



SUMMARY OF LINDSAY PARK ARCHITECTURAL GUIDELINES derived from original covenants dated July 12, 1985

These architectural guidelines were prepared by the Architectural Control
Committee and approved by the Lindsay Park Homeowner's Association
Board of Directors.

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ORIGINAL COVENANTS DATED JULY 12, 1985

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Section I – GENERAL INFORMATION

General

These Guidelines have been developed to assist the Board of Directors and/or those persons serving as the Architectural Control Committee (ACC) of the Lindsay Park Homeowners Association (LPHOA) conduct those reviews of alterations, additions, and changes to the buildings and grounds that collectively comprise Lindsay Park (LP) now and in the future.

The architectural review process is intended to protect the property values in the community, to implement the architectural control and use requirements as defined in the *Declaration of Covenants Conditions and Restrictions for Lindsay Park HOA* (the “Covenants”), and to preserve the architectural integrity of the Lindsay Park Homeowners Association. For these purposes, “architectural integrity” is defined as the maintenance of the appearance of the exterior of individual lots and dwellings and of the common area of the LPHOA streets and facilities which will enhance the value individually and collectively of the residences of members of the Association and promote and preserve the aesthetic appearance of the community as a whole.

The Guidelines may be amended. It is anticipated that the changes will involve clarification rather than substantive modification of the existing Guidelines. They may also be amended to reflect changed conditions or technology. Owners should submit to the LPHOA Board of Directors, requests for additions or changes to the Guidelines. The actual amendment proceedings will involve public discussions and review by the Board of Directors. Amendments shall be adopted by the Board of Directors.

Protective Covenants

The basic authority for maintaining the quality of design in LP is founded in the Covenants, which are part of the deed to every property in this community. The intent of Covenant enforcement is to assure Owners that the standards of design quality will be maintained. This, in turn, protects property values and enhances the community’s overall environment. Every property owner received a copy of the Covenants at settlement and they are posted on the Lindsay Park website (<http://www.lindsaypark.org>). This information should be read carefully by the owner. Since these Covenants “run with the land” they are binding on all owners whether or not they have been read. Owners contemplating an exterior change should familiarize themselves with the applicable covenants.

Basic Authority for Control

Article V of the Covenants explicitly states that certain exterior alterations require the approval of the ACC. Those requiring approval are specified in these Guidelines. In general, improvements, alterations, repairs, or other work which alter the exterior of any lot or the improvements located thereon from its natural or improved state, existing on the date such property was first subject to the Declarations of the Covenants shall be made or done only with the prior approval of the ACC. An approved plan must be followed or a modification approved in accordance with these Guidelines.

Role of the LPHOA

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The purpose of the LPHOA of which every owner is a member is to provide for maintenance, preservation and architectural control of residential lots, and to own, improve, maintain, and preserve the Common Area to conserve and enhance the resources of the total community. The LPHOA accomplishes these functions in a variety of ways, one of which is by ensuring, through the Architectural Guidelines, the retention of harmonious design qualities of the community – providing the assurance that is reflected in the preservation and enhancement of real estate values.

Membership of the ACC

The Architectural Control Committee is composed of the President, Vice President and Secretary/Treasurer of the LPHOA. The ACC may designate a representative (such as the ACC Chairperson) to act for it.

Role of the ACC

The ACC performs its task of ensuring the aesthetic quality of the homes and their surroundings by establishing and monitoring the architectural review process. The ACC ensures that proposed exterior alterations comply with the objectives set forth in the Covenants and further described in these Guidelines.

Objectives of the Architectural Guidelines

This document's overall objective is to assist owners in maintaining and enhancing LP's carefully designed environment. The Guidelines address these types of improvements for which homeowners must submit applications to the ACC. They are not intended to be all-inclusive or exclusive, but rather as a guide to what may be done.

The specific objectives are:

- a. To more clearly define and state community standards by which architectural review applications will be evaluated
- b. To describe the organization and procedures involved with the architectural standards established by the Covenants.
- c. To illustrate design principles which will aid Owners in developing exterior improvements that are in harmony with the immediate neighborhood and the community as a whole.
- d. To assist Owners in preparing a complete application to the ACC.
- e. To provide uniform Guidelines to be used by the ACC in reviewing Owner applications in light of the goals set forth in the governing documents of the LPHOA and these guidelines.

Review and Application Criteria

The ACC evaluates all submissions on the individual merits of the application. The application form may be found at the end of these Guidelines and on the Lindsay Park Home Owners Association web site at (<http://www.lindsaypark.org>). Besides evaluation

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of the particular design proposal, this includes consideration of the characteristics of the housing type and individual site, since what may be an acceptable design of an exterior in one instance may not be for another. Decisions made by the ACC in reviewing applications are not based on any individual's personal opinion or taste. Judgments are based on the following criteria, which represents in more specific terms the general standards of the Covenants.

- a. **Validity of Concept.** The basic idea must be sound and appropriate to its surroundings.
- b. **Design Compatibility.** The proposed improvement must be compatible with the architectural characteristics of the applicant's house, and in harmony with, adjoining houses and neighborhood setting. Compatibility is defined as similarity in architectural style, scale, quality of workmanship, similar use of materials, color and construction details. These Guidelines do not apply to routine maintenance in which no change to the color, materials or structure will take place.
- c. **Location and Impact on Neighbors.** The proposed alteration relates favorably to the landscape, the existing structure and the neighborhood.
- d. **Scale.** The size in three dimensions of the proposed alteration should relate well to adjacent structures and its surroundings. For example, an excessively large addition to a house may be inappropriate.
- e. **Color.** Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house such as roofs and trim should be matching in color and be compatible with adjoining houses, surroundings, and the larger community.
- f. **Materials.** Continuity is established by use of the same or compatible materials as were used in the original house.
- g. **Workmanship.** The quality of work should be equal to or better than that of the surrounding area.
- h. **Timing.** Projects which remain uncompleted for long periods of time are visually objectionable and can be a nuisance for neighbors and the community. All applications must include estimated completion dates. The authority granted by an approved application will be revoked automatically if the alteration has not been completed within 180 calendar days of the start of the project.

Applications

Applications call for information helpful to the ACC including any additional information which may be useful in determining the scope and detail of the proposal. There are no "automatic" approvals. For example, a homeowner who wishes to construct or rebuild a deck identical to one already approved by the ACC is still required to submit an application. All applications may be submitted to the ACC Chairperson electronically or by mail. With the agreement of the ACC Chairperson, applications may be hand delivered. Contact information for the ACC Chairperson is available on the FCEHOA web site (<http://www.lindsaypark.org>).

Within thirty (30) calendar days of receipt, the ACC will notify the applicant of approval or disapproval and the reasons therefore. Incomplete applications will be returned to the applicant for resubmission. Specific application criteria are stated for individual changes described in Section II of these Guidelines.

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The required 30 calendar days review period begins on the day of receipt of the application by the ACC. The ACC may conduct its own on-site review of the requested application and discuss the application with the Owner. Acceptable applications are those that conform to the Guidelines and include all the information required by the Guidelines (clear and concise drawings, explanation of style, color, etc.).

Approval, disapproval or request for resubmission (usually for additional information) will be sent to the applicant by form letter signed by the Chairman of the ACC. LPHOA approvals do not include any necessary permitting which may be required by Fairfax County – refer to (<http://www.fairfaxcounty.gov/dpwes/buildingpermits/> permitting office) for further information and details.

Appeals of ACC Decisions

An appeals procedure exists for an applicant whose application has been disapproved and for those affected by an ACC decision, if in their opinion:

- a. Proper procedures were not followed during the administration and review processes.
- b. The ACC decision did not have a rational basis.

To initiate the appeals procedure, applicants must submit a written request to a member of the ACC for an appeal within thirty (30) calendar days of receiving the ACC decision. Other affected Owners must submit written notice in the same manner. An Appeals Board consisting of the elected Board of Directors has been established by the Covenants to review cases.

Enforcement Procedures

Article V, Section 13 of the Declaration states "...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.

The following enforcement procedures have been adopted by the Board of Directors.

a. All violations will be confirmed by a site visit by a member of the ACC. A violation is defined as, but not limited to, work done without prior ACC approval, failing any of the criteria listed in the 'Proposal' section, or not constructing to the design approved by the ACC.

b. When a violation is reported, a violation notice will be sent immediately by certified mail to the Owner. The sources for reporting of violations will be:

- 1) Concerned Owners
- 2) Directors
- 3) ACC observations during the normal course of LPHOA business.

c. The Board of Directors will conduct a hearing, receiving concerned owner input, consider ACC recommendations and take one of the following actions:

- 1) Dismiss the violation.
- 2) Hold the case in abeyance pending corrective action(s) to be completed by the property owner as specified by the Board of Directors.
- 3) Forward the case to the Board's attorney to begin legal action.

Section II – CHANGES WHICH REQUIRE ACC APPROVAL

General

This section lists changes common to this type of community and its residences which require approval by the ACC.

Common Application Contents

- a. Site plan showing location of proposed change and its relationship to property and adjacent houses. It is strongly suggested that a copy of the survey done at settlement be used for this purpose.
- b. Detailed drawings and plans including exterior elevations and dimension.
- c. Description of materials including type of siding on dwelling and proposed structure, color or proposed structure and trim, exterior lighting arrangements, etc.
- d. Landscape plans.
- e. Estimated start and completion date.

It is suggested that the final application be a duplicate of those documents which are submitted to Fairfax County for a building permit, if applicable, and should also include colors, materials, and drawings or photographs as required, to illustrate the relation of the change to the applicant's house and adjacent houses where necessary.

Fencing

Guidelines and Prohibitions

Fencing is used to separate property, provide security and visual privacy or to architecturally define space. In achieving any of these goals, a barrier is created which has both visual and physical impact on the boundaries of properties of adjacent homeowners. Careful consideration should be given to the basic fencing concept and the manner in which the concept is executed with respect to the impact on the owner's property and that of adjacent neighbors.

No fence or similar enclosure may be built on any lot without first obtaining the approval of the Association or its Architectural Review Board as to the location, material, color and design thereof. Chain link fences are specifically prohibited. Any fence building on any Lot shall be maintained in a proper manner so as not to detract from the value and desirability of surrounding property. No fence shall be constructed beyond a building restriction line (BRL), nor forward of a line that is continuous with the rear of the house on one side and with the rear of the garage on the opposite side.

Application Contents

In addition to the general requirements discussed in the section on Common Application Contents previously, the following items must be addressed on all applications for fences:

- a. Fence style and material.
- b. Color

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- c. Dimension.
- d. Site Plan which shows the relationship of the fence to adjacent houses and to property lines. In all cases, fencing must follow the boundary line. Therefore, applications must show the exact relationship of the home with the property lines.
- e. Architectural style and color of the house.
- f. Reason for fencing – separate property, provide security or visual privacy, or architecturally define space.

Porches, Patios and Decks

Guidelines and Prohibitions

Decks in the front or side yard will not be permitted. The use of natural weather treated wood for deck construction is encouraged. However, the ACC recognizes the increasing availability and desirability of manufactured decking material, and considers it an acceptable alternative. Painted wood should match the trim or dominant color of the applicant's house. Wood such as redwood, cedar and pressure treated pine should either be allowed to weather naturally or toned preservatives applied to protect the wood.

If changes in grade are contemplated, consideration should be given to draining of adjacent properties. In planning patio construction, serious consideration should be given to using ground level surfaces of porous materials or using mulched beds to offset the additional non-porous patio area. This is necessary to mitigate drainage problems. Changes in the rate or direction of water drainage must not adversely affect any property.

Application Contents

In addition to the general requirements discussed in the section on Common Application Contents previously, the following items must be addressed on all applications for porches, patios and decks:

- a. Site plan showing the size of the porch, patio or deck and location as it relates to the applicant's house, adjacent houses and the property line.
- b. Drawing showing the dimensions and style of the porch, patio or deck details of railings and stairs, benches, etc.
- c. Description of materials, color, grading and draining changes if appropriate. State if the color of the porch or deck will match the color of the house or trim, specify color of the house, trim and proposed porch or deck.
- d. Height of the deck off the ground.

Solar Collectors

General Guidelines

No attempt is made in these Guidelines to detail the variety of solar collectors and their application and installation. Approval by the ACC will consider their value as energy conserving devices versus their possible adverse visual impact on the neighbors and the general neighborhood. Applications for solar collectors constructed on any lot, or attached to the dwelling, are required. They will be evaluated by the ACC for approval on a case-by-case basis.

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Application Contents

In addition to the general requirements discussed in the section on Common Application Contents previously, the following items must be addressed on all applications for solar collectors:

- a. Provide a manufacturer's/installer's brochure which shows the type of solar collector to be used, its anticipated location and its dimensions.

Television or Radio Antenna's General Guidelines

No exterior television or radio antenna of any sort shall be erected or maintained on any Lot without the written consent of the Association, and provided that the Association shall have the right to erect and maintain a master antenna on Association property, if the erection of such master antenna is approved by members of the Association.

Application Contents

In addition to the general requirements discussed in the section on Common Application Contents previously, the following items must be addressed on all applications for television or Radio Antenna's:

- a. Provide a manufacturer's/installer's brochure which shows the type of antenna is to be installed, its anticipated location and its dimensions.

Changes in Exterior Siding, Trim, Roof, Door, or Shutter Color General Guidelines

The architectural style and color of residence in LP were selected originally to be mutually complementary, while maintaining some degree of individuality. To maintain the original architectural balance, the ACC must exercise control over any conflicting changes in trim, siding or roof color. To that end, an application is required if repainting, re-siding or re-roofing is contemplated that will deviate from original colors.

Application Contents

In addition to the general requirements discussed in the section on Common Application Contents previously, the following items must be addressed on all applications for changes in exterior siding, trim or roof color:

- a. Provide a description of the current colors and roofing material, if appropriate, and the intended change in trim or siding color and roof material and color.

This applies to the basic residence and any appurtenant structures.

Additions and Other Structures Guidelines and Prohibitions

No structure or addition to be a structure shall be erected, placed, altered or externally improved on any Lot until the plan and specification, including elevation, material, color and texture and a site plan showing location of improvement with grading modifications shall be filed with and approved in writing by the Association or its Architectural Review Committee. Structure shall be defined to include any building or portion thereof, pool, fence, pavement, driveway or appurtenances to any of the aforementioned. No

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temporary building shall be maintained on any Lot without the approval of the Association or its Architectural Review Committee.

Application Contents

In addition to the general requirements discussed in the section on Common Application Contents previously, the following items must be addressed on all applications for additions and other structures:

a. Site plan showing the size of the addition/structure and location as it relates to the applicant's house, adjacent houses and the property line.

b. Drawing showing the dimensions and style of the addition/structure, etc.

c. Description of materials, color, grading and draining changes if appropriate.

State if the color of addition/structure will match the color of the house or trim, specify color of the house, trim and proposed changes.

Vehicles; Trailers, and Equipment

Guidelines and Prohibitions

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

Application Contents

In addition to the general requirements discussed in the section on Common Application Contents previously, the following items must be addressed on all applications for storage of vehicles; trailers, and Equipment:

a. Detailed description of item (s) to be stored.

b. Temporary time frame for storage.

c. Reason for storage.