

Discussion Item

**Letter to Board
1009 Beverly Drive**

January 8, 2020

Board of Directors
Parkfairfax Condominium
Alexandria, VA 22302

Dear Board of Directors,

In the "Background" section below, I describe how the Covenants Committee did not comply with the approval process outlined in the Gates, Arbors, and Trellises Specifications before approving an arbor at 1005 Beverley Dr. Therefore, I am requesting the Board take action to ensure the Committee complies with requirements in the future and revisit the Committee's June 11, 2019 decision. I have reviewed PR-04, and due to its presumption process rules are followed, I'm not sure the due process procedures outlined apply.

Background

On June 11, 2019, the Covenants Committee approved installation of an arbor for 1005 Beverley Dr. but did not first obtain comments from affected residents or notify them of the meeting date as required by the specifications. See (<http://www.parkfairfax.info/content/uploads/2011/05/Gates-Arbors-Trellises-Specs.pdf>):

"The Covenants Administrator will notify the residents of nearby and/or affected units when an application is to be reviewed by the Covenants CommitteeThe Covenants Committee will review the notice to ensure that the neighbors have had adequate time to comment, and may delay its decision for one month to allow for that comment period." (p. 1)

Unaware an application was pending, the arbor was installed—much to my surprise—in concrete, of uncertain depth, by contractors, without any indications of Ms. Utility (VA811.com) markings. On Sept. 3, 2019, Ms. Cross advised me I would need to attend the Covenants Committee meeting to request compliance with the required process. On Sept. 17, 2019, I attended the Committee meeting, and despite pushback from several members, persisted with my request. One member specifically questioned, why—since I was the only "complainer"—the Committee should take further action.

On Sept. 19, 2019, comments from residents were requested and I am aware neighbors did submit them, although the subsequent meeting minutes did not indicate the number of comments solicited and submitted, or the opinions expressed. On Oct. 8, 2019, recorded in the minutes as a "Discussion Item," the three Committee members present "reviewed" the comments and decided not to take further action, but did not actually vote. However, had the process been followed per the specifications, a vote on the application would have automatically followed a review of the comments. Also, once again, residents were not notified of the meeting date as required, which would have provided them the opportunity to participate. The committee did not extend affected residents the courtesy of the decision outcome.

Request to the Board

Whether we like a decision outcome or not, adherence to the process rules results in a legitimate ruling. While I have mixed feelings about the arbor's installation, primarily due to the

absence of VA811 markings, the arbor's placement (which appears to extend into the common area), and its oversized nature, I am actually more concerned about the Committee's noncompliance with approved process rules.

Therefore, I respectfully request:

1. The Board take steps to ensure future Committee compliance with Condominium requirements;
2. Revisit the Committee's June 11, 2019 decision to approve the arbor, notwithstanding the arbor is already inserted in cement, and take into consideration resident comments before coming to its own decision;
3. Ensure that the arbor and its cement work (as specified in the application) are within the required 20-foot boundary behind the unit; and
4. Provide assurance the cement installation satisfies Parkfairfax considerations and that no utility cables or access to them were compromised in the process. Please note contacting VA811.com before digging is the law and per its search feature, this was not done.

In addition, I would ask the Board evaluate the Gates, Arbors, and Trellises Specifications and revise them if they are no longer suitable, rather than permit the Covenants Committee to selectively ignore provisions. Also, evaluating them for sufficiency could be useful. For example, the Committee said it was sufficient the application indicated the arbor would be inserted "in the ground" but residents need not describe the method of anchoring. Further, I suggest applicants be advised to contact VA811.com before digging, as required by law.

At this time, I would like to thank you for considering my request, and note that I am sympathetic to the applicant, who submitted the arbor application in good faith. The Committee's noncompliance with the process outlined in the specifications has made this approval process unnecessarily cumbersome.

Thank you for your consideration!

(Signature on file with hard copy submitted to the office.)

Sonja Bensen
1009 Beverley Dr.
Alexandria, VA 22302

A handwritten signature in cursive script that reads "Sonja Bensen". The signature is written in dark ink and is positioned to the right of the typed name and address.

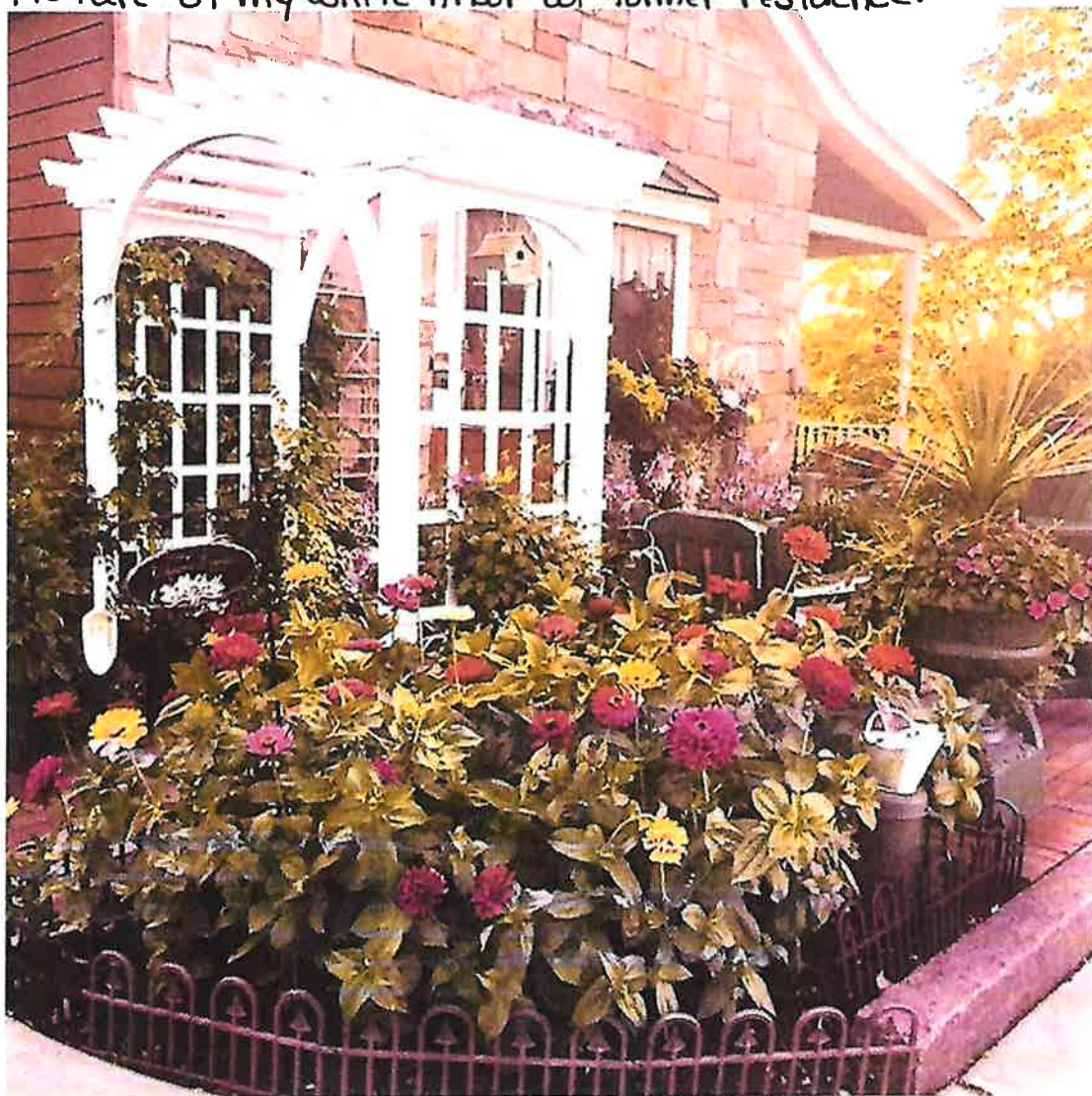
Arbor Dimensions

Height 89" before installed in ground

Depth 26"

opening 60"

Picture of my White Arbor at former residence.



GATES, ARBORS, AND TRELLISES SPECIFICATIONS

I. INTRODUCTION

Unit Owners may install gates, arbors, and/or trellises which are in keeping with the architectural style of the community, are sturdy and in good repair, and are for the sole private enjoyment of the residents and not as public common area structures.

II. THE APPLICATION PROCESS

Unit Owners must submit **“Covenants Application for Non-Routine Changes.”** All applications are subject to review and approval by the Covenants Committee and must include the following information:

- Garden plan showing the location of plantings and gate, arbor, and/or trellis
- Sketch or picture of the item, which includes all physical dimensions
- Method for anchoring
- Construction materials (i.e., wood, wrought iron, etc.)
- Finish (i.e., paint, stain, etc.)

III. GENERAL SPECIFICATIONS

1. Gates and arbors are only allowed inside the **rear** limited common element patio areas associated with units having two outside entrances. The rear limited common element is defined as the area extending from the outer building wall to a maximum distance of twenty (20) feet. See Attachment “A”. Gates and arbors may not be within side or front gardens. (Depending on the view from a street or lane, they may be allowed only on the rear common element when an owner has prior approval for common element gardening.)
2. Gates and arbors must be part of a limited common area garden plan, which has been or will be submitted for approval. (Trellises may be placed on the common element against the front, side, or rear of a building.)
3. The covenants Administrator will notify the residents of nearby and/or affected units when an application is to be reviewed by the Covenants Committee. Along with the application to the covenants committee, the Covenants Administrator will supply dated proof of notice to the contiguous and affected neighbors (those who would see the garden from their units) that an application is being submitted to the Covenants

Committee. The Covenants Committee will review the notice to ensure that the neighbors have had adequate time to comment, and may delay its decision for one month to allow for that comment period.

4. All items will be subject to the covenants Director's review for structural integrity and/or anchorage, and/or inspection by the Grounds Manager to ensure proper placement as to not affect drainage, create an erosion problem, or cause building damage.
5. Unit owners are responsible for maintaining the gates, arbors, and trellises in good condition. If determined by staff that the materials have been neglected and/or are in a state of disrepair, they will be subject to removal at owner's expense. Owners **will** be given proper notification of any such pending action and provided an ample opportunity to correct the disrepair.

IV. DESIGN SPECIFICATIONS FOR GATES

1. Gates may only be installed as part of a privacy hedge. No other fencing materials are allowed.
2. Gates and their posts can be no taller than the existing privacy hedge; Privacy hedges normally range from three to six feet. Only single gates are allowed and must not exceed 36" in width.
3. If using wooden posts, they must be pressure treated 0.04 (ground contact) posts.
4. All gateposts must be secured in the ground with concrete.
5. Gates must be viewed as decorative features and, as such, they may not be lockable.
6. Natural wood, white painted wood, or metal with a black matte finish are acceptable material: If using unpainted wood, it must be naturally weather resistant such as cedar or redwood, with a coating or finish that will protect the wood from the weather. Chain link, or plastic are strictly prohibited.
7. Design of the gate must be open or slatted, not solid.

V. DESIGN SPECIFICATIONS FOR ARBORS

1. Arbors must be freestanding or incorporated into a privacy hedge.
2. Arch shaped or flat-topped arbors are the only acceptable styles.
3. Arbors must be wooden or metal with a "matte" black finish or uncoated copper. Aluminum or chrome materials are strictly prohibited.
4. Arbors must not be taller than 7 feet, 6 inches, nor wider than 5 feet.
5. Arbors must be properly secured to prevent blowing or falling over.

VI. DESIGN SPECIFICATIONS FOR TRELLISES

1. Trellises must have at least two in ground supports, be installed securely in the ground, and up against the building but not attached to the building.
2. Trellises cannot be taller than the top of the adjacent first floor windows or the top of the adjacent patio doorframe. The trellis cannot obstruct any windows, air conditioners, hatch well covers, or electrical boxes (nothing can be placed within a 3-foot radius of any meter box).
3. No freestanding trellises or trellises installed as part of a privacy hedge will be allowed.
4. Natural wood, wood painted to match the building brick color, uncoated copper, or metal with a black "matte" finish will be allowed. If using unpainted wood, it must be naturally weather resistant such as cedar or redwood, with a coating or finish which will protect it from the weather.