



Condominium Association, Inc.

ARCHITECTURAL CHANGES

I. APPLICATION PROCEDURES

1. Requirements for All Applications

- A. Owners wishing to make any of the changes requiring approval must submit the proper written application to the Architectural Committee or, in their absence, the Board of Directors, with all appropriate sections completed.
- B. Oral requests will not be considered.
- C. Each alteration or addition must be specifically approved even though the intended alteration or improvement conforms to the Association Instruments and even when a similar or substantially identical alteration or addition has been previously approved.
- D. Since the Association cannot control work performed within a Unit, the Unit Owner is responsible for assuring that any changes or additions are made in conformance with the Association Instruments. Failure to comply subjects the Unit Owners to the remedies set forth in the Association Instruments and the Virginia Condominium Act.
- E. Approval of any project by the Association does not waive the necessity of obtaining the required governmental permits.
- F. Obtaining a governmental permit does not waive the need for Association approval.
- G. The Association will not knowingly approve a project that is in violation of the local building or zoning codes.
- H. Burden rests with applicant to demonstrate the acceptability of the proposal. Applicant may submit with the application, any materials such as exhibits, petitions, photographs, experts' statements and the like that applicant deems necessary. Applicant may request an opportunity to appear before the Committee, along with any witnesses the applicant desires to have testify.

2. Additional Requirements for Major Changes to Units. Major changes such as removal or installation of partitions, must meet the following requirements as appropriate:

- A. No change may be made to the unit that would alter or remove an interior partition that contributes to the support of the unit or building.
- B. Where the change affects common utilities or involves temporary interruption of

common utility service, applicants are required to coordinate arrangements with the Managing Agent prior to commencement of work. In any case, common utility service may not be interrupted except between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Service may not be interrupted on weekends or generally observed holidays.

- C. Applicants are responsible for removal of debris generated in the course of the change.
- D. No sawing, hammering or other noisy construction activities are permitted except between the hours of 8:00 a.m. and 5:00 p.m. on weekdays and 10:00 a.m. to 5:00 p.m. on week-ends and holidays.
- E. For major interior renovations, the following may also be required to the extent applicable:
 - 1) Letter of transmittal
 - 2) Floor plans
 - 3) Construction schedule
 - 4) Proof of approval of other Owners affected or involved, if any, and approval of mortgagees if required
 - 5) Names of contractors and mechanics
 - 6) Final drawing
 - 7) Proposed contracts
 - 8) Location or storage site of building materials, etc.
 - 9) Arrangements for temporary access, if any
 - 10) Certificate(s) of insurance of contractor(s)
 - 11) Such other information as the Committee may require
- F. Administrative requirements:
 - 1) Applicant must inform the Managing Agent of the date on which construction starts.
 - 2) If applicant desires to make changes during construction, a revised application must be submitted to the Architectural Committee or, in their absence, the Board of Directors, which shall promptly act upon the revised application.
 - 3) Applicant must provide the Association with notice of completion.
 - 4) Upon completion, the Architectural Committee or, in their absence, the Board of Directors, may inspect the Unit and Common Elements and, if satisfied that construction is in compliance with approved plans, will issue a Certificate of Compliance.

II. RESULT OF REVIEW

1. The Architectural Committee or, in their absence, the Board of Directors, shall act on the sub-mission and give notice to the applicant of approval or disapproval within forty-five (45) days from receipt of the application, including all submissions required.
2. If a proposal is rejected, the reason(s) for disapproval shall be stated as part of the written decision.
3. The applicant may request reconsideration if new or additional information, which might clarify the request or demonstrate its acceptability can be provided. Applicant must request such re-consideration by the Architectural Committee or, in their absence, the Board of Directors, before applicant may appeal a decision to the Board.
4. Copies of all Requests for review will be filed according to unit number, and street address along with the written decision and a statement of action taken, if any.
5. All approvals shall expire six months after the date of approval if the item approved has not been completed, unless an extension is approved by the Committee.

III. DESIGN GUIDELINES

1. Exterior Antennas. Exterior antennas of any type are prohibited except for such master antenna system(s) as may be installed by or with the consent of the Association.
2. Interior Alterations and Relocation of Partitions. Renovations to the interior of a Unit may be made and non load-bearing partitions within a Unit may be relocated upon proper written application to and approval of the Architectural Committee or, in their absence, the Board of Directors. Applicant is responsible for removal of any debris resulting from the renovation and re-location. If the renovation or relocation involves the relocation of any Common Element pipes, wiring, conduits or the like, applicant is responsible for restoring same.

In accordance with the Virginia Condominium Act, the Unit Owner shall have the right to create a doorway or other aperture between two adjoining units if he is the owner of such units. Such alteration must be approved by the Architectural Committee or, in their absence, the Board of Directors, and must conform to any requirements stipulated by this resolution and the Act.

3. Relocation of Boundaries and Subdivision of Units. Pursuant to the Declaration, the By-laws and the provisions of the Act, Unit Owners may relocate boundaries between adjoining Units subject to the following provisions:

Application for relocation of unit boundaries must be submitted in writing to the Board of Directors (not to the Architectural Committee), and approved prior to any change. Application must be made jointly by the Unit Owners involved.

While the Board may not unreasonably withhold approval of the proposed relocation, it may require that such relocation meet certain requirements. The application must

contain the following:

- A. Approval of all mortgagees of affected units.
- B. Diagram of proposed change to Unit boundaries.
- C. Proposed reallocation between the Units involved of the aggregate Percentage Interest appertaining to those Units.
- D. Proposed reallocation between the Units involved of the aggregate number of votes in the Unit Owners Association allocated to those Units.
- E. Identification of person or firm qualified to perform construction relative to boundary relocation.
- F. Time schedule for construction and/or demolition of walls.

If current building code exceeds that of original construction, new walls must meet current code. Pursuant to the Act, applicants assume responsibility for all costs related to a relocation of Unit boundaries, including but not necessarily limited to the following: costs of filing amendments to Declaration, Plats and Plans, including legal fees related thereto; and certifications by a registered land surveyor and a registered architect or engineer, as required in the Act, such costs to be divided between or among applicants as they shall agree in writing among themselves. Construction and/or demolition of Unit boundary walls may not commence until applicant has met the requirements imposed by the Board and all appropriate instruments have been prepared, executed and acknowledged and all fees paid. Construction and/or demolition must be done in such a way as to not unreasonably disturb or interfere with other owners. Responsibility for removal of any debris resulting from the relocation, including cost, if any, shall be borne by applicants as they shall in writing determine among themselves. If applicant(s) fail(s) to promptly and properly dispose of debris, the Association will take such action and assess the costs thereof against the applicant(s) according to their respective percentage interests at the time.

Pursuant to the Declaration, the By-laws and the provisions of the Act, Unit Owners may sub-divide Units, subject to the following provisions:

Written approval of all mortgagees of the affected units must be obtained. Application must be submitted to the Board of Directors (not the Architectural Committee), in writing and approved prior to any changes. Where such Unit subdivision involves the Unit Owners of more than one Unit, application must be made jointly by all Unit Owners involved.

Though the Board shall not unreasonably withhold approval of the proposed subdivision, it may require that such subdivision meet the requirements set forth as in the proceeding requirements for relocation of boundaries, except that responsibility for costs shall be allocated pursuant to the Act.

- 4. Electrical Wiring. If a change to the electrical wiring in a unit does not affect another unit

or the Common Elements, neither Architectural Committee nor Board of Directors approval is required. All required governmental approvals shall be obtained by or on behalf of the Owner prior to commencement of work. Any interruption of common electrical service requires the prior approval of the Association Manager. If the proposed change to the electrical wiring in a Unit would affect another Unit or the Common Elements, the change is prohibited.

The Association assumes no responsibility for any damage to person or property resulting from or related to any change in wiring from that originally installed, whether or not such change has the approval of the Architectural Committee or, in their absence, the Board of Directors, since neither the Architectural Committee nor the Board of Directors can control quality of workmanship relative to the change, or error or omissions of pertinent information on the application.

5. Plumbing. If a change to the plumbing system of a Unit does not affect another Unit or the Common Elements, neither Architectural Committee nor Board of Directors approval is required. All required governmental approvals shall be obtained by or on behalf of the Owner prior to commencement of work. Any interruption of common water service requires the prior approval of the Association Manager.

If a proposed change to the plumbing system of a Unit would affect another Unit or the Common Elements, or significantly increase the water consumption of that Unit or the Common Elements, the Owner must obtain prior approval of the Architectural Committee or, in their absence, the Board of Directors. Any plumbing work must be done in accordance with all applicable codes and ordinances. The Owner is responsible for obtaining all necessary permits and approvals.

The application shall contain the following:

- A. Diagram of the proposed change to the plumbing system.
- B. Statement as to whether another unit or the Common Elements would be affected by the change and description of how another Unit or Common Elements would be affected.
- C. Identification of person or firm qualified to perform work.
- D. Time schedule for the proposed change.

Approval may be denied for any of the following reasons:

- A. Incomplete or unclear application in which case it will be returned to applicant with appropriate instructions as to what is required.
- B. Architectural Committee, Board of Directors, or Managing Agent determines that the change would significantly increase water consumption or adversely impact the common water or drain system.
- C. Another Unit or Common Element would be adversely affected by the proposed

change.

- D. Other reasons stated and supported by Architectural Committee or, in their absence, the Board of Directors.

The Association assumes no responsibility for any damage to person or property resulting from or related to any change in plumbing from that originally installed whether or not such change has the approval of the Architectural Committee or, in their absence, the Board of Directors, since neither the Architectural Committee nor the Board of Directors can control quality of workmanship relative to the change, or errors or omission of pertinent information on the application.

- 6. Painting, Wallpapering, Decorating. Painting, wallpapering and decorating within a Unit's boundaries, as defined by the Declaration, do not require Architectural Committee or Board of Directors' approval.
- 7. Doors, Doorbells, Knockers, Handles, Locks, Fences, Bushes, etc.
 - A. Maintenance and replacement of the exterior main entrance door hardware is the responsibility of the Unit Owner. Refer to Appendix II.
 - B. Approval for seasonal decorations is not required so long as such decorations meet the following criteria.
 - 1) The decorations are displayed only so long as they are appropriate.
 - 2) The decorations do not make any sound.
 - 3) The decorations are not attached in such a way as to mark the finish on the door, etc.
 - 4) The decorations **DO NOT CONTAIN ELECTRICAL** illumination or wiring.
- 8. Signs. No sign, notice or advertisement shall be posted, erected, or displayed upon the Common Elements or shall be visible from any unit, including windows, except for the following:
 - A. "Open House" signs may be posted from Friday 5:00 p.m. to Sunday 5:00 p.m.
 - B. Signs or notices required by law to be posted during construction or repair work within a unit.
- 9. Patios.
 - A. Painting. Painting to alter the color of the Units on the outside, or fence of the patio areas by the Unit Owner is prohibited.

- B. Patio Enclosures. All types of screens, blinds, shutters, windows, enclosures are prohibited with exception of Board approved awnings.
 - C. Fixtures and Decorations. Owners are responsible for any damage caused by fixtures fastened to the walls or fencing.
 - D. Furniture. Appropriate seasonal patio furniture may be used in these areas.
 - E. Planters. Planter and flower boxes are permitted on the patios, however, neither pole planters, nor planter boxes or hangers may be installed in the walls, windows, exterior fences, or exterior ceilings. Trees, shrubs and plants shall be neatly pruned. A trellis may be installed in a nonpermanent manner along the fence line to support climbing plants.
 - F. Appliances and Storage. Patios shall not be used for storage. Small appliances, such as radios and televisions, may be used provided the noise levels are controlled to prevent disturbing the other residents and the appliances are used in accordance with local ordinances. No storage containers are permitted in these areas.
 - G. Flags. Only United States flags of an appropriate size (no larger than four by eight feet) may be displayed in accordance with generally accepted rules for display of the flag.
 - H. Miscellaneous.
 - 1) The following items shall not be placed on patios or in garden areas:
 - a) Clothing, rugs or other items for airing or drying should not hang over the fence;
 - b) Items or furnishings which may be blown off the patio;
 - c) Pets may not be confined on patios if they cause a nuisance or disturbance to other Unit Owners.
 - 2) Sweeping or shaking of mops or rugs or throwing dust or anything else from the windows, patios, fences or doors is not permitted at any time.
10. Plantings within the patio areas must also meet the following criteria:
- A. No vines or plants may be attached to the exterior fence or any part of the building, or permitted to extend through the fence or outside the patio area.
 - B. Large trees or plants and those, which would grow higher than the top of the fence line, shall be neatly pruned. Trees or shrubs must not exceed two (2) feet in diameter at maturity.
 - C. Unit Owners are permitted to plant annual flowers in the flowerbed in front of their unit and are responsible for the removal of said flowers at the end of the season.
11. Main Entrance Stoops and Walkways. A small planter may be placed on the stoop leading

to the main entrance doors. Nothing shall be placed on the walkways leading to the main entrance doors.

12. Landscaping and Planting. Landscaping or lawn decoration by a Unit Owner on the common elements is prohibited. Common Element plantings may not be removed by anyone other than Association contractor personnel and as directed by the Board.

PROCEDURES FOR MONITORING COMPLIANCE

1. Inspection. The Architectural Committee or, in their absence, the Board of Directors or Managing Agent shall periodically survey the Association for compliance with design standards.
2. Alleged Violations.
 - A. All reports of alleged violations must be submitted in writing to the Board of Directors who will inspect, or authorize the Managing Agent or Architectural Committee to inspect, to determine whether a violation actually exists.
 - B. If it is determined that a violation exists, the following procedures will be followed:
 - 1) Letter will be sent requesting the violation be corrected within a designated period of time.
 - 2) If unit owner/tenant fails to correct the violation, a second letter will be sent again with a designated period of time to correct the violation. This letter will state that failure to correct the violation will result in unit owner being taken to a Covenants Hearing.
 - 3) If the violation is still not corrected, a letter will be sent to the unit owner indicating the date, time, and place that a Covenants Hearing will be held regarding the violation. It will also indicate that as a result of this Hearing the unit owner could be charged up to \$10.00 per day until the violation is corrected or until the charges equal \$900.00 in assessments, whichever comes first; or they could be charged \$50.00 per occurrence depending on the type of violation.



Condominium Association, Inc.

APPLICATION FOR DESIGN REVIEW

RETURN COMPLETED APPLICATION TO: Fairfield Gardens Condominium Association, Inc.
c/o The Select Group, Inc.
2224 Virginia Beach Blvd., Suite 201
Virginia Beach, VA 23454
fax: 757-486-6988 email: acosby@theselectgroup.us

DATE OF APPLICATION: _____

NAME: _____

ADDRESS: _____

PHONE (H) _____ (W) _____ (C) _____

TYPE OF ADDITION OR ALTERATION: _____

A written description, including such data as dimensions, location, material, color and design must be included with this application. Other data, such as photographs of existing conditions or similar changes, a sketch or working drawings of the proposed alteration or addition may be required.

All applicants recognize and consent to the following:

1. All proposed improvements must meet local building and zoning codes as applicable. Your signature indicates that these standards are met to the best of your knowledge. Application for local building permit is the applicant's responsibility.
2. Alterations to land or buildings made in accordance with these guidelines and procedures shall not violate any of the Association Instruments or any of the provisions of Building and Zoning Codes of Virginia Beach, to which the unit is subject. Further, nothing herein contained shall be construed as a waiver or modification of any restriction.
3. The undersigned understands and agrees that no work on this request shall commence until written approval of the Architectural Committee or, in their absence, the Board of Directors had been received. A copy of this application shall be returned to you after review by the Architectural Committee or, in their absence, the Board of Directors.

It is also understood by the applicant that the Architectural Committee or, in their absence, the Board of Directors may request additional information or signatures of other unit owners if they are affected by the alteration in any way.

Signature of Unit Owner

Date