

ARCHITECTURAL RULES AND REGULATIONS

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Prepared 1992 - Section 7.19 updated in 2000

1. INTRODUCTION

1.1 All Property in Langley Oaks is subject to a Declaration of Covenants, Conditions and Restrictions dated 18 February 1977 (referred to below as the "Declaration"). Among other things, the Declaration requires that each resident's property be maintained up to certain standards, prohibits certain uses and activities on property within Langley Oaks, and requires that a Langley Oaks Property Owner ("Owner") obtain the approval of the Architectural Control Committee (ACC) of the Langley Oaks Homeowners Association (LOHA) before constructing or altering any structure on his or her lot.

1.2 The Board of Directors and the ACC have felt for some time that the Declaration does not adequately address certain aspects of these matters. The original provisions offer little guidance on the procedure for obtaining approval of proposed property improvements or alterations and do not address certain activities and land uses which would prove (and in some cases have proven) offensive if undertaken by Langley Oaks residents .

1.3 The Virginia Property Owners' Association Act of 1989 gives the Board of Directors of a homeowners' association the authority to promulgate Rules and Regulations to provide procedures and guidelines in areas of responsibility delegated to the Association through the Declaration. These Rules and Regulations, therefore, are legally binding on present and future Owners. The Rules and Regulations that appear below were distributed in draft to Langley Oaks Owners, and their comments were solicited and considered.

1.4 Terms which are used in these Rules and Regulations are to have the meanings assigned to them in the Declaration. If any provision of these Rules and Regulations conflicts with a provision of the Declaration, the provision of the Declaration will prevail.

1.5 These Rules and Regulations were adopted by the Board of Directors at a meeting held on 9 January 1992 and took effect on 1 February 1992. Sections 4.9 and 7.19 were adopted at a Board of Directors meeting held on 19 January 99 and took effect on 1 February 1999. These Rules and Regulations will not apply to any alterations construction of which was commenced on or before the effective date(s).

2. CHANGES REQUIRING ACC APPROVAL

2.1 Article V of the Declaration specifically states that:

No building shall be erected, placed or altered on any Lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the ACC as to the quality of workmanship, materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered in any Lot nearer to any street than the minimum building set back line unless similarly approved.

2.2 Therefore, the list of things for which ACC approval is required includes, but is not limited to, external additions or changes to the house, decks, tennis courts, pools, certain fences,

outbuildings, satellite dishes and towers. It does not include paint color or replacement of materials with the same material.

3. APPLICATION PROCEDURE

3.1 Required Information: Requests for approval by the ACC must be submitted in writing and should be on the LOHA "Request for Architectural Change" form (copy attached). In what ever format, the request must include the following information:

- Name, signature, address, lot number, home and work phone numbers
- Written description of the proposed change or addition
- Estimated start and completion dates
- Description of the work to be done and/or proposed changes
- Drawings showing anticipated exterior appearance, including exterior elevations and dimensions. If changes in grade or other conditions that will affect drainage are anticipated, they must be indicated.
- Description of exterior materials. Samples (especially of roofs) may be required.

The ACC may request whatever additional information and written materials it deems necessary, in its discretion, in order to understand the proposed project and perform its duties under the Declaration and these Rules and Regulations.

3.2 Where to Send Requests: Requests for approval must be sent to: Attention - ACC, Langley Oaks Homeowners Association, P.O. Box 681, McLean, VA 22101-0681.

3.3 Records: The material submitted with the application may be retained by the ACC for its permanent record. The LOHA maintains an ACC file for all lots within Langley Oaks.

3.4 Review Procedure: Applications will be reviewed by the ACC, as provided for in the Declaration using the criteria provided in Section 4 below.

3.5 Notification of Neighbors: Although neighbors do not have veto powers, the ACC may notify nearby affected neighbors and provide them with an opportunity to comment on proposed additions or external changes. As a time-saving alternative and in an effort to foster good relations, the property owner may obtain the signatures of such neighbors, certifying that they have been consulted and are aware of the proposal and provide this information with the application .

If any neighbor has any concerns about the proposed changes, s/he should contact the Chair person of the ACC immediately. Similarly, if the property owner has any special needs or questions, s/he should contact the ACC Chairperson directly.

3.6 **Time Frame:** The ACC will give its approval or disapproval of a proposed action in writing within a maximum of 30 calendar days, as provided for in the Declaration, or sooner whenever possible. The ACC will specify the reasons for any denials or suggested changes. Because the ACC has up to 30 days to review any proposed change, property owners should always allow sufficient lead time between submitting requests and scheduling contractors.

3.7 **Expiration of Approval:** Approval shall lapse after a period of one year in the event that the approved construction or alteration has not commenced. If this happens, ACC shall again be required prior to commencement of such work. The specified work must be carried out with dispatch and must in any case be completed within one year following commencement unless approved by the ACC.

4. ACC REVIEW CRITERIA

4.1 The ACC evaluates all submissions on the individual merits of the application. Judgments of acceptable design are based on the following criteria:

4.2 **Design Compatibility:** The proposed action must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting.

4.3 **Location and Impact on Neighborhood:** The proposed action must relate favorably to the landscape, the existing structure and neighborhood. Primary concerns are access, natural views, amount of sunlight, ventilation and drainage.

4.4 **Impact on the Natural Environment:** Efforts must be made to preserve the natural features of Langley Oaks, particularly its trees and woods. In this regard, if hardwood trees are removed without ACC approval, a replacement plan must be submitted to the ACC (see 7.12).

4.5 **Scale:** The size (in three dimensions) of the proposed action must relate well to adjacent structures and their surroundings.

4.6 **Materials:** Continuity must be established by using the same or compatible exterior finishing materials as in the original house.

4.7 **Workmanship:** The quality of work must be equal to or better than that of the surrounding area.

4.8 **Consistency with Laws and Regulations:** Lot uses must be in compliance with county zoning ordinances and other applicable laws and regulations, including licenses, building codes and environmental and hazardous waste laws. County and other building permits must be obtained when required by law.

4.9 **Roof Replacement:** When considering an application for a roof replacement with something other than the original materials, the ACC will determine whether the replacement material maintains the quality of material and harmony of external design required by the Declaration, and is compatible with the architectural characteristics of the

applicant's house, adjoining houses, and the neighborhood setting, by assessing, among others, the following criteria:

overall roof appearance and style of house and roof; material (asphalt, fiberglass, wood, etc.); color of the proposed shingles; fire rating (UL class B or higher); durability (20 years or longer); and tear strength.

In each case, the replacement material must be equal to or better than the original material. The applicant must provide sufficient information and a sample of the materials to the ACC to permit a full evaluation under these criteria.

5. ENFORCEMENT PROCEDURE

5.1 Informal Request for Compliance: Any Owner can informally request, orally or in writing, that another owner or resident cease or correct any violation of the Declaration or these Rules and Regulations. It is recommended, but not required, that such an informal request be made directly to the Owner before the matter is referred to the Board of Directors.

5.2 Complaint to the Board of Directors: Any Owner may submit to the Board Of Directors a written complaint regarding a violation of the Declaration or these Rules and Regulations, describing the violation in reasonable detail.

5.3 Formal Written Request for Compliance: The Board of Directors, if it determines that it is appropriate for the Association to take steps to enforce the Declaration or these Rules and Regulations with respect to the alleged violation, shall first give the Owner of the affected Lot written notice of the alleged violation.

This notice will specify the provision of the Declaration or the Rules and Regulations which is being violated, the nature of the violation, and inform the Owner that, unless the violation ceases within a period of time specified in the notice (which will be not less than ten days except for violations which, if not cured sooner, may result in personal injury or property damage), further action may be taken against the Owner.

The notice will also inform the Owner that he may request an informal hearing to discuss the matter before the Board of Directors by notifying the President or the Secretary of the Association, in writing, before expiration of the time period for cessation of the violation which is specified in the notice.

5.4 Notice: The notice from the Board of Directors shall be sent by registered or certified mail to the Owner at the address on file with the Association. Notice may also be given to the resident, if the resident is not the Owner. The notice will be deemed given ten days after mailing. A copy of the notice will be filed in the Association's records.

5.5 Response to Notice: The Owner may request an informal hearing before the Board of Directors, or may submit a written response to the notice. The Board of Directors shall consider any such written response no later than its next regularly scheduled meeting.

5.6 Determination by the Board of Directors: After conducting any informal hearing requested by the Owner or considering any written response submitted by the Owner, the Board of Directors shall determine whether further enforcement action is appropriate, and an officer or agent of the Association shall notify the Owner in writing of that determination.

5.7 Judicial Remedies: If (1) the violation continues after the expiration of the time period specified in the notice under paragraph 5.3 above and the Owner does not respond to the notice or request a hearing, or (2) if the violation continues after the Owner has been notified of the determination of the Board of Directors under paragraph 5.6, the Association may enforce these Rules and Regulation by any method authorized by the Act or by other applicable law, including but not limited to applying to a court for injunctive relief. If judicial relief is granted, the court may award to the Association costs and reasonable attorneys' fees under the Act.

6. USE RESTRICTIONS CONTAINED IN THE DECLARATION

The following material regarding architectural control is excerpted from the Declaration and is reprinted here as a convenience. (Note - paragraphing has been added to 6.1 to make it easier to read.)

General Guidelines (Article V of the Declaration)

6.1 No building shall be erected, placed, or altered on any Lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship, materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered in any Lot nearer to any street than the minimum building set back line unless similarly approved.

The Architectural Control Committee shall be composed of at least three members to be designated by the Board of Directors. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor its designated representative, shall be entitled to any compensation for performing any of the services envisioned herein.

At any time, the then record owners of two-thirds of the Lots shall have the power through a duly recorded written instrument to change the membership of the Committee or to amend any of its powers and duties. Requests for action by the Committee shall be submitted in writing. The Committee's approval or disapproval, as required in these covenants, shall be in writing.

Following written request, if the Committee or its designated representative fails to approve or disapprove the requested modification to a Lot within thirty days after plans and specifications therefor have been submitted to it, or in any event, if no suit to enjoin such work has been commenced prior to the completion thereof, approval will not be required and the provisions of this Article shall be deemed to have been fully complied with .

Use Restrictions (Article VII of the Declaration)

6.2 Land Use and Building Type: No Lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single-family dwelling not to exceed two and one-half (2-1/2) stories in height and a private garage for not more than three cars.

6.3 Fences: No fence of any kind shall be erected or maintained on any portion of a Lot along the front property line unless approved by the ACC in accordance with the provisions of Article V herein. No fence of any kind shall be erected or maintained in or along the rear of a Lot or from the front building line to the rear lot line or from the side of any building to the said lot line except a hedge fence or wooden fencing.

6.4 Easements: Easements for installation and maintenance of utilities and drainage facilities are reserved to the County of Fairfax, as shown on the recorded plat and this instrument shall in no way affect, limit or restrict the same.

6.5 Nuisances: No noxious or offensive activity shall be carried on upon the Property, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No commercial vehicle, whether owned by the Lot Owner or any person, shall be permitted to remain on or be parked on any Lot over night.

6.6 Business: No trade or business of any kind shall be advertised from, or on a Lot, except that this covenant shall not prevent a lawyer, physician, dentist, podiatrist, chiropodist, or any other member of the medical, dental or legal profession from practicing such professional from his Lot, provided that such person also resides therein and that the same is permitted by law.

6.7 Signs: No signs of any kind or character shall be exhibited, displayed, or placed upon any portion of Lot, except that the Owner of a Lot may place a sign not larger than two square feet thereof, bearing the words "For Sale" or "To Rent," together with the name and address of the person to whom inquiries regarding the sale or rent of such property are to be addressed.

The Owner or occupant of a Lot may also place one sign thereon, but no sign shall be larger than one square foot, and the same must be permitted and approved as required by applicable ordinances and regulations. Nothing herein contained shall prevent the Association from erecting and maintaining on the Property entrance signs, directional signs, signs for traffic control or safety, community "theme" and promotional signs.

6.8 Temporary Structures: No Structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence whether temporarily or permanently.

6.9 Livestock and Poultry: No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

6.10 Garbage and Refuse Disposal: No Lot shall be used or maintained as a dumping ground for rubbish. Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection. No incinerator shall be kept or maintained upon any Lot .

6.11 Trees: No hardwood trees in excess of six inches in diameter, measured two feet above the ground, shall be removed from any Lot without the prior written approval of the Association, acting through its ACC or its duly appointed representative. The ACC may from time to time adopt rules and regulations regarding the preservation of trees and other natural resources as it may consider appropriate .

6.12 Structures: No barn, kennel, run, stable, outdoor clothes dryer, play house, shed or other structures shall be erected, used or maintained on any Lot at any time, except with the prior written approval of the ACC.

6.13 Planting: No planting or other material shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement for the installation or maintenance of utilities or which measurably change, obstruct or retard the direction or flow of any drainage channels.

7. ADDITIONAL GUIDELINES AND RESTRICTIONS

7.1 Leasing of Lots: No Owner may lease his/her Lot or any structure on his Lot unless the following requirements are met:

- the lease is in writing
- the lease is for a term of at least thirty days and
- the lease explicitly:
 - refers to LOHA's Articles of Incorporation, Declaration of Covenants, Bylaws and Amendments, and these Architectural Rules and Regulations;
 - requires that the tenant comply with all of these documents; and
 - provides that a violation of any of those documents by the tenant will constitute a breach of and default under the lease.

7.2 Subdivision of Lots: No Lot may be subdivided into two or more lots or building sites.

7.3 No Use Contrary to Law: No use of any Lot or any structure shall be made, nor shall any materials or products be manufactured, processed, or stored on a lot or in a structure, in violation of federal, state or local laws or regulations. No use of any Lot or any structure shall be made that may result in an unreasonable fire hazard to adjoining lots or structures.

7.4 Maintenance: Fairfax County ordinances require that grass be cut to 12 inches or less. The Declaration specifies that trash and yard debris may not be left at curbside for more than the day of collection.

7.5 **Construction materials:** Construction materials must be stored so that impairment of views from neighboring properties is minimized. Excess materials must be immediately removed after completion of construction.

7.6 **Pets:** Fairfax County regulations require that all dogs be on a leash when walked and that owners clean up any “droppings” left behind. People must clean up after their pets when walking them in the Langley Oaks . Further, barking dogs may be violating a County Noise Ordinance.

7.7 **External Additions:** External additions (including new rooms, sun rooms, screened porches, etc.) must be approved by the ACC.

7.8 **Fences:** As is provided for in Articles V and VII of the Declaration, fences along the rear or side lot lines must be a hedge or wooden. ACC approval is required for a fence which is along the front property line or from the front building line to the front lot line. Fences over eight feet high also require approval. All fences must blend harmoniously with the surrounding topography, architecture and plantings.

7.9 **Decks:** Decks must be approved by the ACC.

7.10 **Swimming Pools:** Pools, outdoor hot tubs, and associated fences and structures must be approved by the ACC and must comply with county regulations.

7.11 **Tennis and Sports Courts:** Tennis and sports courts must be approved by the ACC. The ACC will review such applications on a case-by-case basis, considering lot size, court size, lot location efforts to screen the court from view, the visibility of the court from neighboring homes and common property, and the opinions of neighbors. Chain link fences are prohibited by the Declaration, and are not allowed as part of courts. Night lights may be considered as part of the project, but Fairfax County regulations limit the nighttime hours they may be used..

7.12 **Trees:** Removal of dead or hazardous trees is permitted. No live hardwood (i.e. non-coniferous) tree in excess of six inches in diameter, measured two feet above the ground, shall be removed from any Lot without the prior written approval of the ACC. Unless approved by the ACC in writing, any such hardwood tree that is removed must be replaced on the same lot with one or more trees of at least five feet in height.

7.13 **Outbuildings and Storage Sheds:** Second buildings are prohibited by Article VII of the Declaration (Section 6.2 of this document). Smaller structures such as green houses, gazebos, play houses and storage sheds must be approved by the ACC. Applications will be viewed more favorably if the structure is screened from view by topography, shrubs, trees or fences.

7.14 **Play Equipment:** Play equipment intended for children, swing sets, and basketball backstops are permitted.

7.15 **Antennas and Satellite Dishes:** Non-dish and small dish (less than one meter) antennas are permitted. Large dish (greater than one meter) antennas are generally disfavored. However,

the placement of all antennas must be approved by the ACC. The ACC will consider individual applications, and will look more favorably upon applications in which the satellite dish cannot be seen from the street or adjacent lots. The Committee will consider the availability of trees, plants and shrubs to visually screen or blend with the dish, the size and color of the dish, the height of the roof line, and the opinions of residents in neighboring homes.

7.16 Solar Panels: Solar panels must be approved by the ACC. The Committee will consider the availability of trees to visually screen or blend with the panels, the visibility of panels from the street and neighboring homes, and the opinions of residents in neighboring homes.

7.17 Storage of Boats, Campers, Recreational Vehicles, Buses, etc: No boat, trailer of any kind, truck of 1½ ton capacity or greater, recreational vehicle, habitable motor vehicle, or bus, whether owned by the Owner or not, shall be stored in such a manner as to be visible from any surrounding Lot or street for a period exceeding seven consecutive days without the prior written approval of the ACC.

7.18 Non-operating Vehicles: No inoperable, unlicensed or unregistered vehicles shall be stored overnight in such a manner as to be visible from any Lot or street.

7.19 Roofs: In general, changes of roofing materials must be approved by the ACC. The ACC will review each application on a case-by-case basis considering the criteria set forth in Section 4 of this document. The ACC will look more favorably upon an application where the roofing material is to be upgraded, maintains the color of the existing material, and blends harmoniously with surrounding roofs. The ACC may from time to time adopt procedures and guidelines regarding the replacement of roofs as it may consider appropriate.

See the Addendum on the following page for:

- some examples which do/do not require ACC approval for changing roofs and
- the most recent listing of approved roofing material.

Addendum to 7:19 Roofs:

- A. Where ACC Approval Not Required: ACC approval is not required where the type and grade of roofing material is not changed.

Examples: Replacing an existing cedar shake roof with a new cedar shake roof of the same grade does not require approval. Replacing an existing 25-year asphalt shingle roof with a new 25-year asphalt shingle roof of the same or a similar color does not require approval.

- B. Where ACC Approval is Deemed to be Granted: ACC approval is deemed to be granted and a request for approval need not be filed for the following changes:

(1) Approval is deemed to be granted for a change involving only a change from asphalt shingle to 20-year or better cedar shake.

(2) Approval is deemed to be granted for a change involving only a change to an upgraded version of the existing material of the same or a similar color.

Example: Replacing an existing 25-year asphalt shingle roof with a new 40-year asphalt shingle roof of the same or a similar color does not require approval.

- C. ACC Approval Required: All other changes of roofing material require advance ACC approval.

- D. Partial List of Some Approved Roofing Shingles:

- 50 year Moire Landmark
- 40 year Certainteed - Grand Manor, Hatteras or Landmark
- 40 year GAF - Timberline
- 40 year Owens Corning - Oakridge
- 40 year Tamiko Heritage
- 25 year Celotex - Three Dimensional Fiber Glass
- 25 year Certainteed - Fiberglass XT or Horizon
- 25 year GAF Country Mansion

The above-listed materials was last updated in Feb 05. However, it is not intended as an exclusive list of roofing materials that the ACC may include on the list of Approved Materials at any given time. It is anticipated that the ACC will review the list from time to time and add/delete additional materials considering the criteria set forth in Section 4 (ACC Review Criteria) of the Architectural Rules and Regulations.

REQUEST FOR ARCHITECTURAL CHANGE IN LANGLEY OAKS

Date: _____

Mail To: LOHA Architectural Control Committee POBox 681 McLean, VA 22101-0681

From: Print name _____ Signature _____

Day Phone _____ Evening Phone _____

Property: Address _____ Lot Number _____

Do you rent or own? Rent _____ Own _____

If you rent, attach letter of approval/concurrence for this proposal from the owner

Proposed Change(s) _____ Est Start Date _____ Est End Date _____

NB: Because the Architectural Control Committee has up to 30 days to review this proposed change, property owners should always allow sufficient lead time between submitting this request and scheduling any contractors.

Describe the work to be done. Attach drawings or plans if available.

Describe Exterior Materials. Provide samples if available.

Consultations with your neighbors:

Although neighbors do not have veto powers, the Architectural Control Committee will normally solicit their views regarding your proposal. We encourage owners to expedite the process and to foster good relations by contacting their neighbors directly. If your neighbors have no objections to your proposal, they should initial below:

Print Name _____ Address _____ Initials _____

Print Name _____ Address _____ Initials _____

Print Name _____ Address _____ Initials _____

Consultation with the ACC Chairperson:

If any neighbor has any concerns about this proposal, s/he should telephone the Chairperson of the ACC immediately. Similarly, if the property owner has any special needs or questions, s/he should contact the ACC Chairperson directly.