

**Belcastle Court Cluster Association**  
**Resolution R29E-2014-11-17**  
**Rules and Regulations - Amended**

Resolution Type: Policy

Revision Effective: November 17, 2014 (as amended)

WHEREAS in 2012 the Code of Virginia, Title 55, Chapter 26, Section 55-513 (Virginia Property Owners' Act) grants the Board of Directors the power to establish, adopt, and enforce rules and regulations with respect to the use of common areas and with respect to such other areas of responsibility assigned to the Property Owners' Association (e.g., Belcastle Court Cluster Association, hereafter referred to as the Association) by the declaration, except where expressly reserved by the declaration to the members;

WHEREAS, Section 55-515, the Virginia Property Owners' Association Act, charges all lot owners with compliance with the Deed of Amendment to the Deed of Declaration of Reston Association (hereafter referred to as the Declaration), Association Bylaws, Rules and Regulations (the "Governing Documents") of the Association as amended;

WHEREAS, Section 55-513 B. of the Act, Article 9, Section 9.1 (b) (3), and Article 12, Section 12.1 (h) of the Declaration, provide the Association, through its Board of Directors (hereafter referred to as the Board) with the power to assess charges against lot owners for violations of the Governing Documents, for which the lot owner or his family members, tenants, guests or other invitees are responsible;

WHEREAS, Section 55-513 B. of the Act and Article 12, Section 12.1 (i) of the Declaration further provide that certain procedures must be followed before such charges may be assessed including a hearing after proper notice;

WHEREAS, Article VII, Section VII.1.d.2 of the Declaration provides that the Association Board shall have all powers needed to carry out the purpose of the Association which are enabled by law or that are not specifically reserved to the members, including the power to assess the costs of attorneys fees and court costs, of collecting delinquent assessments and charges of enforcing association rules;

WHEREAS, Article VIII, Section VIII.3 of the Declaration provides the Association shall have the right to enforce all provisions of the deed by any proceeding at law or in equity and to record violations of the provision of the deed as appropriate;

WHEREAS, Section 4 of the Articles of Incorporation and Article II, Section 1.B and Article IV, Section 1 of the Association Bylaws grant the Board the power to adopt, amend and publish rules and regulations governing the use of the property and the conduct of the Association members and their guests therein;

WHEREAS, Article IV, Section 10 of the Association Bylaws provides that the Board shall have, in addition to the powers set forth in the Bylaws, all those powers and rights specifically set forth in Article VII, Section VII.1.d.2 of the Association's Declaration (recorded in Deed Book 6072 at page 69 among the land records of Fairfax County), which shall take precedence over any of the rights set forth in the Association Bylaws;

NOW THEREFORE be it resolved, that the Board hereby adopts by resolution the following rules and regulations.

**I. Definition of Terms**

The following words, terms, and phrases, when used shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the Virginia Property Owners' Association Act.

“Association” means the incorporated or unincorporated, registered entity (e.g., Property Owners' Association) upon which responsibilities are imposed and to which authority is granted in the declaration. With respect to this procedure the Association is the Belcastle Court Cluster Association.

“ Association governing document” means collectively the organizational documents, including but not limited to the current and effective articles of incorporation, declaration, and bylaws of the Association. Association documents also include, to the extent in existence, resolutions, rules and regulations, or other guidelines governing Association member conduct and Association governance.

“Board of Directors” means the Association’s governing members elected by Association members and upon whom responsibilities are imposed and to which authority is granted to oversee the maintenance, governance and operation of the Association.

“Capital components” means those items, whether or not a part of the common area, for which the Association has the obligation for repair, replacement, or restoration and for which the Board determines funding is necessary.

“Common area” means property within a development that is owned, leased, or required by the Declaration to be maintained or operated by an Association for the use of its members and designated as common area in the Declaration.

“Declaration” means any instrument, however denominated, recorded among the land records of the county or city in which the Association is located, that (i) imposes on the Association maintenance or operational responsibilities for the common area or (ii) creates the authority in the Association to impose on lots or the owners or occupants of such lots, or any other entity any mandatory payment of money in connection with the provision of maintenance and/or services for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. Declaration includes any amendment or supplement to the instruments described in this definition.

“Development” means real property located within the Commonwealth of Virginia subject to a declaration which contains both lots, at least some of which are residential or are occupied for recreational purposes, and common areas with respect to which any person, by virtue of ownership of a lot, is a member of an Association and is obligated to pay assessments provided for in a declaration.

“Lot” means any plot or parcel of land designated for separate ownership or occupancy shown on a recorded subdivision plat for a development or the boundaries of which are described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, other than a common area.

“Meeting or meetings” means the formal gathering of the Association Board of Directors where the business of the Association is discussed or transacted.

“Official Records” means all documents, correspondence, and other materials related to the Association’s maintenance, governance, decisions and actions.

## **II. Amended Rules and Regulations**

### Article 1. Landscaping Additions and Alterations on Common Areas:

Additions, alterations or removal of landscaping on cluster common areas by a member shall be conditioned upon approval of a written application to the Board of Directors. Such application shall detail the proposed additions, alterations or removal of landscape plantings and shall be signed by homeowners sharing a lot line with the applicant and all homeowners affected directly by the sightline of the proposed landscaping change. Any additions or alterations done without appropriate approval may result in the removal and disposal of such additions or alterations at the expense of the responsible owner. (See **Resolution, Landscape on Common Area Request Form.**)

### Article 2. Parking:

No motor trailers, recreational vehicles or boats are to be stored on homeowners’ driveways or in community parking areas. Parking of any vehicle on lawns is prohibited. All residents have equal rights to all community parking spaces. Residents parking third vehicles in these spaces should move them periodically, as community parking spaces are not permanent storage spaces. Residents with third vehicles should inform the Board so that the vehicle is not mistaken as abandoned. Residents who anticipate the need for large numbers of community parking spaces for a special event may request third vehicles to be moved to the owners’ driveways for the duration of the event. Residents should consider parking third vehicles in their driveways if they are going to be out of town for an extended period of time.

Article 3. Yard Sales:

Yard sales inviting the general public into the cluster will be permitted only with the prior approval of the Board of Directors. Such request shall be in writing and subject to any parking, signage or time restrictions placed on such sales by the Board.

Article 4. Architectural Requirements

**Residents seeking Board approval for an architectural change to their property, which is not herein provided, shall submit the official request form as provided in Resolution, Architectural Change Request Form** (see website, Tab – Documents, Folder – Resolutions).

A. Exterior Painting/Staining

House architecture and color must remain uniform and be regularly maintained to preserve the property values of cluster homes. Approved colors are: McCormick Greystone for exterior trim, front door and garage door; Olympic Chamois/Beige Grey for exterior siding.

B. Exterior Siding (Rev. September 29, 2012)

James Hardie Plank fiber cement siding is approved as an option for residents to install on the exterior of the home in place of cedar wood siding. The siding shall be Cedar Mill finish, 6” exposure, in the color Autumn Tan (JH20-20) and trim color in Sailcloth (JH20-10). Azek trim boards are approved and all trim on each property shall be replaced at the same time and all trim shall match the original builder’s windows/patio doors dimension, profile, and color.

C. DaVinci Roofing (Rev. September 29, 2012)

DaVinci synthetic polymer-composite shakes are approved as an option for residents to install on the exterior of their home in place of cedar wood shakes. The shakes must be in size variations in widths from 4” to 9” and in the “Autumn” color. The shakes must be installed with a consistent, not staggered, reveal and the entire roof must be replaced at the same time (not as separate sections).

D. Front Entrance Exterior Storm Door

Exterior storm doors manufactured by Anderson/Emco and Pella/Jeld-Wen are approved as an option for residents to install on the exterior front entrance of their home. The door must be a full-view style and the finished color of the door and frame must match the exterior trim color.

E. Exterior Rear Deck Awnings

Motorized, retractable deck awnings are approved as an option for residents to install on the exterior rear decks of homes. The awnings shall not overhand the deck railings when fully opened. The awnings must be manufactured using Sunbrella and similar fabrics in a color compatible with the approved color of the house and exterior trim with no decoration or ornamentation on the fabric (e.g., stripes, fringe, alternative colors) with a straight or slightly scalloped edging. The Design Review Board approved color is Sunbrella “Linen”. The awning housing should be aluminum-clad in white or a color matching the house siding or trim, if available. The awnings should be professionally installed and wired to an interior wall switch.

F. Driveway Impressions

Driveways may be enhanced using Driveway Impressions Street Paint in the following colors: Burnt Sienna, Brick, Bedrock, or Slate and the pattern of Herringbone or Offset Brick. The driveway edging may be the same color as the driveway or one of the other approved colors.

G. Window and Patio Door Replacements (Rev. September 17, 2013)

Exterior windows and doors manufactured by Pella, Jeld-Wen, or Marvin extruded, aluminum clad casement windows and aluminum clad patio doors are RA/DRB approved as an option for residents to install on their homes in replace of the original Barber and Ross wood windows and doors:

Casement windows with no grids and patio doors that are sliding doors or hinged doors (e.g., French doors) with no grids. All window/door replacement materials must match (wood with wood, aluminum clad with aluminum clad only).

RA/DRB stipulations include the following:

- All windows/patio doors on the same elevation must be replaced at the same time.
- The dimensions of the replacement windows/patio doors must match that of the existing, original construction dimensions.
- All window/patio door replacement materials on the same level must match (wood with wood, aluminum clad with aluminum clad only).
- **All windows/patio doors on the house must be replaced with the same manufacturer and material within five (5) years of the initial replacements. (No mixing of different manufacturers.) The 5-year completion period applies even if the resident sells the home prior to completion of the entire project. (Full disclosure to potential buyers in advance is necessary for compliance.)**
- Approved manufacturers for aluminum clad, double-paned or triple-paned casement windows and patio doors with no grids: Pella, Jeld-Wen, and Marvin.
- Approved patio doors by the above manufacturers: sliding glass or hinged doors (e.g., French doors) with no grids.
- Approved colors (closest manufacturer equivalent color to the original home's color): Pella – Poplar White, Jeld-wen – Cambridge White, Marvin – Sierra White, and Wood replacement – McCormick Greystone.
- Azek and other composite trim boards are approved and all trim on each property shall be replaced at the same time and all trim shall match the original builder's windows/patio doors dimension, profile, and color (closest manufacturer equivalent color to the original home's color).
- **Construction/alteration/replacement shall commence within six (6) months after the date of approval.** If work is not begun within the time period allocated, the approval shall lapse.
- No deviations from the plans and specifications approved by the RA/DRB are permitted without the prior written consent of the Cluster Board of Directors and the RA/DRB. Upon completion of the work, the resident shall notify the RA/DRB representative.

#### H. Window Grids

Window grids as an option not a requirement for the top curved window on the front and side façade of homes is approved.

#### I. Exterior Lighting

All exterior house lights shall be maintained using a photocell activated at dusk. The lights include two lights over the garage door, a light over the house number plaque and a light in the ceiling above the front door. The bulbs should produce a light consistent in color and intensity with the general appearance of the exterior lighting on the homes on Belcastle Court.

#### J. Sheds or Other Outdoor Storage Facilities (Rev. January 21, 2013)

No sheds or other outdoor storage facilities shall be constructed on cluster-owned common property or homeowner property, whether attached to the home or free standing, because cluster properties generally do not provide adequate vegetation or shrubbery sufficient in size to screen the shed or storage facility from view by neighboring property owners or other nearby cluster residents. This provision does not preclude the use of a small container no larger than 30" wide x 60" long x 30" tall, limited to one per property, as defined by the Design Review Board. Homeowners choosing to place small containers on their property must consider the potential impact of the structure upon neighboring lots.

K. Installation of Solar Energy Collection Devices (Rev. March 26, 2014)

No solar energy collection devices shall be constructed on Cluster-owned common property or homeowner property, whether attached to the home or free standing. Since the inception of the Cluster no resident has applied for approval to install a solar energy collection device and the Board determined to prohibit the installation of solar energy collection devices based on the majority of resident's input. In March 2014, the Board sought to re-affirm by the majority of residents, by voting power of all the members of the Cluster (at least 10 affirmative votes), to prohibit installation of such devices within 'line of sight' by neighboring property owners or other nearby cluster residents. The majority of residents voted to ban the installation of solar energy collection devices at this time.

L. Deck Replacement (Rev. October 21 and November 11, 2014)

1. Composite Decking Materials

The RA/DRB approved the following manufacturers and composite decking colors:

- Trex Transcend Collection: Tiki Torch, Fire Pit (including Trex Transcend railing), Tree House (including Trex Transcend railing), Rope Swing (including Trex Transcend railing)
- Azek Harvest Collection: Brown Stone (including Azek railing), Modena, and Kona (including Azek railing)
- Azek Arbor Collection: Acacia, Morado
- Azek Tropical Collection: Walnut Grove
- Fiberon Horizon Collection: Ipe, Tudor Brown
- Fiberon ProTect Advantage: Chestnut
- Veranda ArmorGuard: Brazilian Walnut
- Veranda TD Low Maintenance: Brown

The RA/DRB approved "equal color and materials" of composite decking so that residents and/or the Board does not have to revise on a continuing basis the standards due to manufacturer changes in color names, etc. The DRB noted that there might be a slight difference in the support and floor boards of the approved composite manufacturers, but not one that is noticeable. The approved manufacturers use the industry standard for floorboards and support structure sizing. Should a manufacturer use a size that is different than the industry standard, that should be apparent to the resident and DRB approval is required. Other stipulations include:

- Dimensions of a replacement deck, whether wood or composite, must match the existing, original construction dimensions or DRB approval is required;
- A solid trim board is incorporated to conceal the joists and the cut ends of the decking;
- All railings, including stair railings, must exactly match in design, details, dimensions, color and materials;
- If metal balusters are installed, they must be a dark color complementary to the composite color or black;
- The entire deck must be replaced with matching material at the same time.
- Installation must begin within 6 months and completed within 18 months. If work is not commenced within the time period specified, the approval lapses.
- No deviations from the plans and specifications approved by the DRB are permitted without the prior written consent of the BCCA Board of Directors and the DRB. Upon completion of the work, the resident shall notify the DRB Covenants Advisor.

2. Wood Decking Materials

Residents who wish to replace the existing deck with wood may continue to do so, providing:

- Dimensions of the replacement deck match the existing, original construction or DRB approval is required.
- All railings, including stair railings, balusters, and fascia trim must match the existing, original dimensions, details, color, and materials (wood) or DRB approval is required.

- A solid trim board is incorporated to conceal the joists and the cut ends of the decking.
- The entire deck must be replaced with matching material at the same time.
- Installation must begin within 6 months and completed within 18 months. If work is not commenced within the time period specified, the approval lapses.
- No deviations from the plans and specifications approved by the DRB are permitted without the prior written consent of the BCCA Board of Directors and the DRB. Upon completion of the work, the resident shall notify the DRB Covenants Advisor.

Article 5. Animal Control

The Association gives its approval and permission to the Animal Warden of Fairfax County, Virginia to enforce the Fairfax County leash laws and other related animal control laws on Association common property.

Article 6. Changes/Modifications/Additions to Rules:

Any additions or changes to the rules and regulations require a written resolution by the BCCA Board of Directors and filed in the official records of the cluster.

Resolution R29E-2014-11-17

**ATTEST:**

Resolution was adopted at a regular meeting of the Board of Directors on November 17, 2014.

  
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James Scheeler, President

17 November 2014  
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Date

  
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Beej Jasper, Secretary

17 NOV 2014  
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Date

Filed:

Book of Resolutions

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