

WAKEFIELD CHAPEL WOODS HOMES
ASSOCIATION ARCHITECTURAL
COMMITTEE CHARTER

I. GENERAL FUNCTION OF THE COMMITTEE

- A. The Architectural Committee shall exercise duties and responsibilities delegated to it by the Board of Directors of the Association, as authorized in Article VI of the Declaration of Covenants, Conditions and Restrictions, Articles IV and VIII of the Articles of Incorporation and Article 1X, Section 1 of the By-Laws. These duties and responsibilities as presently defined are described in this and subsequent Articles of this Charter. They may be revised from time to time as the Board deems necessary.

- B. The primary function of the Committee is to protect the rights and collective interests of all members of the Association as they relate to the external appearance of the properties subject to the rules of the Association. The purpose of the Committee is not to restrict or constrain the rights or desires of any individual homeowner except as is necessary to protect the interests of the entire Association membership.

- C. The general duties of the Committee are as follows:
 - 1. To recommend to the Board of Directors Standards and Guidelines relating to architectural and landscaping controls and to keep members of the Association informed of such Standards and Guidelines adopted or approved by the Board.
 - 2. To accept and consider applications for architectural and landscaping modifications to members' homes or lots and to approve or disapprove such applications according to their consistency, in the judgment of the Committee, with Standards and Guidelines approved by the Board.
 - 3. To assist the Board in assuring that approved Standards and Guidelines are adhered to.
 - 4. To assist the Board in evaluating plans for improvements or development of the Common Area.
 - 5. To periodically survey all properties to ensure compliance with the Standards and Guidelines approved by the Board.
 - 6. To maintain the records of all dealings with homeowners pertaining to the Committee's activities for all homes/homeowners in the Association.

- D. The organizational and procedural rules of the Committee are outlined in the following Articles.

II. COMMITTEE MEMBERSHIP

- A. The Committee shall consist of three or more members of the Association, in good standing, appointed by the Board. The President of the Association shall designate one member as Chair. The Chair shall convene all Architectural Committee meetings.

- B Committee members will be appointed at the first Board meeting following the annual meeting of the Association. Members will serve until new members are appointed in the following year. Vacancies may be filled by the Board, as they arise. If necessary (see Article III), vacancies may be filled on a temporary basis.

III. RULES AND PROCEDURES GOVERNING APPLICATIONS AND APPROVAL FOR ARCHITECTURAL AND LANDSCAPING MODIFICATIONS TO INDIVIDUAL HOMES AND LOTS

- A. Types of modifications requiring specific Committee approval are those which would affect or change the appearance of the house or lot as viewed from the Common Area, streets, or other lots. These include, but are not necessarily limited to:
 - 1. Structural additions or alterations to the exterior of the house, garage, carport, or other buildings;
 - 2. Changes in the color of existing structures;
 - 3. The addition of, or changes to fences, walls, sheds, decks, raised patios, antennas of a type not specifically permitted by law, swimming pools, hot tubs, Jacuzzis, walks, driveways, exterior light fixtures, statuary, landscaping (see also VI.c.1. below), grading or other alterations or existing topography.
- B. Some modifications which do not require approval are set forth in Section C of Article VI.
- C. Applications for approval of proposed modifications must be submitted to and approved by the Committee prior to commencement of the actual modification. Approved applications will remain valid for one year from the date of approval. If an approved modification is not begun within one year, a new application must be submitted to and approved by the Committee.
- D. Applications will be accepted from any homeowner who is in good standing with the Association. Applications must contain the following information:
 - 1. Applicant's name, address, phone number and signature.
 - 2. Approximate dates for planned commencement and completion of the project. Projects should be completed within four months from date of commencement.
 - 3. Brief descriptions of the intended modification, including the purpose for which the modification is intended.
 - 4. Plan and elevation sketches showing basic dimensions of the proposed modification or addition and its location with respect to lot boundaries and the house, and other existing structures.
 - 5. Description of planned construction materials and finishes, including sample paint chip(s) if approval of color change is desired.
 - 6. For modifications involving significant grading, the application must include sketches showing approximate elevation contours both before and after the intended modification.
 - 7. A statement whether a Fairfax County permit is required to complete the intended project and, if so, indicate the status of such permit, i.e., "has been granted", "applied for", "will apply for after Committee approval", etc.
 - 8. Additions/structural modifications that require a Fairfax County permit must have the initials of WCWHA neighbors on sides and back of the property.

- E. Applications must be submitted in writing to the Committee Chair and will be acknowledged by written receipt.
- F. Applications will be reviewed by the Committee and must be approved by an absolute majority of the members of the Committee. At the time of approval, a Committee member will be assigned as liaison to the applicant, with duties including verification of the completion of the approved action.
- G. Written notification of the Committee's action will be sent to the applicant. If an application is not approved, the reasons for disapproval will be stated in such notification.
 - 1. Committee members shall abstain from voting on their own applications.
 - 2. In the event of vacancies, or if for any reason a majority of Committee members are not available to review an application within thirty days of receipt, the Board shall appoint, on a case by case basis, temporary Committee members to review the application.
- H. Approval may be considered to have been granted if no action is taken by the Committee within thirty days of receipt of the application. If the Committee feels that additional information is needed, it will disapprove the application, subject to reconsideration upon receipt of the additional information.
- I. With the exception of certain situations described in Article VI, a homeowner whose application is not approved is permitted the following course of action if he/she wishes to contest the Committee's decision.
 - 1. Appeals to the Board of Directors: a homeowner may appeal an unfavorable decision to the Board of Directors by notifying a Board member that he/she wishes to present their case and have it placed on the agenda at a subsequent meeting of the Board. The Committee may also present its reasons for disapproval. The Board will uphold or overrule the Committee's decision by majority vote and the applicant will be notified of the result. If a member of the Committee is also a Board member, he/she must abstain from voting on the appeal cases.
 - 2. Right of Petition: In the event a homeowner's appeal to the Board is unsuccessful, they may still obtain a reversal of the Committee/Board's decision by submitting a petition of approval signed by at least twelve homeowners of the Association, to include the signature of every homeowner who can see any portion of the proposed modification from their property.

Such petitions must satisfy the following requirements:

- a. It will be prepared by the Board of Directors and provided to the petitioner to secure signatures.
- b. It will contain a statement for signature certifying that the homeowner signing the petition has read the petition and understands it, specifically as to the intended modifications proposed by the petitioner.
- c. It will contain a statement for signature certifying that the homeowner signing the petition knows the Committee disapproved the application, that the homeowner knows the reasons for disapproval, and that the homeowner knows the Board refused to overrule the Committee's decision.
- d. It will contain a statement for signature indicating the homeowner approves the intended modification as presented by the petitioner.
- e. After the petition has been completed by the petitioner with the requisite number of appropriate signatures, it must be returned to the Board. After

validation by the Board it will be presented to the Committee with appropriate direction. The applicant will be so notified. All documentation of the event will be placed in the files maintained by the Committee.

IV. ENFORCEMENT

- A. In the event a specific complaint concerning matters over which the Committee has general jurisdiction is presented to the Committee, the Committee will review the complaint on the basis of the Standards and Guidelines set forth in Article VI and in Section A of Article III. If a homeowner is found to be in violation of the Standards and Guidelines, he/she will be notified and requested to make corrections within thirty days.
- B. In the event of non-compliance by a homeowner within a reasonable time, as determined by the Committee, the Committee will forward the case to the Board for action as the Board deems appropriate. Although the Committee may recommend courses of action, only the Board has the authority to take formal action. In particular, only the Board has the authority to levy a penalty assessment, engage counsel or bring suit against a member in violation of the Association's rules.
- C. If the Board deems it necessary to take legal action, the member in violation will be liable for legal expenses and the Association's attorney's fees if the Board's position is upheld. Failure to pay such expenses will carry the same penalty as failure to pay annual assessments, as described in the Articles and By-Laws of the Association.
- D. Any action taken by the Board of the failure of the Board to take any specific action in an individual case shall in no way be construed as the Board's intent for any other case. The Board of Directors and the Committee, at the direction of the Board views each home and home site to be sufficiently different from all other homes and home sites that each case is unique and distinct from all others. Therefore, each case shall be judged solely on the specific merits of that case which are known at the time the case is presented to or detected by the committee. (Reference Section L Declaration of Covenants, Conditions and Restrictions.)

V. RECORDS

The Committee shall maintain copies of all applications received, whether approved or disapproved and records of all actions taken. The Board will be informed of all Committee actions.

VI. STANDARDS AND GUIDELINES

- A. General Rules-Applications which are disapproved on the basis of any of the following paragraphs do not carry the right of appeal or petition as described in Article III.
 - 1. No application will be approved if, in the opinion of the Committee, it would violate the laws or ordinances of any government, including Fairfax County zoning ordinances. It is the individual applicant's responsibility to make sure his intended modification would not violate such ordinances. Neither the Committee, the Board, nor the Association assumes any responsibility or liability in the event the Committee

inadvertently approves an application that would violate such ordinances. Approval by the Committee in such cases will be considered invalid.

2. The Committee, at its discretion, may grant exceptions to this rule in certain instances where a proposed modification is technically in violation of a Fairfax County zoning ordinance, but where a representative of the County government has expressly stated in writing that it is the policy of the County not to enforce the ordinance in question. In such cases, the Committee may grant a qualified approval, but neither the Association, the Board, nor the Committee may be held liable if the County changes its policy and decides to enforce such ordinances at some later time.
3. No architectural or landscaping modifications will be permitted which in any way restrict free access to any part of the Common Area, from any other part or from the common walkways. This restriction includes fences and hedges and extensions of same from private lots into the Common Area (note related item below).
4. Individual members may not place any type of structure or equipment of a permanent or semi-permanent nature, including swing sets or other playground equipment within the Common Area.
5. No portion of a lot or the Common Area shall be used for any professional, industrial, mining or commercial activities except as can be and are in fact conducted from a single family residence as currently defined in Sections 30-1.8.15 and 30-1.8.16. Article 1, Definitions, Chapter 30, Zoning of the Code of Fairfax County, Virginia. These restrictions shall in no way limit those community uses described in Section 30-1.8.36.2. Article 1, Definitions, Chapter 30 of the above Fairfax County Code; or the community use of a nursery school or other school (described in Section 30-7.2.6.1.3. Article VII. Special Permits. Chapter 30 of the Fairfax County Code).

B. Minimum Maintenance Standards

1. Lawns shall be regularly maintained and grass shall not be allowed to grow unreasonably high for extended periods. Sidewalks, curbs and gutters shall be kept clear of grass and weeds.
2. No tree, hedge or shrub planting shall be maintained in such manner as to obstruct sight lines for vehicular traffic or to interfere with sidewalk pedestrians.
3. Trees and shrubs which overhang adjacent property or public sidewalk are the responsibility of the owner and must be kept trimmed so as not to infringe upon neighbor's property or public sidewalk.
4. No noxious or offensive activity shall be carried on upon any portion of the residential property, nor shall anything be done thereon or permitted to remain on any lot which may be or become a nuisance or annoyance to the neighborhood.
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 the aggregate if more than one sign is displayed) in area advertising the property for sale or rent.
6. Trash and garbage containers shall not be permitted to remain in public view except on evenings before and days of trash collection. No accumulation or storage of litter, new or used building materials, or trash of any kind shall be permitted on any lot. All lots shall be maintained in a neat and attractive manner so as not to detract from the appearance of the entire property.
7. No clothing, laundry or wash shall be aired or dried on any portion of the properties in any area other than the rear yards of the lots.

8. No junk vehicles or house trailer or commercial vehicle shall be kept on any lot. For our purposes here we refer to the Fairfax County definition of a junked vehicle which is a vehicle that is not in operating condition, or which for a period of sixty days or longer has been partially or totally disassembled by the removal of tires or wheels, the engine, or any other essential part(s) required for normal operation of the vehicle. No storage of boats, boating equipment, travel trailers or camping equipment shall be visible from the street. The location and design of enclosures for boating, camping, traveling and related equipment must be approved by the Committee.
 9. Carports, streets, sidewalks and yards shall be maintained free of clutter and other material that would normally be considered an eyesore. Access to sidewalks should not be regularly blocked by vehicles and/or other objects.
 10. No playground equipment, including standing goals, of a fixed nature shall be installed in the front yards of homes. This restriction does not apply to backboards and hoops attached to existing structures such as carports and garages. Playground equipment anchored to the ground in side or back yards require committee approval.
 11. Houses are not considered maintained to minimum standards if any of the following conditions exist:
 - a. Paint that is peeling, cracked, or mismatched.
 - b. Siding or vents that are loose, missing, broken, or damaged. Siding that is not clean or clear of debris, including, but not limited to, paint, tar or mold/mildew.
 - c. Gutters that are broken, sagging, missing pieces or sections or growing vegetation.
 - d. Roof shingles that are missing, mismatched, displaced or growing mold/mildew.
 - e. Shutters that are broken, sagging, loose or missing pieces, such as, slats or hinges.
 - f. Windows that are broken or missing mullions
 - g. Garage doors that are broken, cracked, or need painting or other repair
 - h. Exterior doors and doorframes to house and/or garage that are broken, cracked rotting or in need of paint or other repair.
 - i. Stoops, porches, walkways, and driveways that have heaving, crumbling, or broken or missing pieces or sections.
 - j. Fences with missing, broken or sagging sections, gates, boards, supports, slats or posts.
 - k. Stagnant/standing water.
- C. Modifications which do not require approval of the Committee:
1. Planting of trees, shrubs, and flowers, except that trees and shrubs to be planted in rows (as hedges) in front yards require approval.
 2. Antennas specifically permitted by law and non-disk radio or television antennas attached to roofs or chimneys.
 3. Ground-level patios in rear yards (Privacy fences and other raised structures surrounding such patios do require approval).
- D. Modifications requiring approval of the Committee:

This category includes all types of modifications which would alter the external appearance of a member's property as viewed from streets, neighboring lots or the Common Area. Changes of exterior paint, siding or roof colors require Committee approval. Most of these modifications would generally be approved if certain minimum standards are met as

indicated below.

1. Structural additions and other modifications must conform to the general architectural style of the community and must be compatible with the house and existing improvements.
2. The house colors were chosen originally by the builder. Some leeway has been allowed; however, the original pattern that has been followed is that the front door, storm door and shutters are painted a "dark" color and the trim and garage door are painted a "'light' color. The traditional "Williamsburg" colors are what has been authorized but the Committee will consider some paint color changes/variations that maintain the overall image of the neighborhood. It is recognized that storm doors are available in only a limited number of colors. Homeowners should purchase the color most appropriate for the house. Replacement of a front door with a door of a different color or material than the original door requires Committee approval.
3. Playground equipment. No playground equipment, of a fixed nature, except basketball hoops *, shall be installed in the front yards of homes. Installation of playground equipment anchored to the ground requires committee approval. Fairfax County Code requires that playground equipment higher than 7 feet at any point must be 8 feet from the side property line and a distance equal to height from the rear property line. In the case of corner lots, any place adjacent to a street is considered a front yard. In these cases, playground equipment must be behind the edge of the house. Fairfax County Code also states that:
 - a. Playhouses may be a maximum of 100 square feet.
 - b. Tree houses are considered child's playhouses. If measured from the base of a tree to the top of the roof. the tree house exceeds 7 feet, it cannot be located in a side yard and must be 8 feet from the side property line and a distance equal to its height from the rear property line.
 - c. *Basketball hoops -When located in a front yard, basketball standards shall not be located closer than fifteen (15) feet to a front lot line or twelve (12) feet to a side lot line, and shall not be used between the hours of 8:00 P.M. and 8:00 A.M.
4. Fences – It is suggested that proposed fences be discussed with abutting neighbors prior to submission of an application. The Committee reserves the right to solicit and consider the opinion of these neighbors, but will not necessarily be bound by these opinions. A property line survey should be conducted before construction commences. If such a survey is made the results should be included in the homeowner's request to the Committee.
 - a. Front yards may not be fenced
 - b. Backyard fences in general must be constructed of wood and be of the open type (e.g., split rail) and shall not exceed four feet in height, except for privacy fences around patios. Fences having an obvious finished side (e.g. picket) should have the finished side facing outward, i.e., towards the neighbors. common area, etc.
 - c. Exceptions may be granted. at the discretion of the Committee, for fences exceeding four feet in height or of the closed type (i.e., stockade or board-on-board), and in cases where rear lot boundaries border on streets. Exceptions may be granted for chain link or other metal fences if they would be located so as to be inconspicuous as viewed from streets or the front yards of neighbors. The Committee reserves the right to consider the opinions of neighbors and other members before granting exceptions.

5. Sheds and storage structures:

- a. Structures intended for storage purposes must satisfy Fairfax County zoning regulations. County regulations currently provide that:
 - (1) Sheds under 8 1/2 feet high may be placed anywhere on the lot.
 - (2) Sheds taller than 8 1/2 feet must be a minimum of 8 feet from the side property line and a distance equal to height from the back property line.
 - (3) Sheds require building permits unless they either (1) under 150 square feet and have a wall height not exceeding 8 1/2 feet or (2) are wooden, comply with the Fairfax County detail plan and do not exceed 200 square feet.
 - (4) When a building permit is required, such building permits, or a copy of same, must be included with applications to the Committee, except that if the applicant desires a Committee decision before applying for a permit, the Committee may grant conditional approval pending receipt of a valid building permit.
- b. In addition to Fairfax County zoning regulations, all structures must conform to the general architectural standards of the Association. Specifically:
 - (1) Sheds are to be located behind the house and so as to be inconspicuous from streets.
 - (2) Sheds must be of the metal prefab type or of wooden construction with neatly finished exterior. The finish must be compatible with that of the house. Sheds must be securely anchored to the ground.

6. Driveways:

While replacement of deteriorated concrete driveways with concrete is preferred, replacement of concrete driveways with asphalt, brick or other durable material is permitted, this does **NOT** eliminate the requirement that the Architectural Committee must approve a change in the appearance of the property.

- E. Individual members may request from the Maintenance Committee approval to plant trees or shrubs within the Common Area, if certain constraints are adhered to: Such plantings shall not be of the nature of a continuous boundary or hedge and are subject to the restrictions listed above. Such plantings must not interfere with the rights of all homeowners regarding the use and enjoyment of the affected part of the Common Area. Approval for such plantings will be granted only with the understanding that the plants become the property of the Association and cannot be removed without written consent of the Maintenance Committee.

Approved by WCWHA
Board of Directors
February 11, 1975

Amended by WCWHA
Board of Directors
August 10, 1976
August 9, 1978
September 14, 1987
September 12, 1990
September 9, 1993

July 19, 1996

June 14, 2000

June 10, 2002

April 13, 2005

May 11, 2010