

Covenants Appeal Request Resolution Worksheet

Date: April 27, 2022

Suggested Motion:

"I move to approve to schedule a hearing on _____ in relation to the Covenants Committee's decision to have a common element patio removed from 3446 Gunston Road".

2nd:

Summary:

The Covenants Committee held a hearing regarding the common element front patio at 3446 Gunston Road on November 9, 2021. The decision of the Committee was that the patio be removed no later than January 21, 2022, or fines of \$10 per day would be accessed until brought in compliance.

Administrative Resolution 2, Section IV, (A), (I) states the following is not permitted under any circumstances: "Common element Patios, which are defined as an area specifically designed as a patio, which is not limited common elements appurtenant to a unit as shown on the plats and plans."

Vote:

	In Favor	Opposed	Abstained	Absent
Scott Buchanan				
Dave Bush				
Peggy Clancy				
Claire Eberwein				
Peter Ferrell				
Marieke Johnson				
Matthew Larson				
Jeff Lisanick				
Amanda Mullan				

Dana Cross

From: Joanna Gardiner <gardinerjzp@gmail.com>
Sent: Thursday, April 14, 2022 6:28 PM
To: Dana Cross
Subject: Re: Violation

Hi Ms. Cross,

I would like to appeal my violation (#72702) to the Board at the April 27th meeting. I would also like to request my appeal to be in person, as it has been difficult in previous board meetings to facilitate my presentation.

Thank you!

- Joanna Gardiner

Sent from my iPhone

> On Mar 16, 2022, at 08:59, Dana Cross <dcross@parkfairfax.info> wrote:
>
> Good Morning Joanna,
>
> To appeal, please send me your detailed request no later than April 14th to be reviewed during the April 27th Board meeting.
>
> Thank you,
>
> Dana Cross
> Assistant General Manager
> Parkfairfax Condominiums UOA
> dcross@parkfairfax.info
> 3360 Gunston Road
> Alexandria, VA 22302
> Tel: (703) 998-6315
>
> -----Original Message-----
> From: Joanna Gardiner <gardinerjzp@gmail.com>
> Sent: Sunday, March 13, 2022 9:53 PM
> To: Dana Cross <dcross@parkfairfax.info>
> Subject: Violation
>
>
> Hi Ms. Cross,
>
> I would like to appeal to the Board regarding my landscaping violation at 3446 Gunston Rd. Could you please let me know how to get on the Board's meeting agenda?
>
> Thank you!
>

> - Joanna Gardiner
> Sent from my iPhone

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315

FAX (703) 998-8764

November 19, 2021

NOTICE OF HEARING RESULTS FIRST CLASS & CERTIFIED MAIL

Joanna Gardiner
3446 Gunston Road
Alexandria, VA 22302

Re: 72702 – 3446 Gunston Road - Non-Compliance Hearing Results

Dear Ms. Gardiner:

I am responding on behalf of the Parkfairfax Covenants Committee regarding the referenced hearing held on Tuesday, November 9, 2021.

The Covenants Committee carefully reviewed the records and considered your testimony in this case. It is the finding of the Committee that based on the entire record before them that you are in violation of the Parkfairfax Condominium Unit Owners Association Administrative Resolution 2, Section IV, (A), (1), (I), that states:

“Common Element Patios, which are defined as an area specifically designed as a patio, which is not limited common element appurtenant to a unit as shown on the plats and plans.”

It is the decision of the Committee that you comply with the following conditions:

Remove the flagstone patio along the front of the unit no later than January 21, 2022. Failure to meet this deadline shall result in fines beginning immediately after January 21, 2022 at a rate of \$10 (ten dollars) a day until the matter is brought into compliance or until your assessment reaches \$9.

Per Policy Resolution #4 paragraph IV, Section I, you may appeal to the Covenants Committee within 10 days if you have additional or new information not previously known or disclosed. Otherwise, this notice is the final decision of the Committee. Final decision of the Committee can be appealed to the Board of Directors. Any appeal must be in writing and submitted to the Board of Directors through the General Manager within ten (10) working days from the receipt of the written Covenants Committee ruling.

Please feel free to reach out to me with any questions or concerns you may have regarding this matter.

Sincerely,


Bryan Hudzina
Covenants Director

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

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TELEPHONE (703) 998-6315 FAX (703) 998-8764

Final Violation Notice

May 4, 2021

Joanna Gardiner
3446 Gunston Road
Alexandria, VA 22302

RE: 72702 – 3446 Gunston Road

Dear Ms. Gardiner:

I am writing this letter as the third and final notice to remove your front flagstone patio structure as this remains in violation with the Association.

The first notice was sent to you on November 9, 2020; the second notice sent and dated March 26th, 2021.

You have had more than ample time to remove this structure. Your delay and defiance go against the Administrative Resolution No 2 which states that Common Element Patios are not permitted under any circumstances. This is referenced in Section IV of the Design Guidelines Pages 7-12; Section I page 9.

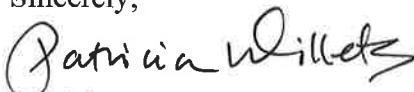
I appreciate your immediate attention, time, and cooperation in this matter.

Please remove the flagstone patio structure by Monday, May 17th, 2021.

A follow up inspection will be done shortly thereafter. Failure to remove the stones used as a front patio will result in a hearing process with the Board.

Should you have any questions, please feel free to reach out to me at my contact information listed below.

Sincerely,



Patricia Willets
Covenants Director
pwillets@parkfairfax.info

CC: Unit File/Enclosure

On Mon, Apr 5, 2021 at 12:36 PM Patricia Willets <pwillets@parkfairfax.info> wrote:
Hello Ms. Gardiner,

I appreciate you responding.

Front patios are not allowed, and is stated in the AR2's.

There is no approval process.

Your unit was sent a first notice back in November 2020 and before I came into position. This is the second notice and have been given ample time to remove, now being by April 11th of this year.

We are aware and addressing others throughout the community, which does take time.

Unfortunately I do not have the time to get out on property for inspections as often as needed due to other work related issues, and often violations are reported to the Association.

If you know or have seen others within your area, please let me know their unit number as these will be addressed accordingly.

On another note, we do not have any settlement paper work for your unit listing you as the owner and settlement date. We still have different owners listed at that unit.

Perhaps your paperwork was submitted in the past but was not properly scanned and saved as it should have been.

If you can please provide your Demand sheet or settlement sheet (does not need to be the entire documents) but one stating the seller/former owners, and you as the buyer, indicating the settlement date, and with any contact numbers, I can update our master unit file.

Thank you for your time and understanding on these matters.

Sincerely,

Patricia Willets
Covenants Director
Parkfairfax Condominium UOA
pwillets@parkfairfax.info
3360 Gunston Road
Alexandria, VA 22302
(703) 998-6315

-----Original Message-----

From: Joanna Gardiner <gardinerjzp@gmail.com>

Sent: Monday, April 5, 2021 11:28 AM

To: Patricia Willets <pwillets@parkfairfax.info>

Subject: Violation - 72702 - 3446 Gunston Rd.

Good morning,

I received a violation last week for the flagstone patio in front of my condo (3446 Gunston Rd). I would like to inquire as to how to start the approval process for this patio, as I have seen numerous flagstone patios around Parkfairfax.

Thank you!

- Joanna Gardiner

Patricia Willets

From: Joanna Gardiner <gardinerjzp@gmail.com>
Sent: Wednesday, April 14, 2021 6:03 PM
To: Patricia Willets
Subject: Re: Violation - 72702 - 3446 Gunston Rd.

Hi Ms. Willets,

Thank you for getting back to me regarding the violation. While I appreciate the need for regulations in shared outdoor spaces in communities such as Parkfairfax, I must say I am rather disheartened to learn that the Association depends on neighbors making complaints about each other to enforce regulations. It does not cultivate a sense of community and discourages long term ownership. I have been in constant communication with many of my neighbors since purchasing this home and have only received positive and encouraging words about the changes I have made to my outdoor space.

Despite your request, I am not in the habit of creating conflict in a situation that has no effect on my life, and, therefore, I will not be disclosing information regarding other owners/units that may have violations similar to mine. If it was truly that important of an issue to the Association or created such a negative impact on the community, I expect these types of violations would be dealt with appropriately, i.e. not only in situations where "neighbor's" complaints are made. While I appreciate that it takes time to address violations within the community, I do not suspect time has much to do with other violations being overlooked.

I would also like to address the second reported issue on the violation notice, i.e. that I have "been allowing (my) dog/pet to be on a stake that extends both throughout the courtyard area". Firstly, this is simply untrue - the leash is only about 6 feet long. Secondly, I have read through the included pet policy, and do not see any regulations that specifically forbid keeping a dog attached to a lead outside while being directly supervised. I do see the section (A.7) that states "no pet may be leashed to any stationary object for more than fifteen minutes at a time", but the violation does not list this as an issue.

If you could please send me a copy of the written complaint or let me know how to access this public record, I would appreciate it.

Returning to the issue of the patio, please let me know what next steps will be taken by the Association. I was not able to remove the stones since being presented with the violation, as I have been out of town / working and am unable to remove the stones myself. I am also considering bringing this matter to the attention of the board, so could you please provide me with information on how I would go about doing this?

I will resubmit the paperwork you requested as soon as I am able to bring it by the office.

I appreciate your time and look forward to hearing from you.

Best,

Joanna

Parkfairfax Condominium

A Historic District

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

TELEPHONE (703) 998-6315 FAX (703) 998-8764

2nd Violation Notice

March 26, 2021

Homeowner/Residents
3446 Gunston Road
Alexandria, VA 22302

RE: 72702 – 3446 Gunston Road – Front Flagstone Patio

Dear Homeowner and Resident(s),

It has been brought to the attention of the Association, in addition to prior times in written correspondence, that a flagstone patio has been in place by your front stoop area at your unit. A first notice letter was sent on November 9, 2020 and you have been given more than ample time to remove. **A reminder that this is a violation of the Administrative Resolution 2-Section IV Design Guidelines Pages 7-12; Section I page 9: the following are not permitted under any circumstances:**

Common Element Patios, which are defined as an area specifically designed as a patio, which is not limited common element appurtenant to a unit as shown on the plats and plans.

Please remove all stones by Sunday, April 11th, 2021. A follow up inspection will be done shortly thereafter.

Another reported issue states you have been allowing your dog/pet to be on a stake that extends both throughout the courtyard area. This is a violation of the pet policy, which I have included.

Thank you for your immediate attention and cooperation in these matters.

Should you have any questions, please feel free to contact me by my email at pwillets@parkfairfax.info.

Regarding your contact details, it appears we do not have up to date contact details.

Please provide your updated homeowner and/or tenant contact details to the Association office at your earliest convenience.

Sincerely,



Patricia Willets
Covenants Director
CC: Unit File

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UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

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2nd Violation Notice

March 9, 2021

Joanna Gardiner
3446 Gunston Road
Alexandria, VA 22302

RE: 72702 – 3446 Gunston Road

Dear Ms. Gardiner,

During a recent site inspection, in addition to a prior notice in our system, it was discovered that you have not removed the flagstone pieces from your front side stoop area. A first notice letter was sent to you on November 9, 2020 and have been given more than ample time to remove. A reminder that this is a violation of the **Administrative Resolution 2—Section IV Design Guidelines Pages 7-12; Section I page 9: the following are not permitted under any circumstances:**

Common Element Patios, which are defined as an area specifically designed as a patio, which is not limited common element appurtenant to a unit as shown on the plats and plans.

Please remove all stones by Sunday, March 14th, 2021.

A follow up inspection will be done soon after.

I appreciate your time, understanding, and immediate attention to this matter. Should you have any questions, please feel free to contact me by my email at pwillets@parkfairfax.info.

Sincerely,



Patricia Willets
Covenants Director

CC: Unit File

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TELEPHONE (703) 998-6315 FAX (703) 998-8764

Violation Notice

November 9, 2020

Joanna Gardiner
3446 Gunston Road
Alexandria, VA 22302

RE: 72702 – 3446 Gunston Road

Dear Ms. Gardiner,

It has come to the attention of the Association that your unit has the following infraction:

Specific Finding(s): Front Patio

I am requesting that you remove the front patio no later than **November 23, 2020**. If the front patio is not removed by the allotted time frame, the Association will remove the patio at the unit owners' expense.

Administrative Resolution #2

Section IV Design Guidelines pages 7-12

Sub section I page 9: The following are not permitted under any circumstances:

Common Element Patios, which are defined as an area specifically designed as a patio, which is not limited common element appurtenant to a unit as shown on the plats and plans.

However, a unit owner can choose to plant on their own or add any additional items, which is allowed under Section IV, Design guidelines, sub section K (b): to plant 10 feet from the front walls in these areas with Covenants Committee approval.

Thank you for your cooperation and continued efforts in making Parkfairfax a beautiful community in which to live. Should you have any questions, please feel free to call me at 703.998.6315 ext. 104.

Sincerely,



Dana Cross
Assistant General Manager/Covenants Director

CC: Unit File

I. The following are **not** permitted under any circumstances:

- Metal edging
- Ornamental borders and/or lawn ornaments, such as plastic animals, plastic sunflowers or pink flamingos
- Composting
- Bamboo. Removal of bamboo will be at the responsible unit owner's expense.
- Common Element Patios, which are defined as an area specifically designed as a patio, which is not limited common element appurtenant to a unit as shown on the plats and plans.

j. Maintenance of Plantings

- (1) Any unit owner who installs plantings or a garden is solely responsible for maintenance and upkeep of the installation. **In the absence of proper maintenance, the Association reserves the right, after notice, to perform such maintenance at the expense of the unit owner.**
- (2) The Association, after notice and hearing, may revoke any temporary permit to use the common elements (under a grant of Reserved Common Element authority), and remove a garden at the unit owner's expense.

k. Common, limited common, or reserve common element plantings must be within the borders of the designated area, and must be maintained by the unit owner.

2. Vegetable Gardens in Common or Limited Common Element Areas.

- a. Residents may plant seasonal vegetables in their limited common element patio area (20 feet out from the back door) or in the common element area that extends 10 feet from their front or side walls with Covenants Committee approval. Vegetables may also be included in plans for common element extended gardens (see section IV.A.5 below).
- b. Items planted in vegetable gardens must not exceed 4 feet (48") in height at maturity.
- c. If vegetable plantings require support with trellises, the resident planting the vegetables must comply with the specifications for trellises.
- d. Dead vegetable plants higher than ground level must be removed from the garden at the end of the season.
- e. Items 3.b through 3.e of the section entitled "Plantings in Limited Common Element Area" also apply to this section.

3. Plantings in Limited Common Element Patio Area.

- a. Residents may plant flowers, shrubs, and ornamental trees on the limited common