

Westhaven

Westhaven Homeowners Association

Community Handbook

Spring 2003

<http://www.westhaven-whoa.org/>

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SECTION I. OBJECTIVES

The overall objective of this document is to serve as a guide to both the members of the Architecture/Covenants Committee and homeowners in maintaining and enhancing a carefully designed environment. These guidelines and standards address improvements for which homeowners will most often submit applications to the Architecture/Covenants Committee (A/C Committee). They are not intended to be all-inclusive or exclusive, but rather serve as a guide to what improvements may be made in the community.

The specific objectives of this booklet are:

To provide uniform guidelines to be used by the Architecture/Covenants Committee in reviewing applications in light of the goals set forth in the Founding Documents of your community and the actions of the Board of Directors.

To assist homeowners in preparing an acceptable application to the Architecture/Covenants Committee

To increase homeowner awareness and understanding of the Declaration of Covenants and restrictions.

To describe the organization and procedures involved with the architectural standards established by the Declaration of Covenants, Conditions & Restrictions.

To illustrate basic design principles, which will aid homeowners in developing exterior improvements, that are in harmony with the immediate neighborhood and community as a whole.

SECTION II. INTRODUCTION

All residents benefit from the planning and design that have been an important part of the development of your community.

The purpose of design controls is to assure residents that the standards of design quality will be maintained. This, in turn, protects property values and enhances the community's overall environment.

This booklet is designed to address exterior alterations made by homeowners to their property.

Declaration of Covenants, Conditions and Restrictions

The authority for maintaining the quality of design in the community is founded in the Declaration of Covenants, Conditions and Restrictions, which are a part of the deed to every property. The covenants establish both the Westhaven Homeowners Association and the Architecture/Covenants Committee.

As a homeowner, you should have received a copy of the Declaration of Covenants, Conditions and Restrictions in the homeowners document package at least by settlement. These covenants “run with the land” and are binding on all homeowners. As a result, these covenants should be fully understood by each homeowner.

SECTION III. ARCHITECTURE/COVENANTS COMMITTEE REVIEW CRITERIA

The Architecture/Covenants Committee evaluates all submissions on the individual merits of each application. The characteristics of the house type and the individual site are taken into account when evaluating the particular design proposal. What may be an acceptable design of an exterior in one instance may not be for another. For example, exterior changes to end-unit townhouses, due to their relative proximity to streets and other units usually are more noticeable and have more impact on adjoining properties than interior units.

The following criteria represent in more specific terms the general standards that will be used in reviewing and evaluating such application and design.

Validity of Concept

The basic idea must be sound and appropriate to its surroundings.

Design Compatibility

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

Location and Impact on Neighbors

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are **access, view, sunlight, ventilation and drainage**. For example, fences may obstruct views, breezes or access to neighboring property; decks or larger additions may cast unwanted shadows on an adjacent patio or property or infringe on a neighbor's privacy.

When a proposed alteration has possible impact on adjacent property, it is suggested that the applicant discuss the proposal with neighbors prior to making an application to the Architecture/Covenants Committee. It may be appropriate in some cases to submit neighbor comments along with the application.

Scale

The size of the proposed alteration should relate well to adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.

Color

Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house such as roofs, siding and trim should be matching in color.

Materials

Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house.

For instance, horizontal siding on the original house should be reflected in an addition. On the other hand, an addition with siding may not be compatible with a brick house.

Workmanship

Workmanship is another standard, which is applied to all exterior alterations. The quality of work should be equal to or better than that of the community. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.

Timing

Projects are to be completed within six (6) months of approval; otherwise it could become a nuisance and safety hazard for neighbors and the community.

SECTION IV. MODIFICATIONS REQUIRING APPROVAL BY ARCHITECTURE/COVENANTS COMMITTEE

All exterior alterations require the approval of the Architecture/Covenants Committee as stated in Article V of the Declaration of Covenants, Conditions and Restrictions:

“No building, fence, wall or other structure shall be commenced, erected or maintained upon the property, nor shall any exterior addition, change or alteration therein be made (including change in color) until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board.”

This paragraph explicitly states that any change, permanent or temporary, to the exterior appearance of one's property *must* be approved by the Architecture/Covenants Committee. Further, once a plan is approved it must be followed or the Architecture/Covenants Committee must approve modification.

Each application is reviewed on an individual basis. There are no “automatic” approvals, unless provided for specifically in these guidelines. For example, a homeowner who wishes to construct a deck identical to one already approved by the Architecture/Covenants Committee is still required to submit an application. The one exception involves structures such as decks, which are offered as builder options and are shown on original site plans. These builder-provided structures, if built to exact option specifications, have already been approved by the Architecture/Covenants Committee and therefore **do not** require an application.

SECTION V. FORMAT FOR ARCHITECTURE/COVENANTS COMMITTEE APPROVAL SUBMISSIONS

A sample request form for submission of architectural changes is provided at Exhibit "A". Please print a copy of Exhibit "A" for your use. Generally, the following items should be a part of every application.

A Site Plan

A site plan is most easily prepared by submitting a copy of the property plat. Proposed changes should be indicated including dimensions and distances from adjacent property and houses.

Material and Color

A description of the materials and colors to be used and an indication of the existing colors and materials should be provided. Where materials and/or colors are compatible but different from those of the existing structures, samples of color chips should be submitted for clarity.

Drawings and Photographs

A graphic description should be provided, and may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, exterior elevations for proposed structure, and if appropriate, plans or provisions for landscaping or grading, etc., should be shown as they affect the applicant's house, and in the case of attached houses, as they relate to adjacent houses. In any case, the sketch or photograph should be accompanied by a written description.

Review Procedures

All applications should be submitted to the Architecture/Covenants Committee, whether it is permanent or temporary. The application will be reviewed for completeness. If the application is complete the review process may begin. If not, the application will be returned to the homeowner for additional information. The Architecture/Covenants Committee has forty-five (45) days to review an application. The decision of the A/C Committee will be sent in writing to the applicant's address. Failure of the A/C Committee to act upon any request submitted to it within forty-five (45) days after submission shall be deemed to have been approved as submitted. In any event, the Committee will also send a written response to all requests.

Appeal of a Architecture/Covenant Committee Decision.

An appeal may be made if it appears that the following situations occurred:

- Proper procedures were not followed during the administration and review process,
or
- The A/C Committee decision was arbitrary and had no rational basis.

To initiate the appeals procedure, the applicant must submit a written request for an appeal within ten (10) days of the applicant receiving the A/C Committee decision. The appeal will be referred to the Board of Directors for review.

SECTION VI. ENFORCEMENT PROCEDURES

The following procedures will be taken by the Architecture/Covenants Committee to enforce the rules and regulations as set forth in these guidelines:

- All owners and residents of Westhaven shall comply with all the provisions of the Articles of Incorporation, Declaration of Covenants, Conditions and Restrictions, the By-Laws and all Rules and Regulations. Failure to comply with the aforementioned documents shall be grounds for an action to recover damages or for injunctive relief, for suspension of voting rights and use of recreational facilities, for foreclosure of liens or any other legal or equitable relief deemed appropriate.
- In the event any rule or regulation of the Westhaven Homeowners Association is violated, the owner shall be notified of the violation by certified mail, return receipt requested. Notice shall be sent to the address shown on the books of the Management Agent.
- If the owner is a non-resident, a copy of the violation notice shall also be sent to the tenant, at the unit address, by first class mail.
- In any instance where the violation presents a health or safety hazard, the Management Agent may take immediate action, at the owner's expense, to correct the violation. Notification to the owner of the action taken and the costs incurred will be made by certified mail, return receipt requested.
- The owner shall have the right to appeal any violation citation. The request for appeal must be submitted in writing, and received in the offices of the Management Agent within ten (10) days of receipt of the violation notice.
- In the event the owner does not bring the violation into compliance within ten (10) days, or submit a request for appeal within ten (10) days of the date of receipt of the violation, the Association shall proceed with enforcement procedures as provided in Article X, Section I of the Declaration of Covenants, Conditions & Restrictions.

Please note that failure of the A/C Committee to enforce any provision, covenant, restriction, or rule and regulation shall in no event be deemed a waiver of the right to do so thereafter.

Right of Entry. As stated in Article VI, Section 15, Declaration of Covenants, Conditions and Restrictions, “During reasonable hours, the Declarant, any member of the A/C Committee, or member of the Board of Directors, or any other representative of any of them, shall have the right to enter upon and inspect any Lot for the purpose of ascertaining whether or not the provisions of these restrictions have been or are being complied with, and such persons shall not be deemed guilty of trespass by reason of such entry.”

SECTION VII. GUIDELINES

The guidelines that follow address a broad range of exterior alterations for which homeowners frequently submit an application to the A/C Committee. While it would be impossible to address each specific design condition, these guidelines present the principle factors that should be considered when developing a design. More specifically, these guidelines define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative. As stated earlier, all projects are to be **completed within six (6) months.**

The A/C Committee will always consider the individual merits of each application. The use of these guidelines should assist the homeowner in gaining timely approval. The applicant who follows the guidelines should expect approval or rationale as to why the application was not approved.

Amendments to the Guidelines

The A/C Committee will conduct an annual evaluation to determine if the guidelines need to be amended. It is anticipated that any changes would be primarily additive and would not involve substantive changes of the existing guidelines.

Special note...County approvals

Many items require county review and permits. It is the homeowner's responsibility to obtain all county approvals. Fairfax County authorities should be contacted prior to beginning any work in order to verify what procedures must be followed and obtain required permits. County approval does not preclude the need for A/C Committee approval and vice versa. See Exhibit "B" for a partial listing of what requires a permit.

1. Fences

The builder at Westhaven provides rear yard fencing. The A/C Committee must review any alteration to this fencing. All fence modifications must match the style, color and materials of the existing fences. No front yard fences will be allowed, other than those previously installed by builder as part of the overall community landscaping.

Chain link fencing is not allowed.

2. Storage Sheds

The standard shed design, provided by the developer, and is the only storage shed design permitted at Westhaven. A sketch attached as Exhibit "C" outlines the approved style/construction. Applications must include a site plan identifying the proposed shed location.

3. Patios and Decks

Patio and Deck Location - Patios and decks are to be located in rear yards. When patio and deck schemes include other exterior changes, such as lights, plantings, etc., other appropriate sections of these guidelines should be consulted prior to application.

Decks - All decks are to be of **unstained, unpainted, untinted, pressure treated pine wood.** Applications must include a site plan showing size of deck, location as it relates to applicant's house as well as adjacent houses and property lines, description of materials to be used, and details of railings, posts, stairs, steps, benches, etc., as required to clearly describe proposal. Please include the height of the deck off the ground. While deck designs may vary at Westhaven, the railing design as shown in Exhibit "D" is the only design to be used at Westhaven. No privacy screening will be permitted without prior approval of the A/C Committee.

Ground Level Patios - Rear yard, ground level patios need not have A/C Committee approval if it is contained within the six-foot privacy fence and gate. If it can be viewed at eye level by neighbors, it must have A/C Committee approval.

4. Trellises/Arbors

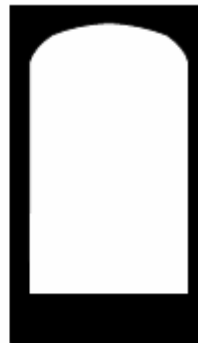
The use of trellises and/or arbors will be reviewed on a case-by-case basis and should be incorporated into the overall design of the deck. Privacy screening will not be allowed on any deck above ground level. In general, the A/C Committee must approve anything viewed above the fence line.

5. Storm and Screen Doors/Windows

Doors must be full view, straight forward without ornamentation such as scallops, scrolls and imitation gate hinges. The two storm door designs approved for use at Westhaven are identified below. All storm doors will be white with antique brass hardware. Storm and window frames must match the trim of the house or be white. No plastic covering will be permitted on the exterior (outside) doors or windows.



One Line



Full Arch Line

6. Sun Control Devices

The Architecture/Covenants Committee must approve awnings, trellises or other sun control devices.

7. Recreation Equipment

All equipment will be placed in rear yards and will not protrude above the fence line. Consideration must be given to lot size, equipment design and size, amount of visual screening, etc.

8. Major Exterior Changes

Major alterations are generally considered to be those that substantially alter the existing structure either by subtraction and/or addition. Major building alterations include, but are not limited to construction of driveways, garages, porches, greenhouses, rooms, fireplaces, chimneys, other additions to a home, etc.

More specifically, the design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent houses. The location of major alterations should not impair the views, or amount of sunlight and natural ventilation on adjacent properties. Pitched roofs must match the slope of the roof on the applicant's house. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well to the location of exterior openings in the existing house.

If changes in grade or other conditions that will affect drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.

Construction materials must be stored so that the impact on neighboring properties is minimized. Excess material should be immediately removed after completion of construction.

9. Antennas and Satellite Dishes

Exterior antennas are prohibited. Satellite dishes are allowed, but **must not exceed 39" in diameter**. The Architecture/Covenants Committee should be notified in advance for placement of the dish.

10. Dog Houses

Dog houses must be compatible with the applicant's house in color and material or match a natural wood fence and must be located in rear yards.

11. Exterior Decorative Objects

Exterior decorative objects such as birdbaths, wagon wheels, sculptures, fountains, pools, stumps, driftwood piles, and freestanding poles of all types are only permitted if located in the rear yard and may not be visible above the fence line. Seasonal decorations are permitted on the front of units.

12. Electronic Insect Traps

No device shall be installed or maintained in such a way as to cause discomfort to adjacent owners from noise and may only be operated during those times when the immediate area protected by the trap is occupied by the owner or his guests.

13. Exterior Painting

Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing, and other appurtenant structures. Change of exterior colors will be approved by the Architecture/Covenants Committee if in conformance with established neighborhood guidelines or selected from one of the existing neighborhood colors. Repainting or staining a specific object to match its original color does not require A/C approval.

14. Flagpoles

Temporary flagpole staffs which do not exceed six feet (6') in length that are attached at an incline to the front wall or pillar of the house or dwelling unit do not require A/C Committee approval.

15. Barbecue Grills

Permanent barbecue grills should be placed in the rear yard and as far a practical from the adjacent property lines. Any use of a portable grill must be at least 15 feet from the building.

16. Compost Piles

Compost piles are prohibited.

17. Hot Tubs

Plans for hot tubs **must** be submitted to the A/C Committee. It is the homeowner's responsibility to secure proper building permits and to ensure that plans conform to county guidelines. A copy of the County approval should be submitted with detailed plans.

18. Exterior Unit Air Conditioners

Window air conditioning units and fans are prohibited. Exterior ground units may be added to or relocated only when they do not interfere visually with neighbors. Exterior ground units shall be oriented so as not to discharge hot air onto neighbors' property.

19. Clotheslines

Clotheslines are prohibited.

20. Gutters and Downspouts

Gutters and downspouts must match those existing in color and design and must not adversely affect drainage on adjacent properties.

21. Attic Ventilators

Attic ventilators or other mechanical devices requiring penetration of the roof should be as small in size as functionally possible and should match the roof or be mill finish. They should be on the backside of the roof to the extent possible and not extend above the ridgeline.

22. Trash and Recycle Containers

Trash/recycle containers shall not be placed for pickup prior to 7:00 p.m. on the evening prior to pickup. Trash must be in securely tied plastic bags and must be placed curbside. At all other times trash containers must be kept in the rear yard, and as inconspicuous as possible.

23. Firewood

Firewood shall be kept neatly stacked, located in the rear yard of residence, and must be kept within your lot. Under no circumstances is firewood to be stacked in the common area or in front or side yards. Piles larger than two cords require approval. Piles longer than 6' should be 2 rows deep minimum. Piles must not exceed 4' in height for safety. Firewood piles must contain firewood only, no storage of debris.

24. Signs – Real Estate Sales/Rent, Etc.

There shall be no more than one real estate sign per lot and there shall be no signs displayed in windows. The sign shall be no larger than four square feet in area and shall not exceed six feet in height. All signs shall be removed within seven days of settlement or leasing of property. No real estate sign shall be illuminated. Signs may utilize reflective paint. Open house signs and directional signs are permitted on the day of open house and shall promptly be removed at the conclusion of the open house.

25. Solar Panels

Solar panels are not permitted.

26. Landscaping and Vegetable Gardens

Care should be exercised in the planting and maintenance of trees and shrubs on your lot to prevent obstruction of sight lines required for vehicular traffic. Consideration should also be given to the type of trees to be planted, specifically with regard to size of mature trees and how roots will affect water lines and underground cables, etc. If such plantings result in complaints by neighbors, the Architecture/Covenants Committee will consider appropriate measures to resolve the problem.

Vegetable plants of any kind shall be limited to the rear yard of the unit.

Applications, when required, should include a description of the types and sizes of shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings.

An application **IS NOT REQUIRED FOR FOUNDATION PLANTING.**

An application **IS REQUIRED FOR:**

- Hedges more than 2' in height or 8' in length, or other features which in effect become structures, fences or screens and a part of other applications where required.
- Railroad ties or garden timbers which form a wall over 12" high or 8' long. Include a site plan with the location of ties or timbers drawn in, and information on landscaping plans and any grading changes.
- Rock gardens in the event rocks or collections of rocks exceed 24 inches in any direction. All rocks shall be left their natural color.
- Window boxes and hanging planters. Window boxes should be limited to 1 1/2 - 2 feet in length and 6 inches in height and placed on the bottom windows only. Hanging baskets should be displayed in **rear yards and decks only.**

An application **must be submitted** for gardens that do not meet the above requirements.

27. In-Home Business

Fairfax County regulates in-home businesses. In addition to County control, the Association is concerned about the impact of in-home businesses on the residential character of the neighborhood and on adjacent neighbors. Therefore, customer-oriented businesses are not allowed.

For non-customer-oriented businesses, the following special requirements must be met:

- A permit must be obtained from Fairfax County.
- A copy of the permit must be on file with the Association's office.
- No sign or other advertising device of any nature shall be placed upon any lot.
- No exterior storage of business-related materials will be allowed.

Although the Association does not expressly prohibit in-home daycare services, the above requirements must be met. Care should be taken so that this service does not cause any annoyance to neighbors or interfere with the rights of other homeowners relating to the quiet enjoyment of their property.

28. Leasing of Units

A unit owner who leases his unit shall promptly, following the execution of any such lease, forward a confirmed copy thereof to the Association prior to the occupancy by the lessee. The Association must be notified of any continuation, extension, renewal or termination of the lease.

All absentee owners are required to promptly notify the Association of their new address and phone number and to provide the work and home numbers of their tenants.

All leases shall provide that the right of the lessee to use and occupy the unit shall be subordinate and subject in all respects to the provisions of the Declaration, By-laws and Rules and Regulations.

SECTION VIII. GENERAL MAINTENANCE GUIDELINES

A contractor for all lots within Westhaven will provide front yard lawn and landscape maintenance. The Westhaven Homeowners Association assessment includes the cost of this maintenance. Otherwise, property ownership includes the responsibility for maintenance of all structures and grounds that are part of the property. This includes, but is not limited to items such as mowing grass, removal of trash, and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety. (See Article VII, Declaration of Covenants)

1. Exterior Appearance

Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, fences, sheds, and playground type of equipment. All window treatments must conform to acceptable standards of a “first class” neighborhood; i.e., no sheets or blankets or items not customarily used for window treatment shall be allowed.

2. Mowing

A contractor for all units will provide front yard mowing uniformly. Other turf areas are to be mowed at regular intervals, maintaining a maximum height of six inches and a minimum height of two inches. Changes to this requirement may be made according to specified plans.

3. Lawn and Garden Fertilization

All soil should be tested before fertilizer is added especially in areas where drainage will flow into ponds. Special care should be taken not to over fertilize or to fertilize lawns and gardens where there is the least chance of runoff. In areas adjacent to a pond, fertilize in a manner to avoid runoff.

4. Trash Removal

Each resident is responsible for picking up litter on his property and preventing windblown debris from originating on his land.

At no time is the Association open space considered a dumping ground for inorganic debris. Organic debris such as leaves, grass clippings and branches may not be dumped in open space.

Removal of trash and debris from all Association areas accumulating from resident usage will be completed as necessary. Remember that removal of trash costs the association dollars, and voluntary resident cleanup, in addition to controlling litter at the source, saves everyone money.

5. Erosion Control

Each resident is responsible for seeing that their lot area is protected from erosion and that storm drain structures are not blocked so as to cause additional erosion problems.

6. Pesticides and Herbicides

Pesticides and herbicides may be applied according to label instructions for the specified problem. Emphasis should be placed on organic/biodegradable materials in order to ensure the least harm to the natural environment. Care in application is extremely important. Avoid use of pesticides and herbicides if at all possible, but when necessary use with caution and follow instructions.

SECTION IX. PET CONTROL

As stated in Article VI, Section 8 of the Declaration of Covenants, “o 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 on the Lot subject to such rules and regulations as may be adopted by the Association and provided they are not kept, bred or maintained for any commercial purpose, or in unreasonable numbers. Notwithstanding the foregoing, no animals or fowl may be kept on the Property which result in an annoyance or are obnoxious to residents in the vicinity.”

The Grounds Committee has adopted specific rules and regulations governing pets. They are as follows:

1. The Board of Directors has extended permission to both the County Director of Animal Control and the Fairfax County Animal Wardens to enforce all applicable portions of the Fairfax County code in regard to all animals and pets within the common areas.
2. Owners and all other persons who are owners and/or custodians of pets shall not allow such pets to run at large in Westhaven. A dog or cat shall be deemed to run at large while roaming, running or self-hunting or when not restrained by a dependable leash and controlled by a responsible person as defined by the Fairfax County Code.
3. All pets must have appropriate shots, licenses and tags, as required by Fairfax County Code.
4. Pet owners shall be responsible for immediate clean-up and proper disposal of pet wastes deposited. Kitty litter shall be disposed of in a tightly sealed plastic bag and placed at curbside on normal trash collection days.
5. Residents or guests who own pets shall ensure that their pets do not become a nuisance to other residents in the Community. Actions that may constitute a nuisance include, but are not limited to: barking, crying, scratching or being hygienically offensive.
6. Pets shall not be chained or leashed on any common area.
7. Pet owners shall incur any and all costs for repairing damage to common areas caused by their pet(s).
8. Residents should report any violations of the above items to Fairfax County Animal Control (703) 830-3310, and violation of item #4 to the Fairfax County Health Department (703) 246-2435.
9. Any other violations should be reported, in writing, to the management agent with specific information as to name and address of violator, time and date, and description of pet.

SECTION X. VEHICLE CONTROL

NOTE: THE "POLICY RESOLUTION" REGARDING RULES AND REGULATIONS RELATING TO VEHICLE PARKING AS PASSED BY THE BOARD OF DIRECTORS ON AUGUST 16, 1994 IS INCLUDED UNDER EXHIBIT E.

The Grounds and Parking Committees have adopted specific rules and regulations regarding vehicles. They are as follows:

1. General

- a. No unlicensed vehicles, including but not limited to motorized bicycles, motorcycles, mini-bikes, go-karts, etc. shall be operated on or parked upon any common area of Westhaven.
- b. Minor repairs begun on vehicles by an owner or his assigned agent, while on any common area, must be completed within 48 hours from the starting time of the repair. Major repairs (including but not limited to engine, transmission, rear end overhaul) are prohibited.
- c. Dumping, disposal of leaks of oil, grease, or any other chemical, residual substances, or any substance of particles from holding tanks of vehicles of any type (as a result of the repair, maintenance, or carelessness) is not permitted on common areas. Disposal must also conform to environmental regulations.
- d. The dumping of motor oil and other petroleum products into the storm sewers is a direct violation of the State Water Control Law and may lead to civil penalties and clean-up costs for the responsible person(s).
- e. All motor vehicles shall not exceed the speed limit of fifteen (15) miles per hour while operated in common areas.
- f. All motor vehicles (including motorcycles) shall be operated in the paved parking lot areas only. All motor vehicles (including motorcycles) shall be parked in designated parking spaces only. Parking in the fire lanes and to the rear areas where access to other common areas is impeded is prohibited, especially along curved curbs.
- g. Owners of vehicles will be held liable for **all** costs to repair damages to common areas caused by negligence, repair operations on the vehicle or storage of any combustible, dangerous or otherwise hazardous material on common areas (regardless of the type of container).
- h. Parking of commercial vehicles, including but not limited to commercial vans, trucks, taxicabs, buses, cars with commercial lettering, campers, trailers, boats, etc., is prohibited in the Westhaven Community.

- i. Non-resident owners may not use the parking lots for the storage of any vehicle, including but not limited to motorcycles, boats, trailers, campers, etc.
- j. Any unlicensed person is prohibited from operating any motor vehicle on common areas.
- k. All persons operating motor vehicles upon common areas shall conform to all traffic control signs posted on the premises, and in accordance with the provisions of the traffic ordinances of the County of Fairfax and the State of Virginia.
- l. Operation of any motor vehicle in violation of the 1950 Code of Virginia, as amended, is prohibited. Consent is hereby given by the Board of Directors to all appropriate law enforcement officers who are hereby empowered to enforce all motor vehicle laws in the streets and common areas of Westhaven.
- m. Vehicles parked on the property must display current State of Virginia license plates, inspection sticker, and a current Fairfax County registration sticker. This does not apply to Military personnel, who are exempt from these requirements if they display current home State license plates. Violations of this rule shall result in the posting of Notice on the vehicle directing removal of the vehicle or correction of the violation within five (5) days. All actions shall be coordinated with the Fairfax County Police Department in accordance with the applicable requirements of the Code of Virginia as amended.
- n. All vehicles parked on common areas must be maintained in an acceptable state of repair to meet the following conditions:
 - (1) Powered vehicles must be maintained in an operative condition.
 - (2) Tires supporting vehicles on common areas must be inflated at all times to within 10 PSI of the manufacturer's recommended pressure so that they can be moved in the event of an emergency.
- o. The President and Vice President of the Board of Directors shall be empowered to have vehicles which are in violation and any vehicles as defined in the Code of Virginia, as amended, removed from the common areas, at the owner's risk and expense, provided proper notification has been given to the owner.

2. Parking

- a. Each vehicle shall occupy one parking space only. The vehicle shall not be parked between two spaces, nor shall it be parked diagonally between one or more spaces.
- b. Each non-garage unit shall be assigned one reserved parking space. Numbered spaces are reserved for homeowners only.
- c. There will be no parking spaces reserved for units with garages.

3. Recreational & Commercial Vehicles

The following policies have been adopted for use at Westhaven pursuant to the Amendment to Declaration of Covenants, Conditions and Restrictions dated May 9, 1988.

“No Motor homes, boats, recreational vehicles or portable vehicles other than automobiles will be permitted to remain in a location visible from any roadway for a period exceeding four (4) consecutive calendar days without written consent of the Board of Directors.”

“No commercial vehicles (vans, trucks, etc.) displaying advertisement or logo will be permitted to remain parked on property.”

SECTION XI. ESTOPPEL CERTIFICATE

An Estoppel Certificate is required by the Architecture/Covenants Committee to be completed and issued to your settlement attorney prior to the closing of the sale of your home. The certificate provides information on the current status of assessment payments and on the existence of any architectural violations. The Estoppel Certificate helps to protect the future buyer against unknown problems with past owners' architectural changes or past-due assessments. If everything is in order, it also protects the seller from potential lawsuits, involving violations of the Covenants by subsequent owners.



WESTHAVEN HOMEOWNERS ASSOCIATION
Request for Approval of Modification

MAIL TO: Westhaven Homeowners Association
P.O. Box 6583
Springfield, VA 22150-6583
Attn: Architecture Committee

UNIT OWNER: _____ LOT #: _____

DAYTIME PHONE: _____ EVENING PHONE: _____

UNIT ADDRESS: _____

MAILING ADDRESS (if different): _____

DESCRIPTION OF MODIFICATION: Please include a diagram of modification, sketch or picture as appropriate. If more space is needed, please use a separate sheet.

I acknowledge and agree that I will be solely liable for any claims, including without limitation, claims for property damage or personal injury, which result from the requested modification. I hereby indemnify the Association from and against any and all applicable codes and ordinances, and for obtaining all necessary permits and inspections for the requested modification and further that I am responsible for all maintenance, repair and upkeep of said modification.

Date

Signature of Unit Owner

Action by Covenants Committee

- () Approved as submitted.
- () Approved subject to conditions as follows: _____

- () Disapproved for reasons as follows: _____

Copy returned to Unit Owner on _____
Date Signature

EXHIBIT B

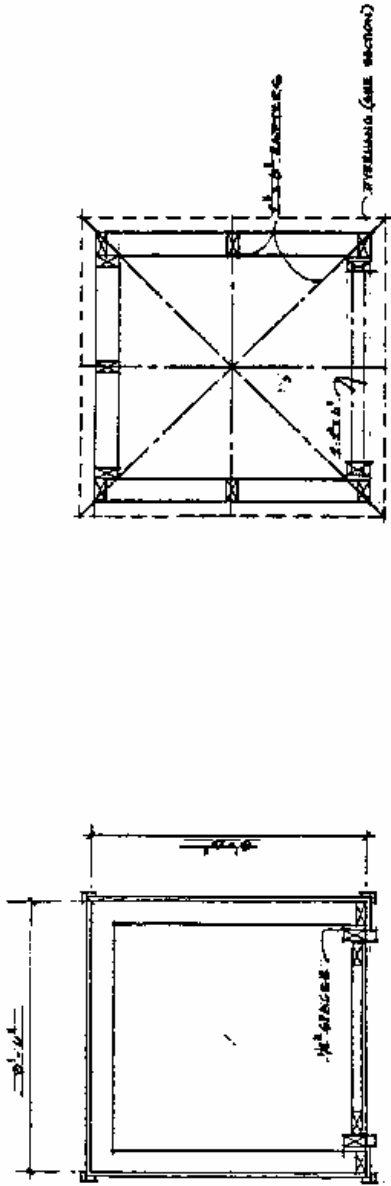
WHEN DO I NEED A PERMIT?

	PERMIT	PLANS
Install exterior siding	B	
Replace roof	B	
Put up partitions or finish a room	B	
Install prefabricated fireplace	M	M
Build above grade patio	B	B
Build patio covers	B	B
Build or replace porch or deck	B	B
Install attic pull-down stairs	B	B
Install new sink	P	
Install sump pump	E, P	
Replace wiring	E	
Relocate switches	E	
Relocate outlets	E	
Replace light fixture and/or more wattage	E	
Repair air conditioning or heat pump (compressor replacement)	E, M	

B - Building E - Electrical M - Mechanical P - Plumbing

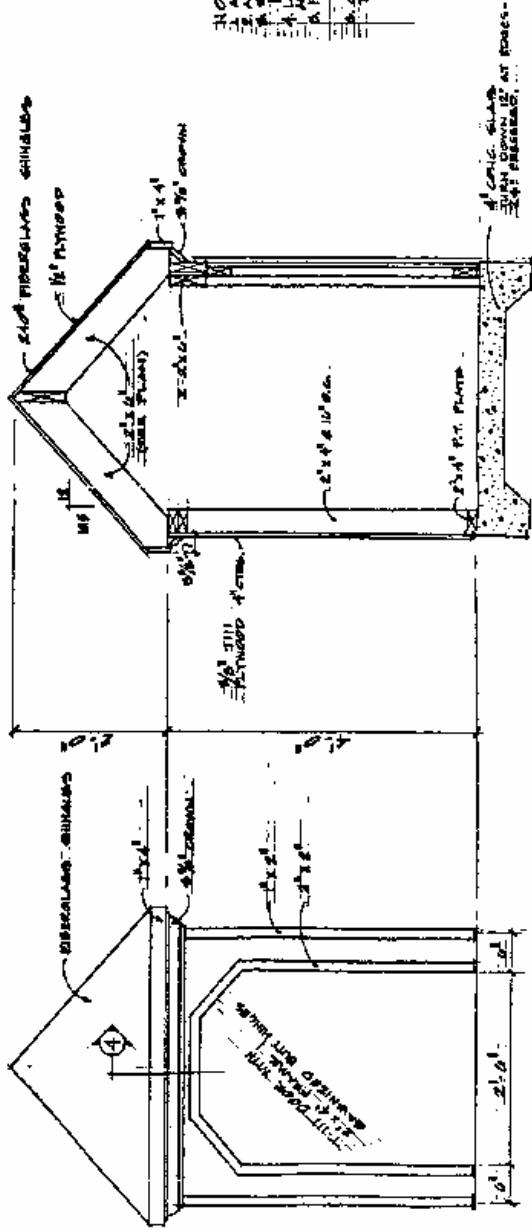
This is only a partial listing of improvements and repairs that must be submitted to obtain a permit. In some instances, plans must be submitted to obtain a permit. Questions about what requires a permit and/or how to obtain one can be directed to the Fairfax Count Department of Public Works and Environmental Services Permit Application Center at (703) 222-0801.

EXHIBIT C



① PLAN

② FRAMING



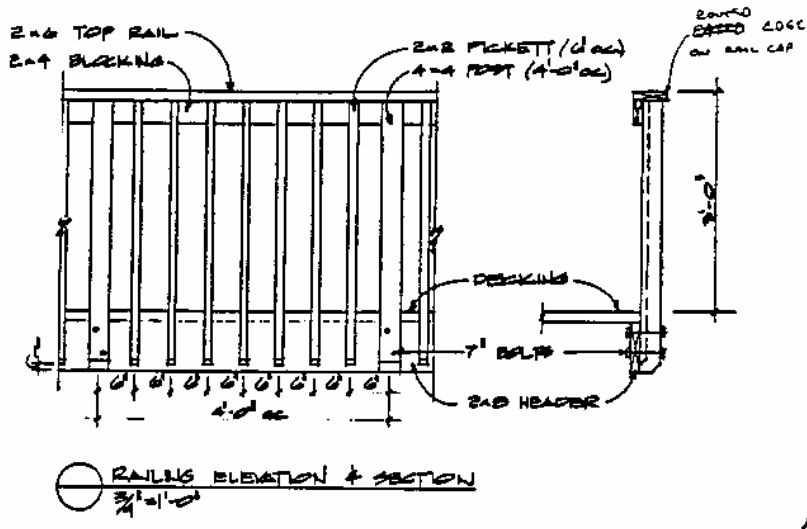
③ ELEVATION

④ SECTION

NOTES:
 1. ALL WOOD SHALL BE DRIED.
 2. ALL SILL SHALL BE PROTECT TREATED.
 3. SHINGLES SHALL BE:
 A. WEATHERED WOOD OR CERTIFIED, 2/10 IN.
 B. LOCATION OF UNDERGROUND UTILITIES
 HAS THE RESPONSIBILITY OF THE OWNER.
 C. MATERIALS SHALL BE:
 1. 2x4 BRACE - SEE SECTION 4.
 2. CONSTRUCTION MEANS & METHODS ARE
 THE RESPONSIBILITY OF THE OWNER.

EXHIBIT D

TYPICAL RAILING DETAIL #1
STANDARD RAILING



TYPICAL RAILING DETAIL #2
LEAF PICKETT RAILING

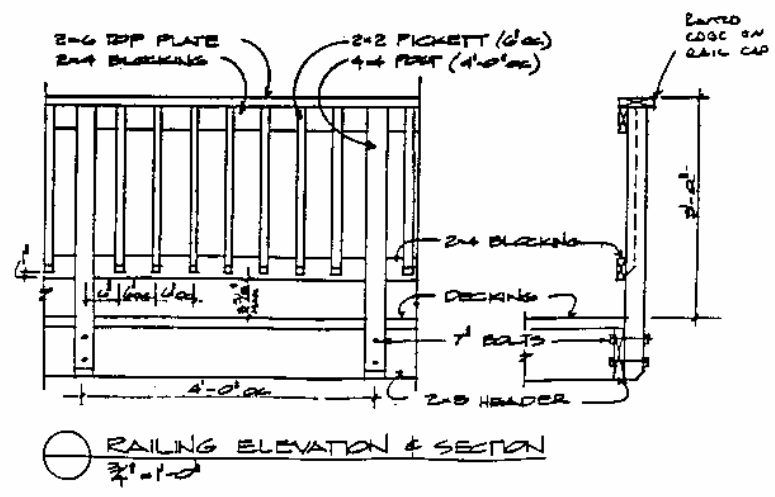


EXHIBIT E

**WESTHAVEN HOMEOWNERS' ASSOCIATION POLICY
RESOLUTION**

RULES AND REGULATIONS RELATING TO VEHICLE PARKING

Passed by the Board of Directors on August 16, 1994

WHEREAS, Article VI, Section 16 of the Declaration of Covenants, Conditions and Restrictions states that all lots as defined in Article I, Section 5 of the Covenants which do not have a garage are assigned one reserved parking space and there will be no parking spaces reserved for units with garages; and

WHEREAS, Article X, Section 1 of the Declaration of Covenants, conditions and Restrictions authorizes the Board of Directors to enforce provisions of the Declaration; and

WHEREAS, Article II, Section 1(c) of the Declaration of Covenants, Conditions and Restrictions empowers the Association to establish uniform rules and regulations pertaining to the use and enjoyment of the Common Areas and facilities thereon; and

WHEREAS, Article VII, Section 1(a) of the By-Laws empowers the Board of Directors to adopt and publish rules and regulations governing the use of the common area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

NOW THEREFORE, BE IT RESOLVED that the following parking rules and regulations are hereby adopted;

PARKING RIGHTS AND RESTRICTIONS

A. The Westhaven Homeowners' Association, Inc. parking areas are common areas for the exclusive use of the Association's members, the members' lessees and their guests. Owners are responsible for informing their lessees of the Association's parking rules and regulations.

B. In accordance the Article VI, Section 13 of the Covenants, Conditions and Restrictions – “No garage shall be utilized for other than the purpose of storage of vehicles and other types of items normally stored in garages in first-class neighborhoods. Except for the purpose of immediate access to the inside of a garage, garage doors shall at all time remain in a closed position. To the extent an Owner owns or has the beneficial use of any vehicle(s) while on the property all such vehicles shall, to the extent the size of the garage, as construction allows, park said vehicle(s) within the garage with the garage doors closed or on the garage driveway apron.”

C. Article VI, Section 16, of the Covenants states, “Each non-garage unit shall be assigned one reserved parking space. These assigned spaces are reserved for homeowners only. There will be no parking spaces reserved for units with garages.”

D. Vehicles shall be parked only within designated parking spaces and in such a manner as to not obstruct other parking spaces.

E. All units must register all vehicles (owned or leased) that are domiciled at Westhaven with the Board of Directors utilizing a Vehicle Registration form.

PARKING PERMITS

For identification and security purposes, parking permits, in the form of stickers (decals), will be issued to all vehicles domiciled at Westhaven. It is expected that all vehicles, from both garage and non-garage units, will display these permits.

TYPES OF PERMITS (DECALS)

There will be three types of Parking Permits issued, distinguished by their color:

- a. **BLUE.** A Permanent Permit to non-garage units that will authorize a vehicle so stickered to park in the “RESERVED” spot in front of their own townhome and in any non-reserved spot in the common area, except in the “OVERFLOW” areas.
- b. **RED.** A Permanent Permit to garage units that will authorize a vehicle so stickered to park in the garage of the owner’s or renter’s townhome and/or on the garage apron.
- c. **GREEN.** A Special Permit for “EXTRA” or “SURPLUS” vehicles owned or leased by an owner or renter at Westhaven which will authorize a vehicle so stickered to park in the “OVERFLOW” areas on a first-come, first-served basis.

To be issued a Permanent Parking Permit, a vehicle must be registered to an owner or renter of either a non-garage unit or a garage unit in Westhaven. In the case of a renter, the name on the vehicle registration must be the same as the name on the rental lease.

The initial issuance of Parking Permits (Decals) will be made free of charge. Replacement decals will cost \$5.00 each.

“EXTRA” OR “SURPLUS” VEHICLES

Owners and renters who report more than two vehicles owned or leased are herewith advised that the vehicles in excess of the two basic vehicles are considered “Extra” or “Surplus” vehicles and as such may be issued the green Special Parking Permit, if any such space is available. Townhome units reporting more than two vehicles and who have been issued both the Permanent and the Special Parking Permits, have the option of selecting which of the vehicles will have use of the Permanent permits and which vehicle will have use of the Special Parking permit.

Special Parking Permits may also be issued to owners and renters for certain other vehicles such as those reported as belonging to a “long term” visitor like a relative home from school for the summer or a parent visiting for an extended period of time. In these cases, the owner or renter will be required to submit a written request to the Board of Directors for the Special Parking Permit, indicating the following information:

1. Year, make, model and color of the vehicle
2. License tag number, year and State
3. Name of vehicle owner

4. Relationship of person needing the permit
5. Dates of the extended visit

These requests for Special Parking Permits will be addressed promptly by the Board taking into consideration the availability of “Overflow” parking spaces.

A garage owner wishing to repair, modify, or paint any of the interior of his garage may apply for a SPECIAL SHORT TERM permit to be used for the period of time stated. A permit will be issued for the dates specified, for parking in the “Overflow” area only, and will be on a first-come, first-served basis.

NOTE: “EXTRA” OR “SURPLUS” VEHICLES WHICH BEAR THE SPECIAL GREEN PARKING PERMIT MUST BE PARKED IN THE “OVERFLOW” PARKING AREAS AND NOT IN FRONT OF A TOWNHOME, IN A VISITORS SPOT, OR IN A FIRE LANE.

ISSUANCE OF PERMITS

- a. Each non-garage townhome unit shall be issued one or two Permanent Parking Permits based on the number of vehicles reported to be owned or leased. In no case will more than two Permanent Parking Permits be issued to any non-garage townhome unit.
- b. Each garage townhome unit shall be issued one or two Permanent Parking Permits based on the number of vehicles reported to be owned or leased. Additional Permanent Parking Permits may be issued, up to the maximum number of vehicles that can be placed within the garage and on the apron of the garage combined, if such vehicles are reported to be owned or leased by the owner or renter of the garage townhome unit.

“OVERFLOW PARKING AREAS”

The “Overflow Parking Areas” are to be used by those vehicles bearing the green “Special Permit”. Other Westhaven registered vehicles bearing Red or Blue permits may use the overflow areas on a one night, non-recurring basis only. (See “EXTRA” OR “SURPLUS” VEHICLES section for vehicles needing to use the overflow area for a longer period of time.) Vehicles parked for an extended period of time in the “Overflow Parking Areas” not bearing the “Special Permit” will be subject to towing.

“Overflow Parking areas” will include reserved spaces for VISITORS. Such spaces will be plainly marked and are exclusively for visitors. Violators will be subject to towing.

LOCATION OF PERMIT

The permit decals shall be affixed to the inside bottom of the rear window on the drivers’ side.

VEHICLE RESTRICTIONS

A. Under state law, all vehicles normally garaged or parked in Fairfax County are subject to County personal property tax and must display a valid County decal, including vehicles owned by military personnel. Vehicles coming into the county from other jurisdictions have thirty days to comply with the law.

All vehicles parked in the development must be properly licensed with current Fairfax County sticker, State license plates, and State inspection sticker (if licensed in Virginia). Military

personnel may retain “home state” licenses.

B. No vehicle equipped or otherwise configured in a manner to indicate its use is for other than normal passenger transportation as defined in the Virginia Code, Section 46.1.1, may be parked in Westhaven. Prohibited vehicles include, but are not limited to:

Vehicles with dual rear wheels

Vehicles over eighteen feet in length, bumper to bumper

Vehicles displaying any commercial announcement or sign

Taxicabs

Vans and carryalls not equipped with windows and installed passenger seating arrayed behind the driver’s seat

Vehicles with pipe or ladder racks or any other external equipment indicating any use other than solely for personal transportation

Recreational vehicles and motor homes

Trailers and boats of any type

C. Vehicles operated by a tradesman performing work at the home of a resident may be parked in the assigned space for that unit or in an overflow space while working at the unit.

D. No inoperable vehicles shall be kept in Westhaven. All vehicles must be maintained in proper operating condition so as not to be a hazard or nuisance by noise, exhaust, emission, appearance or otherwise.

E. Minor repairs of vehicles by or on behalf of an owner or renter while on any common area must be completed by the end of the day in which they were begun. Major repairs (including but not limited to engine, transmission, and rear-end repairs) are prohibited. No vehicle may remain in a disassembled condition, to the extent that it cannot legally be operated on the public streets, for more than twelve hours.

F. The dumping of, disposing of, or the leaking of oil, grease or other petroleum product or chemical or residual substance or particles as a result of a vehicle repair, lack of maintenance or carelessness is strictly prohibited. It will be the responsibility of the vehicle owner to make repairs to the streets for any damage incurred by the items listed in this section.

ENFORCEMENT

A. Any vehicle parked in a “Hot Zone” (dangerous or illegal areas such as in fire lanes or on medians) will be subject to immediate towing. Any vehicle parked in violation of an assigned spot (such as a Red permit vehicle parked in a Blue Permit area), parked on the common areas other than in a designated space, or not in compliance with the rules relating to the three types of parking permits as herein before stated may be subject to the following actions: (1) verbal warning, (2) written warning, or (3) immediate towing WITHOUT NOTICE at the expense and risk of the vehicle owner. An owner or renter does not have the authority on their own to order a vehicle towed.

B. Any owner or renter of the community may file a complaint with the Property Manager or the Board of Directors regarding a violation of these regulations. The complaint must be in

writing giving the make, model and license number of the offending vehicle and cite to the best of the complainant’s knowledge and belief the nature and extent of the violation. Complaints must include the name and address of the complainant and must be signed. The Board of Directors will act promptly upon receipt of such a complaint to enforce the regulation in the manner described herein.

C. In addition to the towing provisions above, violations of the above regulations are subject to other appropriate action, including, but not limited to, initiation of legal action. Lot owners shall be responsible for the offenses of their tenants and their guests. Should any action be required, all fees and other costs incurred shall be assessed against the owner of the lot to which the offense is attributed.

D. The Fairfax County Police have been authorized to enter upon the common grounds of Westhaven to enforce the fire lane restrictions and the Code governing the requirements for the County Sticker and to provide security.

E. In addition to filing a formal complaint, as in paragraph B above, residents may contact their Block Captain to report any violations of the regulation. Block Captains will pursue any violations with the Board of Directors for appropriate resolution.

F. WESTHAVEN IS A PRIVATE COMMUNITY. UNAUTHORIZED VEHICLES – THOSE WITHOUT PARKING PERMITS – WILL BE SUBJECT TO TOWING WITHOUT NOTICE AT THE OWNERS EXPENSE.

G. Failure to enforce any of these rules or regulations at any time will not be deemed a waiver of the rules or regulations in future instances.

REPEALER

All parking regulation or parts of regulations at variance with these regulations are hereby repealed.

NOTHING IN THIS RESOLUTION SHALL BE CONSTRUED TO HOLD WESTHAVEN HOMEOWNERS ASSOCIATION, INC. OR THE BOARD OF DIRECTORS RESPONSIBLE.

[Original signed August 16, 1994 by the Westhaven Board of Directors. Signed copy available from the Board of Directors.]

Date:

[Signed] _____

President

[Signed] _____

Vice President

[Signed] _____

Secretary

[Signed] _____

Treasurer

[Signed] _____

Director

[Signed] _____

Director

