

**DISCUSSION ITEM**

**Covenant Approved Rear Outdoor  
Lighting Request**

February 13, 2024

**TO: Parkfairfax Board of Director**  
**FROM: Starr L. Newlon, 3260 Martha Custis Drive, Alexandria, VA 22302**  
**RE: Revisit Approval of 3258 Martha Custis Drive Rear Garden/Patio Lighting**

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I am writing to request the ParkFairFax's (PFF) Board of Directors have the PFF Covenants Committee revisit Unit 3258 Martha Custis Drive's (MC) Rear Exterior Lighting (Garden Style Light portion) Application for the Common Elements.

The owner of Unit 3258 MC was initially approved for both the rear exterior wall light fixture attached to the left of the rear back door, for rear and side yard decorative garden style lights. The PFF Covenants Committee requested Unit 3258 MC comply with the 60-watt light as well as the 6-foot height in June 2023. The unit owner fulfilled this requirement, the light was approved and has never been an issue. In July 2023, new garden style solar-powered lights were installed as well as changes made to some of the existing garden lights. The installation of these new lights, along with the reconfiguration of existing garden lights, created light spillage which floods into Unit 3260 MC's rear door when open during warmer months and when the decorative garden lights are fully charged, thereby "adversely affecting" Unit 3260 MC. (See Appendix for Pictures).

The PFF Covenants Committee approved Unit 3258's MC garden style lighting at their September 2023 meeting despite an unmitigated complaint that the lights are "adversely impacting" another unit—3260 MC. It is unclear what criteria the PFF Covenants Committee used for approving the application given the "Rear Door Lighting Specifications" do not outline guidelines and/or criteria for decorative garden style lights other than the requirement of using a licensed electrician if installing hard wired lights. Without criteria/guidelines it is unclear what is or is not permissible when a unit owner wishes to install rear decorative garden/patio lights.

The "Rear Door Lighting Specifications" do reference that "position of light fixture will be such that no neighbor would be adversely affected by the new lighting," which would apply in this case. This is further complicated since the garden style lighting criteria used and meeting minutes are not available to PFF Owners, even when I requested them from the PFF staff members and the Covenants Committee. As such, I am unable to validate the approved details for the lighting. This includes the PFF Covenant's Committee justification for approving the application because "it would not be fair to Unit 3258 MC to not approve their garden lights application." The fairness to Unit 3260 MC should be considered given the "adversely impacting" effects of Unit 3258 MC's rear garden style lighting spillage on Unit 3260 MC which includes:

- Owner has a medically documented light sensitivity disability that triggers migraine headaches;
- Lifestyle modifications to avoid garden style lights shining into face / home when seated by Unit owner and guests (Example: Frequently not opening door in evening and seating selection changes); and
- Complaints by Unit 3260 guests, including other PFF neighbors, when seated at dining room table with door or blinds open.

As the owner of Unit 3260 MC, I have offered to pay (reasonable amount) for different non-offending lights of Unit 3258 MC choice several times. Additionally, I have offered to clarify the issue to Unit 3258 MC owners and PFF Staff. Moreover, when PFF Staff were involved initially, they consistently did not address Unit 3260 MC owner's concerns. At time of approval, there was an active complaint which the Covenants Committee was aware of. Based upon these specifications, the application should never have been denied instead of approved by the Covenants Committee. Therefore, I am requesting the PFF Board of Directors have the PFF Covenants Committee revisit Unit 3258 MC Rear Exterior Lighting (Garden Style Light portion) Application for the Common Elements and create a light leakage mitigation plan along with

ensuring Unit 3258 MC's compliance with this plan. I would recommend identifying a neutral person, perhaps from the PFF Board of Directors, (not a Covenant's Committee Member nor Director of Covenants) to facilitate bringing together the two owners for the purpose of developing a mutually agreeable light leakage mitigation plan that will bring resolution to this matter.

## Appendix 1

### PFF's Specifications for Unit Owner Installed Rear Exterior Lighting

(Source: <https://ParkFairFax.org>)

Unit Owners may install exterior wall fixtures next to or above their back door; receptacles; **and decorative garden-style lampposts or low-level garden lamps on their limited common elements. Installation will conform to specifications developed by the maintenance staff of the Association.** Prior approval by the General Manager for such a procedure is obligatory.

Guidelines for General Manager approval are as follows: Specifications for Back Door Exterior Light Fixtures:

- A. Installation will be performed by a licensed electrician.
- B. Style of back door fixture will be in accordance with the specifications contained in the Policy for Replacement of Front Door Lighting Fixtures.
- C. Light can be installed above the back door...
- D. Rear patio outside light to be approximately 6 feet high from ground level if mounted on the side of the door. Round light box to be recessed in brick with the wiring from light box to go directly through the wall to the interior of the unit.
- E. Wattage of the bulb will be a maximum of 60W, and **position of the fixture will be such that no neighbor would be adversely affected by the new lighting.**

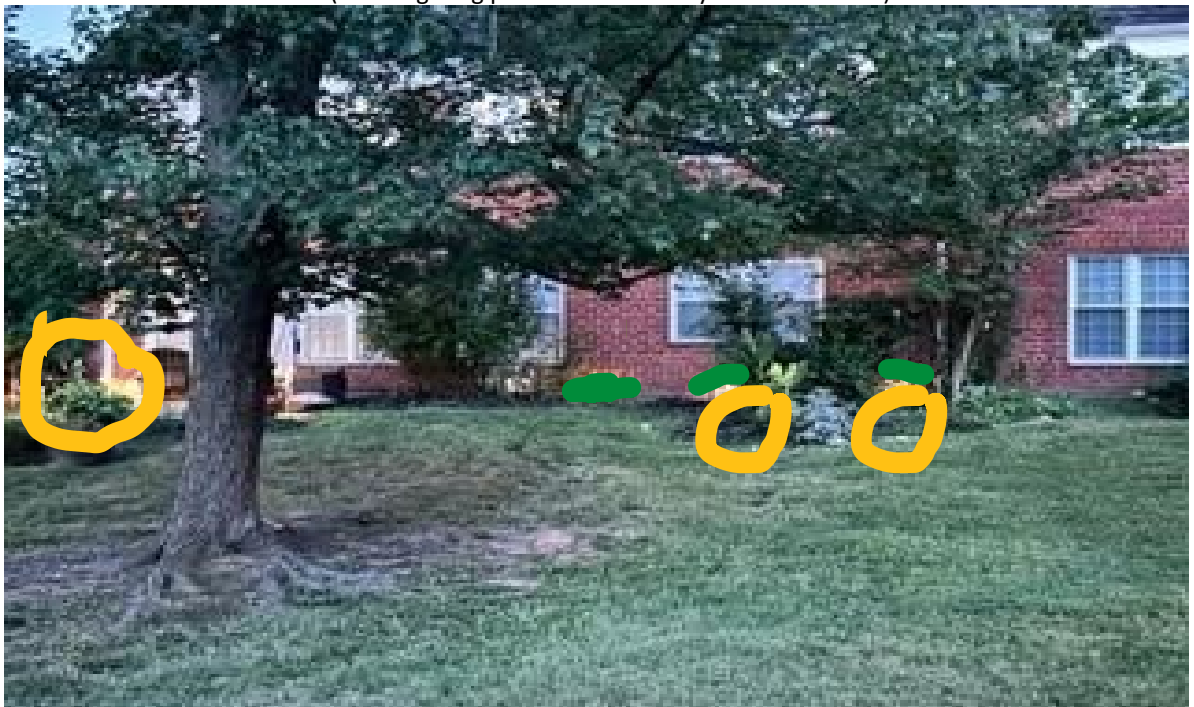
Appendix 2

Unit 3258's Rear Lighting (04/2023)



Initial Offending Lighting Modification Request in Orange (07/2023)

(Initial lighting photo unfortunately is not available.)



**Unit 3258's Rear Lighting with Spillage Diagram of Original Offending Lights  
(08/2023 – 12/2023)**



**Unit 3258's Rear Lighting – New Lights (Green)  
, Positions/Directions, and Furniture Reconfiguration  
(2/08/2024)**



**Unit 3258's Rear Lighting – Light Positioning/Direction with 02/2024 Furniture  
Reconfiguration, Foliage Changes, and New Light Addition (Green) Creating new  
Spillages  
(01/28/2024)**



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