

3709 Lyons Lane - Arbor Application Appeal Resolution Worksheet

Date: June 18, 2025

Suggested Motion:

"I move to approve to schedule a hearing on _____ in relation to the Covenants Committee's decision to disapprove the arbor application submitted by the unit owner at 3709 Lyons Lane."

2nd:

Summary:

On May 13, 2024, the Covenants Committee disapproved the arbor application because the placement is outside the limited common element.

	In Favor	Opposed	Abstained	Absent
Scott Buchanan				
Dave Bush				
Caitlin Counihan				
Lucille Eddy				
Elaine Lawler				
Jeff Lisanick				
Scott Mulrooney				
Mike Rothenberg				
Jim Wicker				

From: Callie Zuck
3709 Lyons Ln
Alexandria, VA 22302
zuckcallie@gmail.com

To: Parkfairfax HOA Board

Dear Board Members,

I am writing to ask you to allow me to install a cedar wood arbor just barely outside of the Limited Common Element of my unit on Lyons Ln and as part of privacy hedge.

I have a preexisting patio that was here when I purchased in 2022 that already pushes to the limits of what I am allowed in back. The arbor I am hoping to put in will be incorporated into a newly-approved-by-covenants privacy hedge screen.

I understand that the covenants say an arbor has to be within a limited common element, but I am hoping that you will make an exception to that because it will be butted RIGHT up against the patio and will protrude no more than 2ft into the common element (ie. it will NOT be super far in the middle of the green space or look randomly out of place). The plants in the hedge will eventually grow to almost as tall as the arbor and will be beautiful and natural and the arbor will fit right in with that aesthetic.

Please see the attached descriptor sheets with photos and everything! I am also available to answer any questions you may have on this matter. (email is listed above, I check it every day)

I hope I have done a good job explaining my case, and at the risk of sounding like I am begging - please please consider this thoroughly and hopefully let me put in a beautiful garden arbor for my little backyard oasis I am creating!

Sincerely,
Callie Zuck

Parkfairfax Condominium

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

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

Non-Routine Change Application

May 14, 2025

Callie Zuck
3709 Lyons Lane
Alexandria, VA 22302

Re: 3709 Lyons Lane – Arbor Application

Dear Callie Zuck,

We regret to inform you that the Covenants Committee of the Parkfairfax Condominium UOA has denied your arbor application for the following reason:

- Arbor placement is outside the limited common element.

You are welcome to submit an amended application or to appeal this decision by writing a letter to the Board of Directors within 10 days of receipt of this letter. Please include your reason why you think it should be considered and any further information that might improve their ability to make a decision on your behalf. Send this letter c/o Dana Cross at the address provided above.

If you have any questions or concerns, please do not hesitate to contact me at the contact information provided below.

Sincerely
Dana Cross
Assistant General Manager
dcross@parkfairfax.org

Enclosure

Parkfairfax Condominium

UNIT OWNERS ASSOCIATION

3360 GUNSTON ROAD • ALEXANDRIA, VIRGINIA 22302-2198

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

NON-ROUTINE CHANGE APPLICATION CHECKLIST

In order to process your application in the timeliest manner,

PLEASE MAKE SURE THE FOLLOWING INFORMATION IS INCLUDED WITH YOUR APPLICATION:

- X DIAGRAM WITH SPECIFIC DIMENSIONS OF CHANGES
- N/A - doing it myself
CONTRACTOR INFORMATION (Name, copy of license and insurance.)
- N/A CITY PERMITS IF REQUIRED (SEE PAGE THREE)
- N/A IF PLANTING, PLEASE INCLUDE NAMES OF PLANTS TO BE PLANTED EITHER ON THE DIAGRAM OR ON A SEPARATE SHEET WITH SPECIFIC LOCATIONS FOR EACH. *IF PLANTINGS ARE IN THE FRONT OF THE BUILDING, A SURVEY OF YOUR NEIGHBORS MUST BE INCLUDED WITH THE APPLICATION.
- N/A IF INSTALLING A CENTRAL SYSTEM PACKAGED SPLIT SYSTEM ELECTRIC HEAT PUMP, THE CONTRACTOR MUST MEET WITH AN ASSOCIATION MEMBER TO DETERMINE LOCATION OF COMPRESSOR. ALSO PLEASE INCLUDE A MASONRY CONTRACT. IF A PRE-APPROVED BRICK MASON IS NOT USED, THEN SAID MASON MUST PROVIDE FIVE REFERENCES WITH PHOTOS WHERE THE MASONRY CONSTRUCTION IS SIMILAR TO PARKFAIRFAX. THIS CONTRACTOR MUST BE APPROVED BY THE ASSOCIATION BEFORE WORK CAN BE PERFORMED.
- X NOTARIZED INDEMNIFICATION AGREEMENT (must accompany ALL applications)

Including these items with the application will help to avoid delays in the approval of your application.

REMINDER

Completed applications must be received by the management office 10 business days prior to the scheduled Covenants Committee Meeting to be placed on that meeting's agenda. Please feel free to contact the Association Office if you have any questions at (703) 998-6315.

COVENANTS APPLICATION FOR NON-ROUTINE CHANGES

APPLICATION PROCESS

The application process entails internal review by the office staff, distribution to the Covenants Committee for consideration as part of a pre-meeting package, and formal Committee action at a monthly meeting following receipt of your application. Parkfairfax has developed specifications for most non-routine changes. These can be obtained from the Association Office.

You do not have to appear at the Covenants Committee meeting at which your application is voted on, but your presence may make it possible to resolve questions that arise. The Covenants Committee can approve, defer, or reject the application. If approval entails stipulations or conditions, they will be noted on the copy that is returned to you. Denied applications can be appealed to the Board of Directors.

Prior to Covenants Committee consideration, the Covenants Director may contact applicants by telephone to resolve minor questions. After Committee consideration, a copy of the application and record of action on it will be sent to the unit owner's Parkfairfax address via first-class Mail unless the applicant specifies a different mailing address or makes other arrangements.

PROCEDURES, PERMITS, AND LIABILITY CLAUSES

When physical changes or improvements to your unit are involved, condominium ownership imposes some of the same responsibilities that apply to single family homes (such as city permits) and, in many instances, additional restrictions that are in the interest of the condominium as a whole. The following provisions address these considerations.

1. Alterations to land or buildings made in accordance with Parkfairfax specifications, guidelines and procedures must not violate any of the governing documents nor any of the provisions or building and zoning codes of the City of Alexandria, to which the property is subject. Further, nothing contained herein will be construed as a waiver or modification of any restriction.
2. All proposed improvements must meet local building and zoning codes. Applications for local building permits are your responsibility.

Your signature indicates these standards have been met to the best of your knowledge and that you have been given an opportunity to read the applicable provisions of the Condominium Act; the Condominium Instruments; and Administrative Resolution Number Two regarding property changes.

The following changes which require approval from the Covenants Committee also require a permit from the City of Alexandria:

Change	Permit Required
Wooden Deck	Building
HVAC/ Split System /Heat Pumps	Building, Electrical & Mechanical

All applications that have work being done by a contractor must have a copy of the contractors' license and certificate of insurance.

An Indemnification Agreement must be filed with all applications, and must be signed and notarized.

COVENANTS APPLICATION FOR NON-ROUTINE CHANGES

Date: 28 April 2025 Unit Owner(s): Callie Zuck Phone#: 502-594-8073
 Building # 547 Unit Address: 3709 Lyons Ln Model: Washington
 OWNERS ADDRESS (if different from above): _____

I WISH TO DO THE FOLLOWING (Please mark the appropriate box)

BE SURE TO READ THE APROPRIATE SPECIFICATIONS FOR THE WORK BEING PERFORMED

For the following changes an illustration or detailed description is required.

Install or Replace:

- 1) _____ Brick Patio
- 2) _____ Flagstone Patio
- 3) _____ Alteration to A/C Sleeve
- 4) _____ Wooden Deck
- 5) _____ Plantings
- 6) _____ Garden
- 7) _____ Landscaping
- 8) _____ Gate
- 9) ☒ Arbor
- 10) _____ Trellis
- 11) _____ Resident Installed Walkways
- 12) _____ HVAC/Central System Package
- 13) _____ Brick Modifications
- 14) _____ Subdivision of Units
- 15) _____ Combine two units into one
- 16) _____ Other: _____

Please notify the Covenants Director in writing within 30 days of installation to allow for a follow-up inspection to ensure compliance with our outlined specifications.
BY MY SIGNATURE BELOW, I AFFIRM THE FOLLOWING:

1. The change identified herein and the manner of installation of that change meets all applicable codes and ordinances of the City of Alexandria.
2. I understand maintenance and repair of changes by me is my responsibility and I am obligated for all expenses relating to maintenance and repair.
3. I understand that I am personally liable for all damages and expenses to my unit, other units and/or the common elements resulting from improper installation or failure to properly maintain such changes by me or at my direction.

4. I understand changes are subject to inspection by the Association Management up 30 thirty days after changes are completed.

5. I affirm that I am installing/replacing the above items exactly as represented here. I understand that any variation from the above constitutes any variation from the above constitutes a violation of the architectural guidelines and automatically voids approval.

6. I understand and agree that no work on this proposed change shall commence without prior written approval of the Covenants Committee.

6. I understand asbestos is present in Parkfairfax units and the common elements. If the change I am proposing requires work which may disturb asbestos, I agree that I must specifically advise the Covenants Committee of the nature and extent of this work in writing prior to commencement of such work. I also agree I will endorse a separate indemnification agreement if such asbestos disturbing work is necessary. I also agree I and my contractor (if appropriate) will abide by all Federal, State and Local ordinances regarding the disturbance and removal of asbestos containing materials and will agree to have air testing conducted at my expense.

Date: 28 April 2025

Unit Owner: Callie Zuck Callie Zuck

Date: _____

Unit Owner: _____

Action Taken: _____ Approved

_____ Disapproved

_____ Deferred

_____ Acknowledged

_____ Preliminary Approval, subject to receipt of City Permit and Inspection

_____ Final Approval, copy of City Permit and Inspection received

Stipulations/Reason for Denial: _____

Date: _____

Signature: _____

Covenants Committee Chair

INDEMNIFICATION AGREEMENT AND COVENANT

THIS INDEMNIFICATION AND COVENANT AGREEMENT is made this 29 day of April, 2029, by and between Callie Zock ("OWNER"), and the PARKFAIRFAX CONDOMINIUM UNIT OWNERS ASSOCIATION, ("ASSOCIATION").

WITNESSETH: WHEREAS, Owner is the Unit Owner of condominium Unit No. 547-378 in Parkfairfax Condominium located at (address) 3709 Lyons Ln Alexandria, Virginia; AND

WHEREAS, the Association is charged by the Condominium Instruments for Parkfairfax Condominium (recorded on February 7, 1977 in Deed Book 847 at Page 72 among the land records of the City of Alexandria, Virginia) with responsibility for maintaining the Common Elements of the Condominium and enforcing the provisions of the Condominium Instruments; AND WHEREAS, the Condominium Instruments require the approval of the Board of Directors of the Association prior to the making of any alterations by the Unit Owner affecting the Common Elements; AND WHEREAS, Owner wishes to make alterations affecting the common Elements and has approval therefore; AND WHEREAS, The Board of Directors of the Association will not approve such alterations in the absence of an indemnification against damages and assumption of responsibility by Owner; AND WHEREAS, In order to induce the Board of Directors of the Association to grant such approval owner is willing to indemnify the Association and affected Unit Owners and assume responsibility for damages. NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Installation, alteration or removal of Arbor (specify) must be in accordance with any and all Guide Specifications and Exhibits approved by the Board of Directors.
2. Owner undertakes, of himself and his heirs, successors and assigns, to indemnify and hold harmless the Association and any Unit Owner from and against any loss or damage which the Association or any Unit Owner may suffer as a consequence of such improvements and alterations; including without limitations: (i) loss or damage caused by negligence in the design, construction or maintenance of such improvements and alterations; ii) loss or damage not the result of negligence but caused by the effect of such improvements and alterations on the structural components previously existing; (iii) expenses and consequential damage caused by or resulting from such improvements and alterations; and, (iv) fees, costs and expenses of any claims or suits arising as a result of such improvements and alterations.

3. Owner undertakes, for himself and his heirs, successors and assigns, to maintain and pay cost of maintaining such improvements and alterations, and all other appurtenant components.

4. Owner hereby warrants that the improvements and alterations have been and will be made in compliance with all applicable requirements of insurance policies covering the condominium and all applicable laws, governmental regulations, ordinances and codes. Owner hereby indemnifies the Association and any Unit Owner from and against any loss or damage attributable to the incorrectness of such warranty. Further, Owner hereby agrees to pay any increase in the cost of insurance coverage occasioned by the construction or maintenance of the improvements and alterations.

5. The approval by the Board of Directors of the Improvements and alterations set forth in paragraph 1 above does not constitute approval of any other improvements and alterations made without obtaining the express prior written approval of the Board of Directors pursuant to the provisions of the Condominium instruments and the procedures of the Board of Directors.

6. The parties agree that this Indemnification Agreement and Covenant shall be filed in the unit file at the Association office, and shall operate as a covenant running with the land, forevermore encumbering the condominium unit and binding Owner's heirs, successors and assigns, including without limitation all future owners of the condominium unit.

7. Wherever used herein the singular shall include the plural, the plural the singular, and the use of any gender shall include all genders, as context may require.

IN WITNESS WHEREOF, The parties have executed this instrument as of the date first written above.

OWNER:



STATE OF VIRGINIA)

CITY OF ALEXANDRIA)

I, the undersigned, a Notary Public in and for the State and City aforesaid, do hereby certify that Callie Zuck, whose names are signed to the foregoing instrument bearing date on the 29 day of April, 2025, have acknowledged the same before me in the aforesaid jurisdiction to be their act and deed.

GIVEN under my hand and seal this 29 day of April 2025

Wine L. Tyson
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 8077671

My Commission Expires 7/31/2027

Wine L. Tyson (seal)
NOTARY PUBLIC

My commission expires:

07-31-2027

ARBOR INFORMATION:

made of western cedar wood

will follow covenants guidelines on sizing

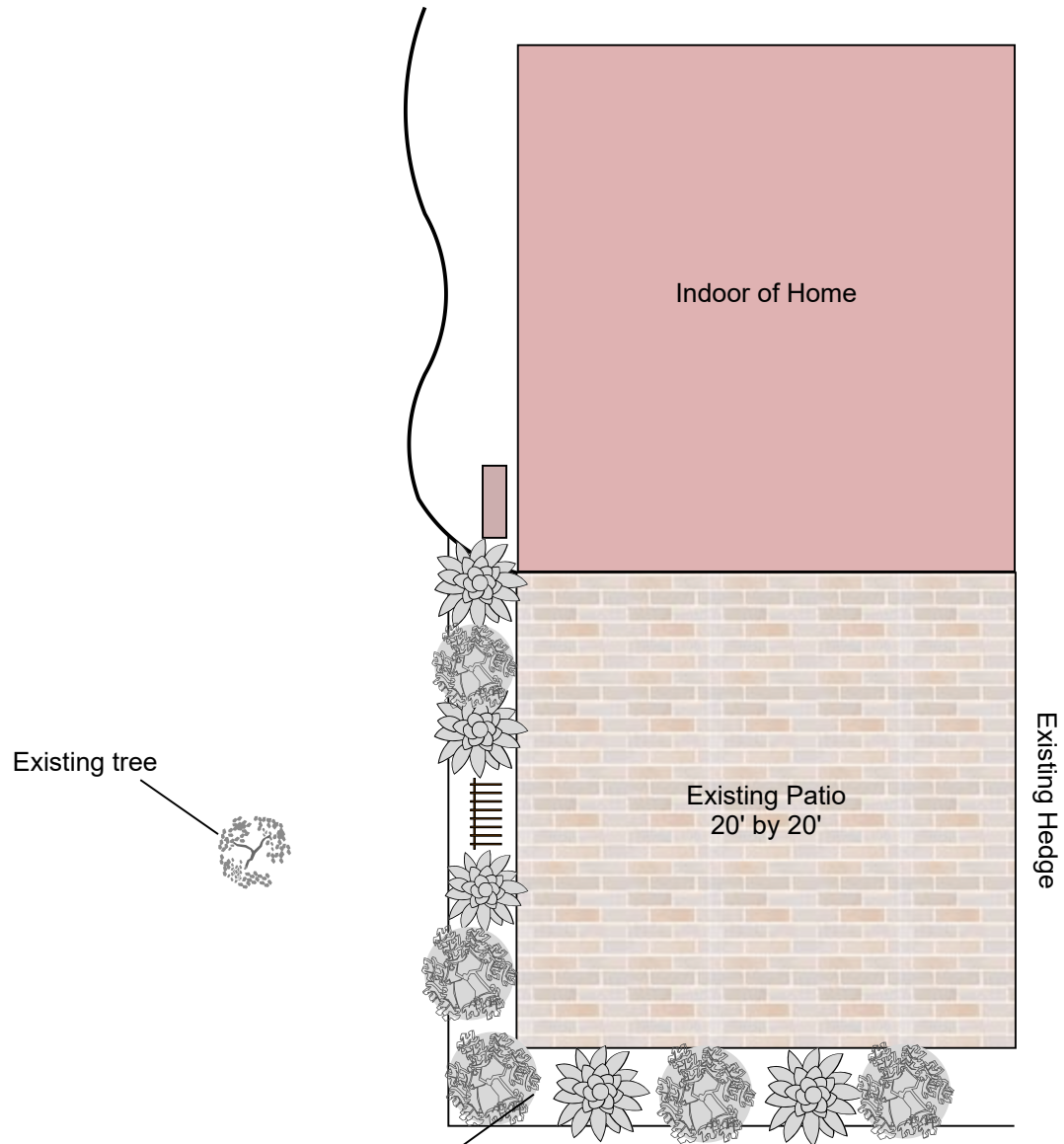
-24 in deep

-36 in wide

-7.5ft high from ground to top

-posts are strong 4x4, will be put into ground using ez tie posts and possibly concrete footings





Key



Camellia



Osmanthus Fragrans



Arbor

Preliminary Inspection for Covenants Applications

Unit Owner Callie Zuek

Building/Unit Number 547-3709 Lyon Lane

Proposed Change Installation of an arbor + plantings

Inspection Information

Date of Inspection 5-5-25

Employee Alonzo Alexander

Is the proposed change already in place? Yes ☒ No

Inspectors Comments Waiting on approval.

No issues

Is follow-up inspection needed after installation? ☒ Yes No

If yes, please explain To check height and width of arbor.

Follow-up inspection results _____

NEIGHBOR SURVEY

The following change to the common area of the building:

Along the back patio of 3709 Lyons,
installing of privacy hedge with Arbor.
Hedge on side & back edge, w/osmanthus fragrans
& camellia. Arbor will be integrated on side.

I HAVE NO OBJECTION TO THE ABOVE LISTED CHANGE

Name and Address: 3707 Lyons - new sale, unoccupied

Name and Address: 3711 Lyons - renter occupied
FRANCISCA SANVEDRA

Name and Address: 3715 Lyons - owner occupied
YOL PRADO

Name and Address: 3715 Lyons - owner occupied.
Kendra LaCoursiere

Name and Address: 3713 Lyons Lane - owner occupied

Name and Address: _____

Name and Address: _____

Name and Address: _____

Name and Address: _____

Name and Address: _____

Name and Address: _____