with specific ARC guidelines; describe materials, color, quality of construction, dimensions, etc.)

4. PURPOSE for change/modification _____

5. ATTACHMENTS (Please attach property site plan showing location of project, if applicable, and sketches, photographs showing dimensions, and any additional information as appropriate.)

- Attachments enclosed Attachments NOT enclosed

6. ESTIMATED COMPLETION DATE: _____

Permission is hereby granted for members of the SWHOA Architectural Review Committee, as necessary, to enter on my property to make reasonable inspection of the construction location both prior to construction and post construction.

OWNER'S SIGNATURE: _____

The application can be submitted via email to arc@theshakerwoods.org or via regular mail to SWHOA, P.O. Box 1017, Herndon, VA 20172

ARC ACTION: APPROVED _____ DISAPPROVED _____ DATE _____