

LYNDAM HILL PHASE I

HOMEOWNERS ASSOCIATION

ARCHITECTURAL REVIEW BOARD REGULATIONS

Effective July 1st, 2020

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LYNDAM HILL PHASE I HOMEOWNERS ASSOCIATION ARCHITECTURAL REVIEW BOARD REGULATIONS

EFFECTIVE July 1st, 2020

INTRODUCTION

WHEREAS, the Bylaws and the Declaration of Covenants, Conditions and Restrictions (also known as the Declaration) of the Lyndam Hill Phase I Homeowners Association, Inc. (also known as the Association) and the Virginia Property Owners Association Act give the Board of Directors of the Association (also known as the Board) the right to exercise for the Association all powers, duties and authority vested in or delegated to the Association not reserved to the membership by other provisions of the Articles of Incorporation, the By-Laws, or the Declaration, and

WHEREAS, the Board is charged to adopt and publish architectural rules and regulations for the Lyndam Hill Phase I community, and to establish penalties for any infraction thereof, and

WHEREAS, it is the intention of the Board, on behalf of the Association, to enforce the governing documents, rules and regulations equitably toward all Association members;

NOW THEREFORE, BE IT RESOLVED THAT

1. The Board does hereby adopt the attached set of ARCHITECTURAL REVIEW BOARD REGULATIONS (also known as the ARB Regulations) for the Lyndam Hill Phase I community with an effective date of July 1st, 2020.
2. These ARB Regulations replace and supersede any previously promulgated ARB Regulations.
3. The Board of Directors shall inform the owners and residents of the Lyndam Hill Phase I community of these ARB Regulations on at least two occasions before commencement of any enforcement action.
4. The Board of Directors shall publish and make available complete copies of said regulations at no cost for each owner of the Lyndam Hill Phase I community. Additional copies will be provided for a charge of \$10 each. A copy of revised or updated Regulations will be provided to each homeowner at no cost. In an attempt to protect the authenticity of HOA Regulations and Policies, electronic copies will not be provided.
5. In the event the Association retains, employs, or engages an attorney to enforce any provisions of the By-Laws, Declaration, or these ARB Regulations, regarding any obligation of an owner or resident, then in addition to any remedies otherwise available to the Association, the owner shall, as part of such and any legal action, or work performed by said attorney, be responsible for attorney's and administrative fees incurred by the Association in such enforcement action.

PURPOSE: The purpose of these ARB Regulations is to provide a consistent, systematic and uniform method of conducting business by the Architectural Review Board.

SCOPE: These regulations cover the authority, membership, and conduct of meetings, architectural standards, duties, responsibilities, and methods of requesting, reviewing and approving individual matters by the Architectural Review Board. These regulations are not intended nor should they be used to supersede any Covenants, Fairfax County ordinances or codes, Pohick Church Overlay District Regulations, Fairfax County Zoning Ordinances, or acceptable construction standards.

ACTION: The Architectural Review Board shall conduct its business in accordance with the attached ARB Regulations, and further shall bring any extraordinary business that comes before them to the attention of the Association's Board of Directors.

APPROVAL: All exterior changes or modifications to a lot or residence in the Lyndam Hill Phase I community must have prior approval of the Architectural Review Board. All requests must be submitted in writing on an Architectural Modification Request Form.

AUTHORITY: These regulations have been approved by the Board of Directors in accordance with the Article of Incorporation, the Declaration of Covenants, Conditions and Restrictions, and the Bylaws.

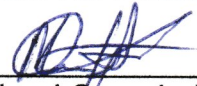
Book of Minutes dated June 23, 2020

ATTEST:

25 June 2020
Date


Jon Maldonado, President/Director
Lyndam Hill Phase I Board of Directors

25th June 2020
Date


Michael Campbell, Vice President/Director
Lyndam Hill Phase I Board of Directors

25 June 2020
Date


Norbert Gardepe, Treasurer/Director
Lyndam Hill Phase I Board of Directors

ARCHITECTURAL REVIEW BOARD REGULATIONS of the Lyndam Hill Phase I Homeowners Association

GENERAL: The members of the Lyndam Hill Phase I Homeowners' Association are bound and protected by the Declaration of Covenants, Conditions, and Restrictions (the "Declaration") applicable to all sections of the Lyndam Hill Phase I Homeowners Association as recorded in the Land Records of Fairfax County, Virginia. The Architectural Review Board (ARB) is specifically charged with the responsibility for application and enforcement of the Architectural Review Board Regulations. Membership on the ARB shall be restricted to the owners of the Lyndam Hill Phase I community, and the Chairperson shall be a voting member of the Lyndam Hill Phase I Board of Directors.

These ARB Regulations are not intended to supersede or modify the Articles of Incorporation, but to enunciate the consensus of the ARB as representative of the community on interpreting the Declaration, the Bylaws and the Articles of Incorporation, and to clarify and articulate the authority of the ARB, on behalf of the Lyndam Hill Phase I community, as set forth in Article VII of the Declaration and Article VII of the By-Laws of the Association.

These regulations are structured to parallel the Declaration and thus provide for easy reference. Where no comments are presented herein, the ARB deems the Covenants to be self-explanatory.

MEMBERSHIP: See Article VII of the Declaration.

REGULAR MEETINGS: The ARB shall meet on a monthly basis. In the event that there is no ARB Business to be addressed, the Chairman may cancel the regular meeting by so notifying the ARB members. In the event that it is known beforehand that a quorum will not be present, the regular meeting shall be rescheduled for the next convenient time.

SPECIAL MEETINGS: The ARB may meet specially to conduct its business as required by these regulations. A special meeting may be called by the ARB Chairman or by the Board of Directors. It is necessary that a quorum is present at any special meeting; however, in the event that a quorum is unobtainable and there is pressing business to be dealt with that is clearly within the scope of responsibility of the ARB, the ARB Chair and at least one member of the Board of Directors shall conduct business on behalf of the ARB. The ARB Chair must then notify the remaining ARB members, Board members, and its management in writing/email the outcome of the meeting no later than two days following the special meeting. Such notifications shall include the date and time the special meeting was held, the names of the ARB and/or Board members present, a summary of the business conducted in addition to a completed Modification Request Form and a copy of all required supporting documents, forms and paper work submitted. This procedure serves in the best interests of the Association and will not be used as a means to circumvent normal ARB procedures.

RESPONSIBILITIES: In an effort to protect the investment of all residents, the ARB must review and respond in writing to all requests for exterior additions or modifications, to avoid any addition or modification which could adversely affect the intrinsic integrity of the community, the value of homes in the Lyndam Hill Phase I community, or the resale of a home. The ARB will concentrate on keeping all requested additions or modifications within the original architectural style established by the builder for the Lyndam Hill Phase I community, including choice of colors.

RESPONSIBILITIES CONTINUED:

Effects of natural drainage and erosion will be considered where appropriate. All alterations, modifications, or additions must meet pertinent County codes and all permits, variances, etc. and must be secured prior to beginning work. It should be recognized that County officials applying Building Codes are only responsible for ascertaining that all construction is structurally sound.

HOMEOWNERS' REQUESTS: All requests for exterior additions, modifications, repairs, and or replacements will be submitted in writing to the ARB, through the Homeowners Association's current management agent. Exterior additions and/or modifications include, but are not limited to any additions and/or modifications to: garages, doors, windows, lights, light polls, brick, siding, roof, rails, down spouts, drainage pipes, stairs, porch, steps, decks, sidewalks, driveways, storage units/buildings, fences, overhangs, portable devices (attached/detached), screen doors etc.

The use of an Architectural Modification Request Form, a survey plat, sketches, plans or illustrations from magazines or catalogs along with a written explanation of the project is required. In addition, preference of color (paint chip) and pertinent measurements must be included with the request when applicable. Two copies shall be submitted, one for the ARB files, and one to be returned to the Homeowner with a statement of approval/ disapproval.

Owners or their designated representatives wishing to personally present a request to the ARB are encouraged to do so. A personal presentation does not alleviate the requirement for a written application. Each request is considered individually. If alterations that are not covered in ARB regulations or other Lyndam Hill Circle Phase I covenants, by laws, rules and/or regulations are requested, the ARB will advise the owner in writing of procedures and requirements to submit their request.

All approved requests for exterior additions or modifications are valid for three months, and such additions or modifications must be completed within three months of the approval of the request. Additional time to complete an approved project will be considered by the ARB upon receipt of a written extension request. A charge of \$10.00 per day may be imposed by the Board of Directors for unreasonable delay in completion of an approved addition or modification.

ARB Actions: At each regular or special ARB meeting, the ARB will consider and vote on all homeowners' requests. Upon the ARBs evaluation and vote of the request, the ARB will promptly provide their recommendation to the Board of Directors. Unless an inspection is required, the HOA management will provide a written approval/disapproval notification to the homeowner no later than fifteen (10) days after notification to the Board. In cases where an on-site inspection is required, the ARB Chairperson or his/her designated representative shall schedule such inspection with the homeowner. The inspection shall be conducted by a minimum of two (2) ARB or Board members. The details regarding the inspection and recommendation for approval/ disapproval will be annotated in writing and promptly presented at the next regularly scheduled or special ARB or Board of Directors meeting. In order to adhere to county zoning laws, policies and regulations, revisions to the original request may be required by the ARB. Work regarding the request is not permitted to start until written authorization is received from the ARB or the Board of Directors.

LOCAL ZONING AND PERMIT APPROVAL: It is the property owner's responsibility to secure any and all required building permits, structural plan approvals and zoning approvals prior to commencement of any work on any property. The Association's only concern is the aesthetics of the proposal as it relates to the overall community theme.

ANNUAL INSPECTIONS: The ARB and/or its current management agent shall conduct an annual inspection for the condition and maintenance of each house and lot in the Lyndam Hill Phase I community. Upon completion, a written report of each property will be provided promptly to the Board of Directors for their review. The report shall contain as a minimum, any apparent violation(s) of these regulations, the Declaration, By-Laws and/or County ordinances as well as any recommended improvements that may assist the homeowner in the overall upkeep of the property. Upon review by the Board of Directors, each homeowner and resident will be mailed a copy of the inspection report within 5 business days. The report will include a deadline date for all violations to be corrected.

The ARB, a Board of Director, or its current management agent will conduct follow up inspections to ensure all violations have been corrected. Written reports of follow up inspections will be submitted to the Board for review. Inspections will be maintained on file by the ARB and the Lyndam Hill Circle Phase I management agent for a minimum of five years.

Actions shall be taken against all homeowners failing to correct violations within the prescribed time line as directed by the ARB Chairperson, or by the Board of Directors.

NOTICE OF INSPECTION VIOLATIONS: Individual violators shall be notified by the current Lyndam Hill Circle Phase I management agent in the following manner:

1. First letter of notification - informs and documents cases of noncompliance of these Regulations, the Declaration or the By-Laws and required corrective action. The number of days to comply/correct violation will be indicated in the letter. This letter will be sent by 1st class mail within 5 business days. A courtesy phone call and/or email will also be made/sent to the homeowner to ensure they are aware of the violation.
2. Second letter of notification - directs compliance within a specific time frame established in the Declaration (currently set as 14 calendar days), including statement of the offender's right to appeal the decision of the ARB to the Board of Directors. The letter will indicate that the owner or a person designated by the owner shall be entitled to meet with the Board, or its management agent, at a time to be designated by the Board or its agent. This letter will be sent by certified mail, return receipt requested. A follow up phone call and/or email will also be made/sent to the homeowner.
3. Third, if the matter is not resolved to the satisfaction of the ARB and the Board of Directors, a certified letter, return receipt requested, will be sent to the owner and resident within 5 business days, informing them of the penalty assessed for the unresolved violation.
4. Fourth, if the penalty assessment is received within the prescribed time line as stated in the third letter sent to the homeowner, the homeowner will be turned over to the current retained Lyndam Hill Circle Phase I lawyer for action. \$10 per day in addition to all legal and/or administration fees/costs incurred will be assessed to the homeowner until the penalty and additional fees/costs have been paid.

The ARB shall ensure that all violations of these regulations are addressed within thirty (30) calendar days or as arranged by the ARB. The ARB will keep sufficient records and will be required to report to the Board during regular or special Board of Directors meetings.

In the event of a pending sale of property in the Lyndam Hill Phase I community, the seller (in

writing) must request any violations pending against the property. Prior to the sale and transfer of ownership of the property in question, all violations against the property must be corrected in addition to any and all penalty assessments and fees charged against the property and its owner be paid in full. (See Article V, Section 11 of the Declaration.)

After all established procedures, notifications and appeals have been exercised for any enforcement process, the Board of Directors may levy a penalty assessment and enter upon said parcel to repair, maintain, and/or restore the Lot and the exterior of the building(s) and any other improvement erected thereon. The cost of all enforcement actions, to include but not limited to, such exterior maintenance, charges, all of the Association's legal fees, administrative fees, collection fees, and any other related cost shall be added to and become part of the annual Home Owner Association fee to which such Lot is subject.

NOTIFICATION OF VIOLATIONS OTHER THAN THOSE IDENTIFIED DURING THE ANNUAL INSPECTION: If a violation to ARB Regulations is identified during times other than that of the Annual Inspection, the Chair of the ARB Committee, a Board Director or the HOA management company will notify the home owner and/or their tenant of the notification. The initial notification may be verbal, a tag may be left on the doorknob of the property, or a yellow notification card may be left on the owner's/tenant's vehicle. At the time of notification, the homeowner will be informed of the time permitted to correct the violation. If the violation is not corrected within the allotted time period, the homeowner will be given a final notice that the violation must be corrected. Additional penalties may be charged to the homeowner.

A third verbal notice is not required. A certified letter will be mailed to the owner within 5 business days. The letter will be mailed to the last known address of the owner and tenant and shall explain the nature and date of the alleged violation and the expected date for the owner to correct said violation. The Notice shall state that the owner and/or designated agent is entitled to meet with the Board of Directors, with or without counsel, to be heard on the issue/s at hand at a time to be designated by the Board. The owner and/or the owner's designated agent must request in writing a meeting with the Board no more than five days after receiving the certified letter.

The owner and/or the owner's designated agent must include in the letter to the Board of Directors the names and titles/positions of all personnel that will be present during the meeting with the Board.

After the Board's meeting with the homeowner, the Board will determine if the violation will be dismissed, additional time granted to the homeowner to correct the violation, or if the violation will stand and the homeowner be charged a penalty assessment. A penalty assessment not to exceed \$50 per violation may be charged to the homeowner by the Board of Directors. If the violation is continuing in nature, the Board will decide whether to authorize a continuing penalty charge, not to exceed \$10.00 per day, in addition to the initial \$50 penalty assessment charged until such violation is corrected. If a penalty assessment is charged, the homeowner will be notified by First Class and Certified Mail. The notification will include the amount of the penalty assessment, the amount of any legal and/or administrative fees incurred by the Board as well as the date the homeowner is expected to pay said penalty assessment and fees.

The ARB is hereby empowered to recommend that the Board Issue and authorize penalty assessments as described below:

- a. Without notice, suspend the running of any continuing penalty assessments;

- b. Without notice, waive any violation charge if in its discretion it feels the owner is taking adequate steps toward or has corrected the violation.

In the event the Association retains, employs, or engages an attorney to enforce any covenants, provisions, declarations, rules, regulations, or guidelines of the Association regarding any such obligation of the lot owner, then in addition to any remedies, available to the Association, the lot owner shall, as part of such and any legal action, or work performed by said attorney, be responsible for attorney fees incurred by the Association. In the event the sole remedy sought by the Association is money damages, the amount of attorney's fees shall be an equal amount and in no event less than \$100.00. Any violation charge so authorized and issued shall be deemed a penalty assessment and shall carry with it all rights and remedies due any other assessment of the Association.

PENALTY ASSESSMENT SCHEDULE FOR VIOLATIONS: The Association reserves the right to levy charges under the Virginia Property Owner's Association Act, Article 55. Effective July 1st, 2020 all violations shall have a charge applicable to the infraction as follows:

Penalty Assessment Level A - \$50.00 per offense and/or \$10.00 per day for a continuing condition.

Penalty Assessment Level B - \$10.00 per offense and/or \$10.00 per day for a continuing condition.

Penalty Assessment Level C - \$25.00 per offense.

Penalty Assessment Level D - \$10.00 per offense.

Penalty Assessment Level E - Actual cost of repairs and/or maintenance.

No charge shall be levied against any homeowner until thirty (30) days after said homeowner has received written notification specifying the violation(s) and the corrective action necessary.

RULES AND REGULATIONS:

The following Regulations specifically address individual areas of concern and provide further restrictions. All exterior modifications must be submitted and written approval granted prior to starting any exterior modification, unless otherwise noted in these Rules and Regulations.

Exterior Permanent Structures: Penalty Assessment Levels "A" and "E"

1. GENERAL:

- a. All exterior modifications must be submitted to the ARB prior to the start of any modifications and must include: an Exterior Modification Form, plans, copy of owner's official plat and a materials list. Plans must be drawn on the plat by the owner, CC&R Article VI, Section 1 and 2.
- b. In addition, the homeowner must ensure all building permits; historical, county, city and state requirements/forms are met and submitted to the ARB with documents mentioned in paragraph a above.

- c. All exterior permanent structures include, but are not limited to: covered porches, sun rooms, Florida rooms, sheds and bump-outs shall have an asphalt or neutral color vinyl roof that is not in stark contrast to existing asphalt shingles on the home.
- d. All additions and exterior structures must maintain the materials used by the builder: vinyl siding - same color and texture, asphalt shingled roofs to match an existing home roof in texture and color, windows must match existing windows- a variance in the size, but the same color, vinyl material and grids.
- e. Please be mindful that the Lyndam Hill Phase I subdivision is located in a historical area and therefore many exterior permanent structures are not permitted by the Historical Society.

Paint and Stain Standards: Penalty Assessment Levels "A" and "E"

1. Exterior color changes must be submitted for approval, CC&R Article VI, Section 1.
2. Exterior color changes will be approved only if the proposed color conforms to the character of the community, i.e. colors similar to those used by the builder or listed in the ARB . **NOTE:** Color formulas not referenced in the ARB may be obtained through the HOA management company.
3. Only those areas that are stained may be re-stained, such as the front door and fencing. Unpainted or unstained surfaces shall remain unpainted or unstained, i.e., brick and concrete.
4. Original colors for each home and those listed below need not be submitted for pre-approval.

a. Exterior foundation colors (the following are approved paint colors for exterior brick foundation surrounding homes beneath the vinyl siding):

a1. DuPont Semi-Gloss Wheat (original builder color) or

a2. Sherman Williams Semi-Gloss Enamel Exterior Paint- Beige (Color Formula):

CCE COLORANT	OZ	32	64	128
B1- Black	-	8	1	-
R2 - Maroon	-	2	-	-
Y3 - Deep Gold	-	13	1	-

a3. DuPont Semi-Gloss One Coat White (original builder color) or

a4. BEHR Premium Plus Pure White Semi-Gloss Enamel Exterior Paint and Primer in One

b. Exterior trim colors (the following are approved paint colors for exterior trim, i.e. roof trim, fascia, porch ceiling, columns, garage trim).

b1. DuPont Semi-Gloss Wheat (original builder color) or

b2. Sherman Williams Semi-Gloss Enamel Exterior Paint - Wheat (Color Formula)

CCE COLORANT	OZ	32	64	128
B1- Black	-	1	1	1
R2 - Maroon	-	-	1	-
Y3 - Deep Gold	-	19	-	1

Exterior trim colors continued:

b3. BEHR Premium Plus Pure White Semi-Gloss Enamel Exterior Paint and Primer in One

c. Shutter colors (the following are approved paint colors for shutters):

c1. BEHR Premium Plus Black Semi-Gloss Enamel Exterior and Primer in One or

c2. BEHR Premium Plus Shutter Gray Semi-Gloss Enamel Exterior Paint, PPU25-18
(Color Formula):

CLRNT	AXL	BL	CL
OZ	0	0	O
384 TH	20	210	43

c. **Front Door.** Front doors shall be maintained regularly to maintain a kept and unweathered appearance at all times.

c1. **Front Door Stain** (The following are pre-approved stains for front doors):

c1.1. MINWAX - Golden OAK 210B (original builder color)

c1.2. Valspar – Pre-Tinted Honey Gold Transparent Exterior Stain and Sealer

c1.3. Valspar – Pre-Tinted Redwood Naturaltone Transparent Exterior Stain and Sealer

c2. **Front Door Paint** (The following are approved paint colors for front doors):

a. BEHR Premium Plus Black Semi-Gloss Enamel Exterior Paint and Primer in One

b. BEHR Premium Plus Shutter Gray Semi-Gloss Enamel Exterior Paint, PPU25-18
(Color Formula):

CLRNT	AXL	BL	CL
OZ	0	0	O
384 TH	20	210	43

NOTE: Doors shall not painted in any color except those listed above and require HOA Exterior Modification form to be submitted and approved prior to initial painting of any exterior door in order to ensure compliance with ARB guidance.

d. **Door Hardware:** Door hardware can be either Polished Brass or Satin Nickle finish.

d1. Finish on door hardware and optional “kick plate” must all match and cannot be intermixed with each other. In other words, must be all Brass or all Nickle finish.

d2. **Electronic door locks** may be used in lieu of single cylinder deadbolt lock device. Electronic lock finish must match existing door lever handleset/door knob.

NOTE: No more than two hardware pieces shall be installed on any exterior door at any time (i.e. one deadbolt and one door knob, or one electronic lock and one handleset.

e. **Metal Roof** (the following are approved paint colors for metal roofing)

Behr Ultra, Brick Red (PFC-02), Exterior Semi-Gloss, Base 5853 (Color formula):

CLRNT	FL	IL	KXL	VUL
OZ	1	3	O	3
384 TH	158	228	228	50

e1. **Alternative metal roof colors** (the following are approved alternative roof paint colors):

a. BEHR Premium Plus Black Semi-Gloss Enamel Exterior Paint

b. BEHR Premium Plus Shutter Gray Semi-Gloss Enamel Exterior Paint, PPU25-18 (Color Formula):

CLRNT	AXL	BL	CL
OZ	0	0	O
384 TH	20	210	43

NOTE: All painted surfaces must be uniform in color and cannot be combined with other approved colors.

e1. **Homes with shutters:** Home owners with shutters have the option to keep original stain finish on doors only if they keep original Brick Red metal roofing. If owners opt to change metal roof color then Door, Shutters and Metal Roof must all be either Black or Shutter Gray in order to maintain consistency throughout the community.

e2. **Homes without shutters** Home owners whom decide to keep original Brick Red metal roofing cannot paint doors and are limited to stain options listed above to maintain similar appearance to homes with Brick Red metal roofs.

5. All painted areas of any property must be kept painted and in good condition. Faded, peeling or missing paint from any area requiring paint must be properly prepared and repainted, as per CC&R Article VI, Section 12.

6. Fence and deck stain or sealant standards are provided on page 11 of this document.

Fence Regulations: Penalty Assessment Levels "A" and "E"

2. GENERAL:

- Prior to installing any fence or modifying existing fence size and style, homeowner must submit a Homeowners Association Exterior Modification Form and receive approval before proceeding with project. **NOTE:** Design including materials and stain, as well as plat depicting dimensions must be drawn on the plat and listed by the owner on modification request form, CC&R Article VI, Section 13.
- It is the sole responsibility of the homeowner to ensure that the fence line is within his/her legal property bounds and not crossing onto any easement.
- Finished products are subject to final approval by onsite inspections by an ARB member.

- d. All wood that comes in contact with the ground will be decay resistant or pressure treated with an EPA approved decay resistant chemical of 40 lbs or greater, per cubic foot, properly applied.
- e. Metal fencing materials, except for hardware and fasteners of any kind are prohibited.
- f. All fence posts shall be 4"x 4" and must be capped with a decorative finial and top rail to prevent water penetration.

Approved colors for fences and decks: Penalty Assessment Levels "A" and "E"

- a. All fence shall be stained with a Behr Premium Advanced Semi-Transparent Waterproofing Stain and Sealer, Cedar tone, ST-533, or a clear and colorless sealant. As an alternative Behr Premium Advanced "DeckOver" in Cedar Naturaltone, SC-533, may be utilized to conceal cracks and splinters up to 1/4". Stain or Sealant shall be applied to the fence every 2-3 years to preserve the wood and enhance its appearance.
- b. Decks constructed with composite materials must remain their original colors as approved by the ARB on the Exterior Modification request.
- c. Decks constructed in wood must be stained with a Cedar Semi Opaque Translucent Stain or sealed with a clear and colorless sealant. As an alternative a White Cedar Stain (**White Cedar Stain applies to Decks only**); and Behr Premium Advanced DeckOver (Cedar Naturaltone, SC-533) may be utilized.
- d. Decks and fences are not approved for paint.

Fence Style# 1: Penalty Assessment Levels "A" and "E"

I. ALTERNATE BOARD (BOARD ON BOARD) 1" X 6" X 6' FENCE (EIGHT (8') FOOT SECTIONS:

- a.. Alternate Board rear fencing must be stained with a Cedar Semi Opaque Translucent Stain or sealed with a clear and colorless sealant.
- b.. The alternate board fence shall be built to seventy-two inches (6') in height.
- c.. The alternate board fence shall have only a top supporting 2"X 4" rail, a middle 2"X 4"
- d. Supporting rail and a bottom 2"X 4" supporting rail placed in between the alternating slats.
- e. 1" X 6"X 6' (FENCE) Slats shall be installed to the supporting rail alternating between the interior and exterior sides of the fence. Fence shall have a cap 1" X 4" by length offence on the entire fence top. All Post shall be capped with a metal post cap.

II. ALTERNATE BOARD (BOARD ON BOARD) GATES: (Fence Style #2)

- a. Gates will conform to the style, look and construction of the alternate board fence. 1" X 6"X 6' (FENCE) Slats shall be installed to the supporting rail alternating between the interior and exterior sides of the fence.
- b. Fences will have no more than two gates, which will swing in the owner's direction of

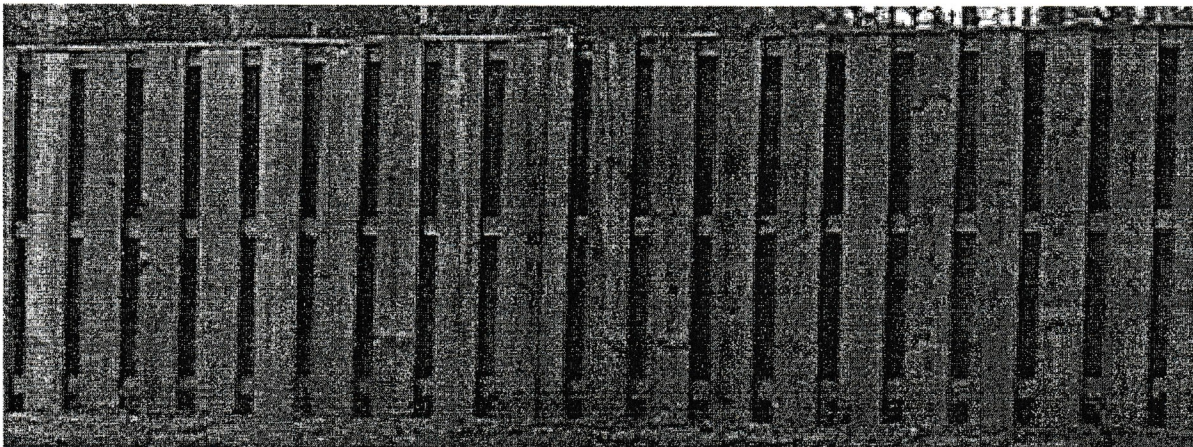
choice.

- c. Gates shall be braced on the interior side with top, bottom, and lateral supports and with hinges of sufficient strength for proper support.
- d. All gate hardware will match.
- e. The alternate board fence gate shall have only a top supporting 2"X 4" rail, middle 2" X 4" supporting rail and a bottom 2"X 4" supporting rail between the alternating boards. Gate shall have a cap 1" X 4" by length of gate on the entire gate top. All Posts shall be capped with a metal post cap.

3. FENCE LOCATION:

- a. Installation of fences on each side of the home shall be installed from the rear corner of the home. The installation of any fence must remain within the owner's property. All fences must have approval prior to installation.
- a. Rear yard fences shall be installed only behind the residence so as not to extend beyond the sides of the residence, except that the fence on the rear lot line can extend the entire length of the rear lot line, except that there can be more owner's rear lot line fence if there is an existing common area fence adjacent to the owner's rear lot line.

Fence Style #1: Penalty Assessment Levels "A and "E"



Fence Style #2: Penalty Assessment Levels "A and "E"

All fence behind lots 18 - 22 facing Telegraph Road must be constructed in accordance with the builder's original design.



Fence Style #3: Penalty Assessment Levels "A and "E"

The board must approve any other proposed fence styles.

4. MISCELLANEOUS REGULATIONS:

4.1. Air Conditioners: Penalty Assessment Levels "A and "E"

Window air conditioning units of any type may not be installed in any home. Only central units are allowed.

4.2. Antennas and Satellite Dishes: Penalty Assessment Levels Levels "A" and "E"

Every effort should be made to install satellite dishes in the least conspicuous location that will allow for an acceptable quality signal on the rear roof of your home or rear yard. TV antennas should also be hidden from view in the rear of your home to the greatest extent possible without impairing reception. All satellite dishes and antennas must be approved prior to installation. No radio antennas shall be visible from the exterior of any lot.

All exterior wiring in support of a TV antenna or a satellite dish antenna must be concealed and cannot be visibly seen hanging from the dwelling. Satellite dishes may not exceed 22" in diameter, CC&R Article VI, Section 10.

4.3. Attic Fans: Penalty Assessment Levels "A and "E"

Attic fans shall be located to the rear or side of the roof peak and shall not be visible at ground level from the front of the unit. Turbine fans will not be approved. Professional installation of attic fans is strongly encouraged.

4.4. Awnings: Penalty Assessment Levels "A and "E"

Exterior back deck and yard retractable awnings shall be approved on a case-by-case basis. Awning colors should conform to the color of the home. Approval must be acquired prior to installation.

4.5. Basketball Pole, Backboard & goal: Penalty Assessment Levels "B and "E"

Permanent basketball hoops and goals can, upon approval by the ARB; be installed in the rear of homes on a case-by-case basis. Portable basketball goals must never be placed in the street and must be properly stored inside garages or the residence property line at the rear of the home between 8:00p.m. and 8:00a.m. For safety reasons portable basketball goals are never permitted to be stored along the side of the residence and must not restrict back yard access

4.6. Clothes Drying Facilities: Penalty Assessment Levels "A" and "E"

No clothesline or clothes drying pole may be installed, CC&R Article VI, Section 3.

4.7. Dog Houses: Penalty Assessment Levels "A", "B", "C" and "E"

Dog houses must be enclosed in a fenced rear yard and require ARB approval prior to construction. Dog Houses may be approved by the ARB even if visible from neighboring property so long as it and the ground around it are kept neat, attractive, clean and unobtrusive and of reasonable size. Should complaints arise over an unkempt pet area, the ARB reserves the right to enforce applicable portions of this regulation, or of the governing documents of the Association.

4.8. Decks: Penalty Assessment Levels "A" and "E"

All decks require prior approval of the ARB. In addition, the owner shall comply with building ordinances of the County of Fairfax, as required. No deck shall be closer than five feet (5') to the rear property line, CC&R Article VI, Section 2. No deck will serve as storage. No decks shall be built in the front of any home. Deck furniture and grills may be kept and stored on decks. Furniture and grills are not to be stored in front of the home.

4.8.1. If deck furniture and grills are covered, the cover must be appropriate. Material for decks shall consist of:

- a. Pressure treated exterior lumber or neutral colored vinyl composite unless otherwise approved by the ARB. Neutral composite colors include sandalwood gray, cedar and redwood. White composite materials must obtain prior ARB approval.
- b. Within one foot of home for lower decks or attached to home and cannot be within one foot (1') of the rear property line.

4.8.2. Rear side privacy latticework for upper decks is not authorized, as this has not been approved by the Pohick Church Overlay District Regulations. Latticework for lower decks will be decided by the ARB on a case-by-case basis.

4.9. Exterior Energy Saving Devices: Penalty Assessment Levels "A" and "E"

Request for installation of exterior energy saving devices will be considered on an individual basis. All components must be placed at the rear of the dwelling, CC&R Article VI, Section 2.

4.10. Flagpoles: Penalty Assessment Levels "A" and "E"

Permanent, freestanding flagpoles are not permitted. A temporary flagpole staff that does not exceed six (6') feet in length and is attached at an incline to the wall or pillar of the dwelling unit does not require approval by the ARB. Only one such flagpole staff shall be permitted per home, CC&R Article VI, Section 21.

4.11. Seasonal Furniture/displays: Penalty Assessment Levels "B" and "E"

Seasonal furniture/displays may be displayed for a period not to exceed four (4) weeks prior to the holiday and no more than two (2) weeks following the holiday. Seasonal furniture include but is not limited to sleighs, Nativity items, hay stacks, angels, scare crows, Halloween items etc. All seasonal furniture/displays must remain in good repair and appearance. At no time may furniture, displays or items that offend others and/or provoke discrimination may be displayed.

NOTE: Property owners and tenants should make every effort to store and/or secure all patio and deck furniture/umbrellas, as well as lawn décor that could be easily blown during a storm or during tornado season.

4.12. Garages: Penalty Assessment Levels "A"

Garages shall not be used to store hazardous items. Garage doors must be able to be closed completely at all times. No garage door shall remain open on a continuous basis, CC&R Article VI, Section 20.

4.13. General Property Appearance: Penalty Assessment Levels "B" and "E"

The exterior of all dwellings and yards must be properly maintained in a like new, orderly and neat condition to the satisfaction of the ARB and Board of Directors, CC&R Article VI, Section 5.

4.14. Grills: Penalty Assessment Levels "B" and "E"

An application is required for the installation of permanent grills. All grills must be stored and used in the rear of the property unless the event has pre-approval from the ARB.

4.15. Hose Carts and Water Hoses: Penalty Assessment Levels "C" and "E"

All hoses and hose carts must be stored neatly and may be stored unobtrusively in front, sides and rear of unfenced properties.

4.16. Iron Railing "Front Exterior": Penalty Assessment Levels "A" and "E"

All iron rails must be maintained and remain gloss black in color. Rails may not be removed permanently, but are permitted to be removed temporarily to accommodate moving.

4.17. Landscaping: Penalty Assessment Levels "A", "B", "C", "D" and "E"

Minor landscaping work and minor planting in general do not require approval of the ARB however; major landscaping and plantings (i.e. large shrubbery, trees, and/or modifications that would affect land contours or drainage, or planting hedges along property borders) requires ARB approval. Hedges will not be permitted to grow above the height of 36 inches in the front of the property. Lawn edging to be installed above ground must be constructed of high quality pressure treated lumber, brick or stone. Metal edging of any kind shall not be permitted. Temporary barriers erected for seeding or planting purposes shall not require prior ARB approval, but shall not remain in place for more than one month. Any deviation from this standard requires ARB approval, CC&R Article VI, Section 5.

4.18. Lawns: Penalty Assessment Levels "A", "C" and "E"

Private front, side and rear lawns shall be neatly cut at all times, and not exceed six (6) inches in height. Failure to maintain lawns to this standard may result in the Association applying a penalty

assessment to any respective lot's annual Home Owner Association fee's account to cover the cost of having the work done by a lawn company/contractor hired by the HOA, as allowed by the governing documents and Board resolution, CC&R Article VI, Section 5.

4.19. Lighting (Exterior): Penalty Assessment Levels "A", "C" and "E"

All exterior lighting fixtures must be maintained. Exterior dusk to dawn lantern poles must be in working order at all times. Only clear or soft white light bulbs can be installed in lantern poles. Only clear, soft white light bulbs and yellow bug lights shall be allowed in all other exterior lighting. Low voltage landscape lighting is allowed. No exterior lighting shall be directed outside the boundaries of any lot except for Association street lamps and individual residential low voltage landscape lighting. Due to the close proximity between homes, prior approval by the ARB is required for lighting that is activated by motion. Additionally, all lighting not addressed in this document must be approved prior to installation. Seasonal lighting is addressed separately in this document on page 16.

4.20. Lawn Décor: Penalty Assessment Levels "A", "C" and "E"

Residents are limited to no more than a total of five lawn décor in the front of their home. Lawn décor include but is not limited to: statues, benches, bird feeders/baths, hanging pots, plaques, large flower pots, chimes, etc.

No patio furniture or chairs are permitted to be permanently displayed in the front and/or sides of the lawn or garage and on a front porch.

4.21. Material Storage: Penalty Assessment Levels "A" and "E"

Only usual and normal material incidental to a residential area may be stored upon private lots within the Association. Only in ARB prior- approved situations may material, gardening/lawn supplies and/or other equipment be stored in the front of a property. In ALL other cases, all material, gardening/lawn supplies and/or other equipment must be stored in the rear of the property. The rear of the property will not be used for the storage of junk, garbage and industrial/commercial supplies/equipment.

4.21.1. Portable storage containers are permitted for up to 2 weeks with prior notification to the Association. Requests for portable storage containers for longer than 2 weeks must be approved by the Association. Portable storage containers must be placed on the driveway of the lot and not obstruct the sidewalk or road.

4.21.2. No material stored on any part of the Association's common grounds to include roads and walkways, except that which is incidental to ongoing construction projects undertaken by the Association.

4.22. Nuisance Activity: Penalty Assessment Levels "A" and "B"

No noxious or offensive activity shall be carried on upon any portion of any residential property or Association property, nor shall anything be done thereon which may be or become a nuisance or annoyance to the neighborhood. CC&R Article VI, Section 6.

NOTE: Nuisance/annoyance include but is not limited to: loud yelling/screaming, banging, public intoxication, playing loud music that can be heard outside the property, and playing loud music: in front of their property, from an open garage and/or on front porches/stairs, decks, driveways, in the street and on sidewalks.

4.23. Patios: Penalty Assessment Levels "A", "B" and "E"

Construction of patios of any kind shall require prior approval by the ARB. Construction of patios in front yards is not permitted. Rear patios at walkout level may be decorative brick, concrete slab, or completed in flagstone and shall be built to county code. Any permanent patio structure must be recessed one foot (1') from the rear property line and requires ARB approval prior to construction.

4.24. Pets and Animals: Penalty Assessment Levels "A", "B", "D" and "E"

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 they are not raised, bred or kept for commercial purposes. Penalty assessments will be levied against respective lots where the animal resides for allowing any dog to leave a lot that is not leashed and under the control of the person walking the dog or for allowing any pet to defecate on Common Areas without immediately cleaning up any solid waste. Pet owners will take deliberate steps to prevent their pet from urinating and defecating on other homeowners' lawns. A penalty assessment will be levied to any homeowner who is proven to allow their pet to relieve themselves on other homeowners' lawn. Pet owners must remove waste in their yard daily to prevent rodent and insect infestation. Animals must not be allowed to become a nuisance with regards to barking excessively or trespassing on individual properties, CC&R Article VI, Section 8.

4.25. Front Porch Posts & Railings: Penalty Assessment Levels "A" and "E"

Front Porch Posts to include light globe/fixture must remain in the original style and model. The Post must remain black in color. The light globe/fixture may be brass or black in color. Both must be touched up when there is discoloration or chipping. All lighting fixtures attached to the house must have a matching finish.

Porch railing may be replaced with exact material, color and style does not require approval. Vinyl railings in the community may be approved on a case-by-case basis. Vinyl must match exact color of existing railing and approved prior to installation and must be black or white in color.

4.26. Property Use: Penalty Assessment Levels "A" and "E"

No portion of the properties shall be used except for residential purpose and for purpose incidental or accessory thereto. Homes within the Lyndam Hill Circle Phase I community are intended to be single-family dwellings and may not be transformed into multi family dwellings and/or apartments.

4.27. Pruning: Penalty Assessment Levels "B" and "E"

Trees, shrubs, and hedges, which restrict sight lines for vehicular traffic or pedestrian passage, shall be cut back or removed. Under no circumstances shall trees or shrubs be allowed to interfere with walkways or vehicular traffic. All plants must be kept properly trimmed and mulched to enhance the home and the community. All specimens must be kept within the property lines of the respective home, CC&R Article VI, Section 4.

4.28. Recreation & Play Equipment: Penalty Assessment Levels "B" and "E"

Semi-permanent play equipment that either constitutes a structure or is appurtenant to an existing structure requires approval. Only properties with fenced back yards may be approved for the installation of semi-permanent play equipment. Examples include, but are not limited to: sand boxes, playhouses, swing-sets, etc. The following factors will govern approval: color and materials, scale, design, and location. Toys, play equipment, bikes, electronic toys, etc. may not be stored in front or

on the sides of the property.

4.29. Refuse and Recycling Storage: Penalty Assessment Levels "C"

Trash containers and/or recycling bins are required to be stored in the backyard or stored in the garage and must be neat and clean. Should complaints arise over such an area, the ARB will request relocation of the containers/bins, or cleaning up of the areas, as appropriate. Trash containers and or recycling bins may not be set out prior to dusk the evening before collection.

4.29.1. Empty trash containers/recycling bins must be returned to their proper storage location as soon as possible the same day trash/recycling is picked up, and no later than 8:00PM. At no time shall any container be left out for an extended period of time while on vacation etc. CC&R Article VI, Section 9.

4.29.2. Portable refuse containers (i.e. dumpsters) are permitted for up to 2 weeks with prior notification to the Association. Requests for portable refuse containers for longer than 2 weeks must be approved by the Association. Portable storage containers must be placed on the driveway of the lot and not obstruct the sidewalk or road.

4.29.3. No refuse shall be disposed of or stored on any part of the Association's common grounds to include roads and walkways, except that which is incidental to ongoing construction projects undertaken by the Association.

4.30. Roofs and Gutters: Penalty Assessment Levels "A" and "E"

All roofs and gutters must conform to style, material and color as constructed by the original builder. They must be maintained at all times. No modifications to a roof or roofline may be made, i.e. skylights or chimneys, without the prior approval from the ARB.

4.30.1. Pre-approved shingles are as follows:

- a. CertainTeed, architectural shingles, Pewterwood color or
- b. Timberline, architectural shingles, Weatherwood color

NOTE: Similar shingles types and colors must be ARB approved prior to application.

4.31. Seasonal Lighting and Decorations: Penalty Assessment Levels "B" and "E"

For holiday and festival lighting and decorations, an application is not required. Lighting and decorations may be installed no earlier than three weeks prior to a holiday/festival and must be removed no later than three weeks after the holiday/festival.

4.32. Security Bars: Penalty Assessment Levels "B" and "E"

In general, the use of security bars or grates on windows and doors are prohibited. Should security bars or grates become necessary on the lower and or basement rear facing side of the house, an application must be submitted to the ARB. In order to have the bars or grates installed on the rear facing basement windows there must be an alternate means of egress should there be a fire or other emergency in the basement.

4.33. Shutters: Penalty Assessment Levels "A" and "E"

All modifications, which include additions, style changes or removal, must be approved by the ARB prior to change.

4.34. Siding (Vinyl): Penalty Assessment Levels "A" and "E"

All siding must remain the same color as its original design and must be maintained at all times.

4.35 Signs: Penalty Assessment Levels "B" and "E"

All signs must be approved by the ARB prior to installation and/or display. Signs of any kind may not be larger than one foot high and square, except temporary signs not more than three (3) feet square advertising the property for sale or rent. Signs, which do not meet the requirements of this paragraph, shall be removed by the ARB without notice. Realtor's signs must be removed prior to or the day of closing or on the day the unit is rented, CC&R Article VI, Section 7.

4.36 Skylights: Penalty Assessment Levels "B" and "E"

Skylights may be approved on an individual basis per specifications.

4.37 Snow Removal: Penalty Assessment Levels "B" and "E"

All common sidewalks (in front of or adjacent to an owner's or resident's property) must be cleared and/or sanded within 12 hours of the end of a snowfall in order to provide safe passage. When shoveling, residents are asked to pile snow on the side, rear or in a corner of their yard and not in the street. A penalty assessment will be applied if a resident dumps snow from their lawn or sidewalk into the street. It is requested that residents volunteer to remove snow from walkways that may not be in front of a home, from walkways in the common area, in front/behind mailboxes and around fire hydrants.

4.38 Sprinkler In Ground: Penalty Assessment Levels "A" and "E"

All In Ground Sprinkler systems must be approved by the ARB. Any homeowner contemplating an installation shall work closely with Fairfax County, and Miss Utility to address all issues and concerns prior to submitting a Request to the ARB.

4.39 Stoops, Sidewalks and Porches: Penalty Assessment Levels "B" and "E"

All stoops, sidewalks and porches shall maintain the original appearance. Painted or carpet-covered stoops and sidewalks are not permitted. Stoops shall be maintained in good repair.

4.40 Storage Sheds: Penalty Assessment Levels "A" and "E"

Only homes with fenced in back yards will be considered for the installation of a shed. In recognition of a homeowner's need to provide additional storage of garden tools and equipment, requests for small storage buildings in the rear yards will be considered. Location, site, style, size and color will be considered by the ARB prior to approving the construction of a shed. Metal sheds of any type will not be permitted. A solid concrete floor, pressure treated wood or floor/base material is required, most vinyl sheds come with a floor that serves also as the mounting base. The shed shall be adequately secured to the floor and ground.

4.40.1. Sheds may not exceed 8'x10' or a total of 80 square feet. The height of the shed shall not exceed 8'6" in height at the tallest point not including the base. Should the homeowner need a larger shed, they may submit a request to the ARB for review. Placement of shed must adhere to county code. All sheds shall be constructed and materials used must match the siding and shingle color of the house or as closely as possible. Storage Sheds are limited to one per lot.

NOTE: Sheds shall not be used to store hazardous items.

4.41. Storm Doors: Penalty Assessment Levels "A" and "E"

All storm doors shall be full view and match the exterior trim color of the home. Current approved colors for storm doors are White and Almond for stained doors; and Black or Shutter Gray for painted doors [Storm Door must match painted door color]. Door hardware shall be either Brass or Satin Nickle and must match interior door hardware. Storm doors shall not be installed without prior written ARB approval, unless they are one of the following styles:

- a. Larson Full View- Signature Series
 - Signature Bevel
 - Signature Clear
 - Charleston
 - Williamsburg
 - Springfield
- b. Anderson Full View 3000 Series
 - Full view
- c. Pella Full view- Series
 - Montgomery - model 3800
 - One Touch Full View - model 4800
 - Royalton - model 4602
 - Ashford - model 4601
 - Kingsview - model 3802
 - Worthington - model 3801
 - Meadowview - model 3020
 - Wellsley - model 3010

NOTE: Owners may request alternatives to the styles and options stated above by submitting an ARB Exterior Modification Request Form.

4.41.1.. Storm Windows/Shutters: Penalty Assessment Levels "A" and "E"

Storm windows and storm shutters are prohibited.

4.42. Swimming Pools/Hot Tubs: Penalty Assessment Levels "A" and "E"

Swimming Pools, spas and hot tubs must be approved by the ARB and will be considered on an individual case-by-case basis for the rear yard area only. All such structures must be located as to minimize sight and noise impact on neighboring properties. A minimum of 10 feet from property line must be maintained. Any homeowner contemplating an installation shall work closely with Fairfax County to address all issues and concerns prior to submitting a Request to the ARB. No permanent above ground pool structures will be authorized. Nominal-sized inflatable above-ground pools, which are temporary in nature, will be permitted to be erected no earlier than one week prior to Memorial Day and must be taken down no later than the weekend of Labor Day.

4.43. Vinyl Siding: Penalty Assessment Levels "A" and "E"

All siding must remain the same color as its original design and must be maintained at all times.

4.44. Wiring: Penalty Assessment Levels "B" and "E"

All additional exterior wiring not originally installed by the builder must be concealed and cannot be visibly seen hanging from the dwelling. This includes, but is not limited to, additional phone lines, cable lines, satellite feed lines, and exterior lighting.

4.45. Window Tinting: Penalty Assessment Levels "A" and "E"

All window tinting not originally installed by the builder must be approved by the ARB.

4.46. Yard Storage: Penalty Assessment Levels "A", "B" and "D"

The yard (front, side or back) shall not be used for storage. Only a grill and appropriate lawn furniture will be allowed to be stored in the back yard or on the back deck. All other items must be stored in approved sheds, garages or in the home. No temporary swimming pools can be erected/stored in the front yard of any lot.