

Belle Pond Farm Homeowners Association

ARCHITECTURAL CONTROL STANDARDS & MAINTENANCE GUIDELINES

The purpose of these Architectural Control Standards & Maintenance Guidelines (“Standards”) is to ensure lot and house exteriors are in harmony with the immediate neighborhood and community as a whole. The Standards are intended to preserve, protect and enhance the property values in our community. Each article set forth below is designed to assist homeowners in determining what additions or alterations are consistent with the Standards, and in providing guidelines for the maintenance of each homeowner’s lot and of the exterior of each house. *The Standards are not intended to be all-inclusive or exclusive, but rather serve as a guide to what additions or alterations may be made.*

As is discussed below, homeowners must request written approval from the Board of Directors (“Board”) for the Belle Pond Farm Homeowners Association (“Association”) prior to the homeowner (or the homeowner’s resident or tenant) commencing any additions or alterations to the exterior of their property. To assist the Board in this regard, the Board appoints three or more representatives to serve on the Architectural Control Committee (ACC). The ACC is responsible for reviewing homeowner’s applications for written approval pursuant to the Standards, for ensuring that the exteriors of all properties in the Association are in accordance with the Standards and the covenants set forth in the Declaration of Covenants, Conditions and Restrictions (“Declaration”), preserve the overall design of the Association, and do not adversely affect property values. These articles will be used by the ACC in reviewing homeowners’ submissions and determining overall property compliance.

The authority for the Board’s adoption of the Standards is based on the Declaration (specifically including the provisions of Articles V and VII) and Section 55-513 of the Virginia Property Owners’ Association Act (“Act”) found at: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+55-513>.

**Belle Pond Farm
Architectural Standards**

The Declaration establishes certain restrictions on the use of lots within the Association and provides a framework for enforcement and architectural control through the Board and the ACC.

The ACC:

1. Reserves the right to inspect/photograph any lot and house exterior, at any time to determine it's compliance to the standards.
2. May send notice letters based on walk-by inspections, notifying homeowners of necessary repairs/maintenance or required approvals.
3. Will require violations to be corrected or disputed in writing within 30 days of the date of the receipt of a notice of violation.
4. Will consider any unauthorized changes, as defined herein, to the lot and house exterior to be an infraction of the standards, and subject to corrective action.
5. May recommend that the Board take additional enforcement measures, to include legal action to correct and bring into compliance any outstanding infractions to these standards.

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General

“No building, fence, wall or other exterior structure shall be commenced, erected or maintained upon the properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, dimensions, color, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography” by the ACC. *Declaration, Article V, Architectural Control.*

“No building, structure, or other improvement whose plans and specifications have been approved initially by the Board . . . shall be used for any purpose other than that for which such building, structure or other improvement was originally designed, without the approval of the Board”.

Declaration, Article VII, number 4.

The ACC Application Process:

1. For all modifications, additions or alterations to the Lot or exterior of the house that require the ACC's prior approval, the owner must submit an application to the ACC, to include a Modification/Improvement Request Form, which must be used in applying for approvals. A sample form is attached as Exhibit A. The completed Request Form and attachments (“Application”) may be delivered or mailed to the ACC at the following address:

**Belle Pond Farm Homeowner's Association
Architectural Control Committee
PO Box 617
Centreville, VA 20122**

2. Upon receipt by the ACC, the Application will be reviewed to make certain that all required documentation has been submitted and to make certain that there are no questions that need to be answered by the applicant before the review process begins. If additional material is required or requested, the review process will not begin until the owner has submitted this information. If the Application is complete in terms of documentation, and its intent clear, the review process may begin. The ACC has thirty (30) days to review a completed Application. The decision of the ACC will be sent to the applicant's address as shown on the Application. Failure of the ACC to act upon any Application submitted within thirty (30) days from the date a completed Application is received by the ACC shall be deemed approved as submitted.

3. All projects or work approved by the ACC shall be commenced within three (6) months of the date of approval and shall be completed within eighteen (18) months from the date of approval. In the event that work has not commenced within the six-month time frame or is not completed within eighteen (18) months, the applicant must request a reinstatement of approval from the ACC.

The ACC Appeal Process:

1. The applicant or other affected homeowner may request an appeal of the ACC decision to the Board. No action may be taken on the part of the applicant until after the Board has reached a final decision.

2. To request an Appeal, the applicant or any affected homeowner must submit a written request to the Board not more than thirty (30) days after receipt of the ACC's decision. The appeal request must state the reason and basis for the appeal. Only the reasons stated in the request will be considered by the Board. The Board will schedule a hearing date within 30 days of receipt of the appeal request. The applicant or other affected residents will be given at least 30 days advance notice in writing of the hearing date

3. Once an appeal decision is made by the Board, that decision is final.

Building Permits:

1. For a change or addition to an existing building, an exterior alteration, or any new detached structure requiring a Fairfax County building permit, the homeowner or the contractor shall obtain all required County permits prior to commencing work and satisfy any subsequent inspections.

2. Approval of an exterior change or addition by the ACC or the Board in no way signifies compliance with federal, state, or local ordinances, and in no way relieves the homeowner of the obligation to obtain appropriate governmental permits.

Damage to Common Area:

Any damage to common area property or easements during any construction or maintenance to a home or lot shall be repaired and returned to its pre-damaged condition within 30 days by the homeowner. Failure of an owner to timely make the necessary repairs will result in the Board having the damage repaired and then holding the owner responsible for the repair costs by assessing said costs to the owner, or by taking legal action.

Maintenance:

Lack of proper maintenance to a lot, house or any structure, which, over time, that creates a significant adverse impact on its appearance, may be viewed as an unauthorized change subject to action by the Board or the ACC.

Enforcement

1. The Standards shall be enforceable by the Board or its agent to the fullest extent permitted under the Act, the Declaration and the Bylaws, and under any other rules and regulations adopted by the Association.
2. Pursuant to Section 55-513.B. of the Act, violations of the Standards may result in rules violation charges being imposed against the offending owner not to exceed \$50 per violation or, in the case of continuing violations, \$10 per day until the violation is abated, for a period not exceeding 90 days, or the maximum amounts otherwise allowed by law. However, imposition of charges shall not occur until after the offending owners has been given notice and an opportunity for a hearing in accordance with the Act and, if applicable, the Association's due process procedures as adopted by the Board. Any charges assessed in this fashion shall be treated as an assessment against the owner's lot for the purpose of Section 55-516 of the Act regarding liens, and shall further be the personal obligation of the owner.
3. Pursuant to Article II, Section 1 of the Declaration of Covenants, Conditions, and Restrictions, the Board may revoke the offending owner's voting rights for a period not to exceed sixty (60) days for each violation, if the violation is not corrected by the owner within thirty (30) days of receiving notice of the violation.
4. Pursuant to Article IX, Section 1 of the Declaration of Covenants, Conditions, and Restrictions, the Board may take legal action against the offending owner to compel the owner's compliance with the Standards.
5. All remedies are deemed to be cumulative and the assessment of charges shall not constitute an election of remedies.
6. It shall be the responsibility of each owner to advise their tenants, family members or other residents of the regulations in these Standards. Ignorance of these regulations shall not preclude their enforcement.

Please note: failure of the Board of Directors or the Architectural Control Committee to enforce any provision, covenant, restriction, rule or regulation will in no event be deemed a waiver of the right to do so thereafter.

Article 1 - Air Conditioners

Prior written approval IS required to add additional exterior units (air conditioner compressors) or to relocate an existing exterior unit. Request must include size of unit and location on plat.

Replacement of existing central air conditioning/heating systems, with like equipment, does NOT require ACC approval. Exterior unit must be level. Through the wall air-conditioning units and window air-conditioning units are not permitted.

Article 2 - Antennas & Satellite Dishes

Prior written approval is NOT required as long as Antennas and Satellite Dishes remain in compliance with section 207. Section 207 of the Federal Telecommunications Act of 1996 ("Section 207") gives homeowners certain rights to install certain antennas, including satellite dishes, in order to receive video programming and broadcast signal reception, and to receive and/or transmit fixed wireless signals. Accordingly, this Article is intended to comply with Section 207. If any instance this Article violates Section 207, then the remaining valid provisions of this Article shall remain in effect. For further information on Section 207, you are encouraged to visit the Federal Communications Commission's website at www.fcc.gov.

Homeowners are not required to have prior approval from the ACC as long as they remain in compliance with Section 207. However, antennas and satellite dishes are subject to the guidelines below, and homeowners will be required to correct any violations.

1. Satellite dishes larger than one meter (39.3 inches) in diameter, and any other dish or antenna not specifically covered by Section 207, are not permitted. Examples of dishes or antennas not covered by Section 207 include, but are not limited to, those that are used to transmit AM/FM radio, amateur ("HAM") radio, Citizens Band ("CB") radio, and Digital Audio Radio Services ("DARS") signals.
2. Homeowners are asked to place the antenna or dish in the least conspicuous place possible. These devices are not to be installed in the front of the lot or on the front facade of a house if another location exists on the lot or house where the device can receive an acceptable quality signal and would not unreasonably increase the cost of installation, maintenance or use of the

device. Whenever possible, the device should be placed to the rear of the house in the most non-conspicuous, least visible location that allows for proper operation. Under no circumstances shall a device be installed on the Association's common area or otherwise encroach upon the common area. Antennas shall be installed no higher than is absolutely necessary for reception of an acceptable quality signal.

3. All antennas that transmit signals must meet all applicable FCC guidelines regarding radio-frequency (RF) exposure limits, and must be professionally installed due to safety concerns related to such exposure.

4. No more than one antenna or dish for each type of service may be installed by an owner.

5. The device should be reasonably screened from view from any other lot or common area, and should be ordered in a color (to the extent available), or should be painted (in a manner that will not interfere with reception or void a warranty) so that it blends into the background against which it is mounted. Wires or cables shall be secured and screened as much as possible without unreasonably increasing the cost of installation, maintenance or use.

Article 3 - Attic Ventilators & Metal Flues

Prior written approval is NOT required as long Ventilators and Flues fully comply with this Article. The ventilator grill must match the siding or trim-color on the house if mounted on a gable end. Roof location shall be on the least-visible side of the roof peak. Ventilators and metal flues shall not extend more than 24 inches above the roof.

Article 4 - Chimneys

Prior written approval IS required for all new chimney installations and replacement of existing installations with material, style or color, which is different from the original

Article 5 - Clotheslines

Clotheslines and associated structures and accessories are NOT permitted.

Article 6 - Compost Piles

Prior written approval is NOT required as long the compost pile fully complies with this Article. One compost pile is permitted for onsite personal use only. This pile must not exceed 4' x 4' x 4' in dimension. This pile must be located behind the rear line of the house, and no closer than 3 feet from any adjacent homeowner's property line. The pile must be maintained free of any offensive odor and infestations.

Article 7 - Enclosed Porches

Prior written approval IS required for the construction of enclosed porches. Request must include full plan with list of materials, photo or dimensional drawing, exterior finish, location with plat and colors to be used. Enclosed porches must be located at rear of house and not to extend beyond sides of house. Finish of porch must be in harmony with style of house and roof.

Article 8 - Exterior Color/Style Change

Prior written approval IS required for any exterior color or style change. Exterior Color/Style changes include, but are not limited to, such items as: siding, doors, shutters, trim, roofing, driveway, sheds and fencing. Approval is not required for renewing existing or previously approved color or style

Article 9 - Exterior Decorative Objects

Prior written approval IS required for all exterior decorative objects placed in the front yard, including natural and man-made, which were not part of the original construction design (whether as a standard or optional feature). Request must include photo or drawing, size, color and plat with location in relation to house and lot lines. An exception is made for small objects that cannot be seen from the street. Decorative objects must be compatible in size, color, and style to the house and community design. Exterior Decorative Objects include, but are not limited to, such items as: Trellis, bird baths, wagon wheels, sculptures, fountains, pools, stumps, driftwood, boulders, free standing poles or fence sections of all types, and items attached to approved structures. Approval is not required for temporary holiday lights and decorative objects for the period four weeks prior to and after the holiday in question.

Article 10 - Exterior Lighting & Electronic Insect Traps

Prior written approval is NOT required as long Exterior lighting fully complies with this Article. Exterior lighting added to the front of the house or visible from the street must match or compliment existing lamp styles. Lighting placed along walkways, driveways or sidewalks must be of low voltage type and unobtrusive in nature, with a black, brown, or dark green finish. All exterior lights must be restricted in intensity and direction so as not to disturb neighbors or become a hazard to traffic.

Electronic Insect Traps are not allowed.

Article 11 - Fences

Prior written approval IS required for all new fence construction, or modifications to existing fencing. Request must include type, style, color, materials, and plat location. All fences must be built on or within the property lines and shall not obstruct vehicular traffic sight lines. Fences must comply with all applicable easement conditions, must not extend forward of the mid point of the side of the house and any adjacent house, must not extend into the front yards, and must be setback a minimum of (3) feet from any common sidewalk to accommodate utility easement access. Fence height shall not exceed 6 feet at any point. Fences built on a retaining wall shall not exceed 6 feet in height, measured from the lowest point of the retaining wall to the top of the fence.

Fencing which is finished on one side only must have the finished side facing out and the support members to the inside of the fence. Gates must be consistent with fence design, material, and height. Wire-mesh screening may be used to increase security as part of a split rail fence installation only. In such cases the wire-mesh will be attached on the inside of the fence, will not extend above the top rail, and will be 2" x 4" vinyl-coated (dark in coloring). Chain-link fencing is not permitted.

Article 12 - Firewood

Prior written approval is NOT required to keep firewood on property lot, as long as firewood fully complies with this Article. Firewood maintained on property must be for personal use only, be neatly stacked in the rear of the owner's lot, and must be kept free of infestation and rot. Any "firewood" that is infested or rotted shall be considered rubbish and must be disposed of accordingly.

Article 13 - Flagpoles

Prior written approval is NOT required as long as flagpoles fully comply with this Article. Flagpoles may be mounted at an incline on the front wall or pillar of the house and must not exceed 6 feet in length. Freestanding flagpoles are not permitted.

Article 14 - Gutters & Downspouts

Prior written approval is NOT required as long as gutters and downspouts fully comply with this Article. Gutter and downspout colors must be white or match the trim or siding color of the house and must not adversely affect drainage on adjacent properties. Gutters and downspouts should be firmly attached to the house.

Article 15 - House Exterior (Siding, Roof, etc..)

Prior written approval IS required before changing the color, style or material of existing house exterior. Requests must be accompanied by a description of the proposed changes. This must include a written description, samples of materials, and detailed drawings.

Prior written approval is NOT required to replace/repair damaged or worn components with exact replacement parts, or to replace the complete house exterior with the same color, style, and material. If the same color or style is no longer available, then prior written approval must be obtained.

Article 16 - Mailboxes

Prior written approval is NOT required as long as mailboxes fully comply with this Article. Mailbox posts shall be of standard 4"x4" construction and meet the USPS requirements.

Article 17 - Nuisance / Noxious or Offensive Activity

"No noxious or offensive activity shall be carried on upon any portion of the properties, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood". *Declaration, Article VII, number 8.*

Article 18 - Patios & Decks

Prior written approval IS required for changes, additions, and new construction of decks, and patios. Request for approval shall include a site plan showing the relation of the patio/deck to the house, property line and adjacent neighbors. Requests must include a detailed drawing illustrating: dimensions, materials, grading, and drainage changes (if any). Color of the deck must be natural wood tone or the same color as house siding or house trim. Patio and deck shall not exceed 250 square feet each.

Article 19 - Permanent Grills & Barbecue Pits

Prior written approval IS required with site plan showing the relation of the grill or pit to the house, property line and adjacent neighbors. Request must include a picture or detailed drawing of the grill or pit, to include dimensions and materials used. Permanent grills or pits must be placed in the rear of the house so that it is not visible from the street, and must be located no closer than 3 feet to any property line and not exceed 6 feet in height.

Article 20 - Pet; Houses, Runs, and Entry Doors

Prior written approval is NOT required as long as Pet Houses and Entry Doors fully comply with this Article. Pet Runs are not allowed. Pet houses must be located behind the rear line of the house and no closer than three feet from any property line. The dimensions of a pet house must be no greater than 4 feet wide by 4 feet long and no taller than 4 feet or an enclosing yard fence. Pet Entry-Doors are permitted only into a fenced in area where the pet will be restricted. The color of the entryway door must match the coloring of the door or siding where it is installed. The pet house must be maintained in a structurally sound and safe condition.

As a reminder, dogs, cats and other household pets may be kept on a lot, provided that they are not raised, bred or kept for any commercial purpose or otherwise violate any of the Fairfax county ordinances or Association's governing documents and rules and regulations.

Article 21 - Signs

"No sign of any kind larger than one foot square shall be displayed to the public view on any Lot, except temporary signs not more than five square feet advertising the Lot for sale or rent." Declaration, Article 171, number 2.

Article 22 - Solar Collectors

Prior written approval IS required for the installation of all solar collectors. Panels must be mounted to the rear side of roofs and may be flush or elevated. If elevated, they will not extend above the roof peak so far that they are visible from the yards of facing houses across streets or pipe-stems.

Article 23 - Storage Sheds

Prior written approval IS required for the installation of storage sheds. All sheds must be located behind the rear line of the house or inside a privacy fence, and adhere to the applicable regulations below. Request must include photo or drawing, material list, plat with location, color and size. Sheds must under no circumstance exceed 8.5 feet in height. In no case shall a shed be used as a residence, temporary or otherwise.

1. **Shed Attached to House** - the architectural design of the shed must be compatible with the design of the house; i.e., same materials, color-scheme, roof-pitch, detailing, etc.
2. **Shed Integral with Fence** - the architectural design of the shed must be compatible with the design of the fence, have the same finish material used on the fence, and have the same color scheme as the fence. Fence owner's permission, when not applicants, must be acquired in writing and submitted with request for approval.
3. **Shed Free Standing** - Wood construction materials are required with the finish to either match the house, the fence or be natural wood in color. Shed must be no closer than 3 feet from any property line.
4. **Shed Integral with Deck** - The architectural design of the shed must be compatible with the design of the deck. The finish materials must be the same as the deck.

Article 24 - Storm & Screen Doors

Prior written approval is NOT required as long Storm and Screen Doors fully comply with this Article.

1. Street Facing Doors: Storm doors are to be full-view style, which means that a single pane of glass comprises at least 80% of the storm door's surface. The metal frame of the door will not be wider than five (5) inches on either the top edge or sides and the bottom of the frame will not exceed eight (8) inches in height. Storm door assemblies will be white or match the trim color of the front door frame or the color of the front door. Storm door glass may be beveled or etched. Wooden screen doors are not allowed. Security door ironwork, grill or scroll is not allowed.
2. Other Doors: Doors must be in harmony with surrounding structures in color, style, and size.

Article 25 - Sun Control Devices

Prior written approval IS required for Sun Control Devices. Awnings, trellises and other exterior sun control devices must be compatible with the architectural character of the house in terms of style, color, and materials. Aluminum awnings are not permitted.

Article 26 - Swimming Pools, Spas & Hot Tubs

Prior written approval IS required for all pools, spas and hot tubs. Request must include a site plan showing location and dimensions of the pool, spa or hot tub, other related equipment, fences, etc., in relation to the applicant's house, property lines, and adjacent dwellings. Fencing enclosing the back yard is required for all Pools, Spas, and Hot Tubs. This fencing must comply with the Fairfax county ordinances and ACC standards outlined in the FENCES section. Above ground pools are not permitted.

Swimming pools, spas, and hot tubs must be located in the rear of the house. Appropriate landscaping will be required to lessen the impact of the swimming pool, spa or hot tub. Unless approved by the board, swimming pools, spas or hot tubs shall comprise not more than 50% of the back yard. Temporary pools designed for use only by children are allowed during the summer months, but must be placed in the rear yard only.

Article 27 - Temporary Residences

“No temporary structure of any nature may be erected or placed on any lot at any time, nor shall any structure of a temporary nature be used as a residence.” “In no case shall a trailer or camper or vehicular device be used as a residence, temporary or otherwise.” *Declaration, Article VII, number 6.*

Article 28 - Trash

“No portion of the properties shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers, and all trash cans and other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition and not in public view except on trash collection days”. *Declaration, Article VII, number 9.*

Article 29 - Windows

Prior approval IS required before changing the color, style, or material of existing windows. Requests must be accompanied by a description of the proposed changes. This must include a written description, samples of materials, and detailed drawings of the new windows.

Prior written approval is NOT required to replace/repair damaged or worn windows with exact replacement parts, or to replace the complete unit(s) with window(s) that are the same color, style, and size of the original(s). If the same color, style or size is no longer available, then prior written approval must be obtained.