Lake Barcroft Architectural Guidelines

Board of Directors

Lake Barcroft Association (LBA)

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I. ABOUT THE ARCHITECTURAL REVIEW COMMITTEE (ARC) AND OBJECTIVES

A. BACKGROUND

The authority for maintaining standards of design in Lake Barcroft is founded in the Covenants which are part of the deed to every property in Lake Barcroft (See Section 7 for Legal Authority).

B. OBJECTIVES

The ARC was established to help enhance and maintain the quality, natural beauty of the Lake Barcroft community. This, in turn, protects property values and enhances the community's overall environment. The ARC application process and design review procedures help aid LBA property owners in developing exterior improvements that are in harmony with the immediate neighborhood and our community. By including neighbor inputs as part of the application process, the ARC hopes to improve neighborly cooperation and a greater overall appreciation for maintaining the character and attractive aesthetics of Lake Barcroft. The ARC also endeavors to provide easy to understand and transparent guidelines to be used by the ARC in reviewing applications and to assist owners in preparing acceptable ARC applications.

II. WHAT PROJECTS REQUIRE ARC APPROVAL

A. EXTERNAL PROJECTS NEEDING ARC APPLICATION AND APPROVAL

The covenants in each Lake Barcroft deed require that any change, permanent or temporary, to the exterior appearance of an owner's property requires approval by the ARC. Further, once a plan is approved, it must be followed and, if the approved plan is modified, the owner must seek approval of the modification. While not an all-inclusive list, projects that require ARC approval include new home construction, any changes or additions to the outside of an existing Lake Barcroft home (including color, roof, windows, chimneys), exterior structures including additions, garages, carports, fences, sheds, gazebos, driveways, patios, awnings, hardscaping, freestanding accessory structures (installed sporting structures, EV stations, oversized signs, geothermal installations and oversized antennas/satellite dishes), docks (including floating), and seawalls (See Docks & Seawalls specifications).

B. PROJECTS NOT REQUIRING APPROVAL

Simple projects that involve repairing or repainting exterior surfaces in substantially the same colors, replacing or fixing windows, doors, shutters, roofing in substantially the same color and material, resurfacing a driveway or parking area in the same material and that does not alter footprint or drainage, replacing existing exterior light fixtures (lumens and directional output) in substantially the same way or adding new landscaping or planting are not subject to a new ARC approval process.

C. EMERGENCY REPAIRS

When emergency repairs are necessary, no application to the ARC is required when the repair or replacement returns the structure to its appearance prior to the damage. (Repairs to docks and seawalls are not considered emergency repairs and must receive prior ARC approval – See Section 3.2).

D. QUESTIONS ABOUT WHAT PROJECTS REQUIRE ARC APPROVAL

If you have any outside project that adds or modifies something to the exterior of your house, property, dock or seawall and you are unsure if it requires an ARC application, contact the Lake Barcroft Association Manager or the ARC Chair before proceeding with construction.

III. ARC APPROVAL PROCEDURES

A. WHEN TO APPLY FOR GENERAL EXTERIOR PROJECTS

Residents should apply for approval before any project is started and preferably before they have incurred any construction expenses. To save time and unnecessary frustration, ARC approval should also be sought before a property owner seeks a permit from Fairfax County. It is important to understand that Lake Barcroft's ARC approval process is separate from Fairfax County permitting processes. While Fairfax County may issue a permit, the ARC still has the right to deny a property owner's application.

B. DOCKS AND SEAWALLS APPROVAL

Bulkheads, sea walls and docks are built upon the submerged land of the lake which is part of the common property of the LBA and is not private property. Accordingly, they are subject to specific requirements, and their construction is

subject to inspection by the Lake Barcroft Watershed Improvement District (LBWID) staff before the ARC reviews application. In addition, Fairfax County has a separate approval process for seawalls. All applicants for these structures (and their contractors) should read specifications available at https://lakebarcroft.org/association/architectural-review and are available from LBA Manager, the ARC chairperson or the LBWID office.

C. HOW TO SUBMIT APPLICATION

Residents should complete an on-line application located on the Lake Barcroft website: https://lakebarcroft.org/webform/architectural-review-committee-application-form. If residents cannot apply online or have trouble locating the application online, they can download the cover sheet, fill it out and submit all plans, including neighbor notifications to the email address ARC@lakebarcroft.org. Please note, if sent by email, the application must be complete at the time of submittal. Incomplete applications or those that are submitted in many different emails will not be reviewed until sent all together in one complete document. Contractors or family members of a LBA property owner can submit an application on their behalf, but the application must include the homeowners' contact numbers in the application so they can be contacted directly to confirm application information.

D. APPLICATION CONTENTS

A complete application consists of the following:

1. Standard Application Form: Filled in address, contact information, and lot number.
2. Alteration Description: A simply written description of what is planned, including size, type of structure or alteration, use of colors/trims, exterior lighting, landscaping, drainage and major materials. Please consult Fairfax County Rule.
3. Record Plat: A copy of the property plat showing the location of the structure or alteration and with clear measurements to the property lines. More extensive projects should include a site plan showing exact dimensions and contour lines where drainage is a consideration. The property line includes the street.
4. Notification of "Affected" Neighbors – Quite often construction projects inconvenience or impact neighbors because of contractor traffic/noise/dust, changes to views and so forth. Accordingly, the ARC requires that applicants advise neighbors (verbal, email or letter) of their proposed work and receive written acknowledgment from neighbors that they have seen the plans being submitted. Neighbors can also send comments on projects directly to the ARC, but applicants must note that in their application. Acknowledgment by neighbors does not imply approval and neighbors can offer the ARC any opinion they care to express, but such opinions are not determinative.

The ARC will move forward with reviewing the project if all appropriate neighbors have been given notice and sufficient time to comment on application – generally within 7 days unless travel and other reasonable issues cause delays. For purposes of an ARC application, the definition of "affected" neighbors who must be notified are LBA property owners who share a property line with an applicant. The ARC encourages applicants to also notify LBA property owners with a clear line of sight to the project.

5. Landscaping Plan – A written description or landscaping drawings when landscaping is a key element in the project.
6. Color Photographs – If available, photographs of the project, structure and major materials should be included so the ARC can easily visualize the alterations and/or additions.
7. Contractor Plans or Home-made plans – If available, the application should include whatever plans a contractor has prepared. For major projects with numerous sheets, only the plan view, topography (where drainage is an issue), and elevations are generally required. The ARC will also consider "home-made" plans if they contain sufficient information and are appropriate for the size and scale of the project.

IV. REVIEW STANDARDS

A. POSITIVE ELEMENTS CONSIDERED DURING ARC REVIEW

1. Preservation of the natural beauty of the area, especially the lake. Addition of landscaping which includes native plants and trees to augment the natural charm of the neighborhood and positively impact the water and air quality and wildlife.
2. Harmony of external design and compatibility with the architectural characteristics of the applicant's house and neighborhood setting. This includes choices of color, quality of materials used in the project, and location in relation to surrounding structures and topography.
3. "Open" plans with a minimum of hardscape elements to preserve the natural setting and not increase storm water runoff into the Lake.

4. Location of proposed construction is favorable or does not have a substantial impact on affected neighbors and neighborhood.

B. PROHIBITIONS/REASONS FOR ARC DENIALS

1. Any project that does not comply with Fairfax County rules at the time of ARC application.
2. Chain link fences, fences of any kind along waterfront, fences in front yard (unless applicant appeals to Board on safety grounds and the fence is less than 4 feet in height), fences greater than 4 feet in height in a backyard (unless a substantial need is demonstrated in an ARC application and the fence is no more than 6 feet in height) are prohibited. Invisible fences encouraged when possible.
3. Harsh or excessive lighting that illuminates other properties.
4. Use of bright or garish colors that are not in harmony with existing colors in the neighborhood.
5. Any element near the street that diminishes traffic safety.
6. Structures of such bulk that light and air (but not sightlines) are blocked out from an adjacent property.
7. Structures in the front yard or along the waterfront other than sea walls or docks.
8. No accessory dwelling units including garage apartments or sheds that include plumbing and/or heating/AC.

C. EXCEPTIONS

Recognizing that not every conceivable situation can be anticipated, the ARC will consider the reasonableness of any application that specifically requests an exception to any prohibition stated above.

D. GRANDFATHERED APPROVALS

Structures already approved by the ARC as of the date of these rules and which are not being modified, are exempt from any further compliance.

V. ARC APPROVAL PROCESS AND CONTESTING ARC DECISIONS

A. TIMELINESS

As a matter of policy, the ARC will respond within thirty days of receiving a complete application. Delays beyond 30 days are often caused by insufficient or incomplete applications that require follow-up or because applicants did not use the online submission process where the ARC can more closely manage application submissions. As a goal, and when an application is straightforward, the ARC will aim to respond to applications within two weeks. Because the approval process for docks and seawalls is a multi-step, multi-entity process, these applications can take longer. Generally, the ARC will expect a neighbor to respond to an applicant within seven days. If applicants have not heard from the ARC or Lake Barcroft Association Manager within two weeks of their applications, sending an email reminder or inquiry is encouraged.

B. NOTIFICATION

Applicants will be notified of approval or denial by the ARC chair via email to the address on the application. Only affected neighbors who oppose the project will be notified via email within 24 hours of the ARC decision.

C. DURATION OF APPROVALS

ARC approvals are valid for the duration of the building permit secured by the applicant. If no permit is required, ARC approval is valid for the duration specified in the application, but not more than one year beyond the application approval date. The ARC will consider requests for an extension of the completion date on a case-by-case basis. All such extensions should be submitted to the ARC following the same procedures as the initial application.

D. CONTESTING ARC DENIAL

If the ARC disapproves an application, the applicant may send a written appeal to the LBA Board requesting that they review the application. The appeal request must be received within 1 week of the applicant receiving an ARC notification, and must be based on at least one of the following issues:

1. Proper procedures were not followed during the administration and review process.
2. The applicant and any other affected residents were not given an opportunity to be heard
3. The ARC decision was arbitrary, unreasonable or inconsistent with the LBA Covenants.
4. There are significant extenuating circumstances that should be considered by the Board.

If an appeal is filed, ARC approval of the project in question will be held in abeyance until the LBA Board reviews the appeal or objection and issues a final decision. A meeting of LBA Board members may be called to review such cases.

E. NEIGHBOR CONTESTING ARC APPROVAL

If an affected neighbor objects to an ARC project approval, they may send a letter or email to the LBA President, LBA Vice-President and LBA Legal Chair (including CC to ARC Chair) stating a basis for requesting an appeal within 4 days of notification. If the LBA President, in consultation with the Legal Chair and ARC Chair, finds that the ARC procedures and guidelines were not followed or an affected neighbors' views were not considered properly, the President may convene a special meeting where the full Board will consider the appeal. The LBA President may allow the applicant or the applicant's representative to address the Board orally as well as present written information.

VI. ENFORCEMENT PROCEDURES AND PENALTIES

A. ENFORCEMENT PROCEDURES

The LBA Board delegates to the ARC the authority to ensure compliance with the pertinent provisions of the Covenants (see Part I. C. above) and these Guidelines. The following enforcement procedures shall apply.

1. The ARC will contact the resident regarding the violation.
2. The violation will be confirmed by a site visit.
3. If the ARC is not able to reach a resolution with the applicant, the matter will be turned over to the LBA Board of Directors with a recommendation for appropriate action. After providing for a hearing consistent with the Complaint and Due Process Procedures, the Board will decide on an appropriate action.

B. PENALTIES

Penalties for violation of the rules of the LBA are set forth in Section 55.1-1819 of the Virginia Property Owners' Association Act and include fines, denial of use of common property, as well as seeking relief in the general or district court. Property owners should be aware that the Code of Virginia requires property owner associations to provide resident property sellers with a letter of compliance with covenants in advance of the sale of the property. (Va. Code Ann. § 55-509.5.) Noncompliance with the Guidelines could result in the identification of the property as noncompliant, which could delay or adversely impact the sale of the property.

VII. LEGAL AUTHORITY

A. PROTECTIVE COVENANTS

The authority of the Lake Barcroft Association (LBA) to control development and quality of design of the privately owned properties within Lake Barcroft derives from the Restrictive Covenants which are attached to every deed of the lots within the community. This authority has the force of law generally, and more specifically is set forth in the Virginia Property Owners' Association Act (the "Act").

B. EXAMPLE OF SPECIFIC COVENANT LANGUAGE

"The land hereby conveyed shall be used only for the purposes of a private, single-family residence and appropriate uses accessory thereto."

"No building shall be erected thereon excepted a single-family, private dwelling house and garage appurtenant thereto."

"No building, fence or other structure shall be erected or altered unless the plans, specifications, including color scheme, and plot plan therefor, are submitted to and formally approved in writing by the Grantor, its successors, or assigns, and copy such plans, specifications, and plot plan, as so approved shall be permanently filed with the grantor, its successors, or assigns, before any work is begun."

"No tent, trailer, or outbuilding shall ever be erected or maintained on the tract, and no garage or basement shall at any time be used as a temporary or permanent residence."

C. COVENANT PROHIBITIONS

The following are prohibited: outside toilets, signs, tents, trailers and outbuildings. Residents are also prohibited from living in a garage.

D. ARC GUIDELINES AND FAIRFAX COUNTY REGULATIONS

As Lake Barcroft was being developed, Fairfax County had very few zoning ordinances. Some of the concerns when the Covenants were written, such as disallowing outhouses, are irrelevant today and other issues that are of concern, are addressed specifically by the zoning ordinance and do not require ARC review. However, the County's standards are not wholly satisfactory for our circumstances and for these matters, the Covenants give the Lake Barcroft Association legal authority to maintain its own standards. Second, it is clear from the Covenants that the original intent of the grantor was to establish some standard of quality throughout the development, even though no detailed specifications were set forth.

VIII. ARC COMMITTEE

A. ARC AUTHORITY

LBA is the successor to the Grantor. Pursuant to Section 55.1-1819 of the Property Owners' Association Act, LBA's Board of Directors has the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the Association by the Covenants. The Association administers its review through an Architectural Review Committee.

B. COMMITTEE COMPOSITION

ARC is composed of a chairperson appointed by the LBA Board President and must contain at least one member who is an elected member of the LBA Board. Other committee members can be chosen by the chairperson and should share a common interest in architecture and urban design; some members are professionals in this field. In addition to reviewing submitted plans, the members welcome the opportunity to offer guidance and suggestions to all community residents who are considering improvements to their home and yard, even if such considerations are quite preliminary.

C. ARC GUIDELINE REVISIONS

After many decades, some architectural precedents have been established which give shape and character to the appearance of the community. Accordingly, the ARC will rely upon this history as a reasonable and objective basis for evaluating the plans submitted to it and review and will revise guidelines as needed.

APPENDIX

A. DEFINITION OF FRONT YARD

The ARC uses the Fairfax County Zoning Ordinance definition for "Front yards." Generally, a front yard is defined as "any open space on a lot situated between the nearest street line/front lot line and the main building." Additional guidance on what is considered a front yard for odd shaped or corner lots can be found on the Fairfax County website.

B. OTHER DEFINITIONS

For other definitions not otherwise stated in these guidelines, the ARC will generally use the applicable definition from the Fairfax County Zoning Ordinance.