

***Belcastle Court Cluster Association
Resolution R41-2013-01-21
Architectural Change Request Form***

Resolution Type: Policy

Revision Effective: January 21, 2013

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 the following resolution for Association members to formally submit to the Board a request for an architectural change to their home based on the architectural guidelines set forth in the Association's Rules and Regulations. (See attached form.)

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Duly adopted at a regular meeting of the Board on January 21, 2013.

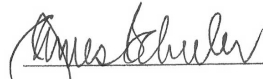
ATTEST:



President, Robert Kay

1/21/13

Date



Secretary, James Scheeler

January 21, 2013

Date

FILE:

Book of Minutes

Book of Resolutions

***Belcastle Court Cluster Association
Architectural Change Request Form***

Owner/Applicant _____

Contact Person _____

Mailing Address _____

Phone # _____ FAX # _____

Check here if you wish to be notified of the Board’s decision by email

Email Address _____

Project Name _____

Project Address _____

PLEASE CHECK APPROPRIATE ITEM:

Initial Submission Resubmission

REQUEST FOR APPROVAL OF:

- Major Addition
- Exterior Material, Finish & Color
- Deck Remodeling or New Materials
- Patio Addition, Remodeling, or New Materials
- Other (specify) _____

Description of Request: Please type a description of the request on a separate document and attach to this form for submission to the Board for consideration.

Please read and be knowledgeable of the BCCA bylaws, and other pertinent governance documents, including the Rules and Regulations prior to submitting this request form. No request will be processed or approved without complete information and/or plans provided. Any false information will invalidate and void this application, even if the discovery occurs after the Board’s approval.

Acknowledgement: I confirm that I have read the BCCA Rules and Regulations and other pertinent governance documents that may affect my application, including guidelines concerning compatibility of materials and design, and hereby agree to comply with said guidelines in the construction of this proposed architectural change/addition/modification/improvement, etc. I confirm that I have read and acknowledge all of the rules, regulations and instructions appearing on this form that govern the procedures necessary for undertaking any change/addition/modification/improvement, etc. of this property.

Additionally, I hereby certify that the above-named person has the authority vested by the owner to commit to design change/addition/modification/improvement, etc. and otherwise represent the property owner to the Board. In addition, the information provided in this application is accurate to the best of my knowledge. Permission is granted to members of the Board to enter the subject property as necessary in performance of their duties.

Owner’s Signature

Date

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Acknowledgement of Affected Property Owners: **All** affected property owners that are adjacent to and/or have a view of the proposed change must sign this form. Signature does not constitute approval or disapproval, but merely indicates an awareness of the applicant's intent. If any **OBJECTIONS** to this request arise, please contact the Board immediately. Notice to all Association members will be provided via the Agenda for a regularly scheduled Board meeting so members may voice their opinions and concerns regarding the application. (Add a separate page if additional signatures of affected property owners are required.)

Name/Address: _____
Date: _____

Name/Address: _____
Date: _____

Name/Address: _____
Date: _____

Name/Address: _____
Date: _____

Please return completed form to: BCCA Board Secretary
P.O. Box 3402
Reston, VA 20194

The form may be sent to each member of the Board via email in compliance with the submission deadline noted herein.

Submission deadline is 6 p.m. no later than 5 business days prior to a regularly scheduled Board meeting.

Receipt of Request by the Board:

President Date

Secretary Date

Ruling: Approved Denied (explain) Contingent Approval Deferred (explain)

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INSTRUCTIONS

Review Process

- (1) Submission deadline is 6 p.m. no later than 5 business days prior to a regularly scheduled Board meeting.
- (2) A copy of this application will be returned to you after the review process is completed and rendered rulings noted on the application.
- (3) All supporting documentation submitted with the application shall become incorporated into the permanent, official files of the Association.

Copies of all BCCA governance documents, including bylaws, rules and regulations, and resolutions are available via the Association website or in hard copy upon written request in advance of the submission of this application. In addition to this application, you need to submit the following, to the extent available and practicable:

- (1) Full details of the purpose and/or reason for the request for architectural change/addition/modification/improvement, etc.
- (2) A site (plat) plan with the location of the change/addition/modification/improvement drawn to scale, to the extent practical. Note distance from property lines. Show the relationship of the change/addition/modification/improvement, etc. to neighboring homes and/or open, common areas.
- (3) Drawings and/or illustrations showing design of the proposed change/addition/modification/improvement, etc.
- (4) Scale drawings or architectural plan showing exact dimensions of the change/addition/modification/improvement, etc. to the extent practical.
- (5) Type of materials to be used – provide samples or literature from the manufacturer to the extent practical.
- (6) Color (natural, stain, or paint) – provide color samples.
- (7) Grading plan if changes in grade or other conditions affecting drainage are anticipated. (i.e., concrete patios, brick patios, stone walls, French style drainage systems, etc.)
Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.

Notes

- (1) I/we understand that construction of certain major projects require that I/we obtain a building permit from the county. Applications to and approval of a project by the Board does not affect or alter that requirement.
- (2) I/we understand that an aggrieved party has ten (10) business days from the date of the Board's decision on an application to file an appeal with the Board.
- (3) I/we understand that construction during the appeal period is at the applicant's own risk. I/we further understand that an appeal ruling by the Board shall be final and shall supersede all former rulings on any application. Failure to file an appeal within ten (10) business days of the Board's decision makes this decision final and cannot be appealed.
- (4) I/we understand that any construction activity undertaken prior to the Board's approval is not allowed and that if the change/addition/modification/improvement, etc. is made, I/we may be required to return the property to its former condition at my/our expenses if this application is disapproved wholly or in part, and that I/we may be required to pay all legal expenses incurred.

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- (5) I/we understand that members of the Board are permitted to enter my/our property to make reasonable inspections of proposed construction location.
- (6) It is understood that I/we am/are aware of the Association's guidelines, rules and regulations, and the covenants and restrictions in regard to the review process established by the Board.
- (7) The change/addition/modification/improvement, etc. granted by this application will be revoked automatically if the work has not commenced within six (6) months of the approval date of this application and/or has not been substantially completed within 12 months.
- (8) I/we understand that all exterior change/addition/modification/improvement, etc. and construction will be completed in a workman-like manner.
- (9) I/we understand that if I/we disagree with the ruling, an appeals procedure is provided for in the Association's governing documents and as outlined herein.

Owner(s) Signature: _____

Printed Name(s): _____

Date: _____

***Belcastle Court Cluster Association
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Appeal to Board's Decision on Architectural Change

Notice: Any construction is at the sole risk of the applicant if undertaken prior to a ruling by the Board of Directors on this appeal.

(For office use only)

Application # _____

Application Request _____

Board Ruling _____

Date _____

+++++

Appealing Party _____

Street Address _____

Phone (H) _____ (W) _____

Basis for Appeal: _____

Type of Hearing Requested: In Person Written Appeal

I, the appealing party, understand that the Appeal Request Form must be filed with the Board within ten (10) business days from the date of the Board ruling report noted above in order not to relinquish my right of final appeal. I further understand that a decision of the Board on this issue is considered final.

Signature of Applicant

Date

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Schedule for Hearing Appeals to Architectural Decision

- | | |
|---|------------|
| 1. Background, President, BCCA Board | 5 Minutes |
| 2. Opening Statement by Aggrieved Party | 5 Minutes |
| 3. Opening Statement by Applicant | 5 Minutes |
| 4. Board Comments | 5 Minutes |
| 5. Questions from Board | 10 Minutes |
| 6. Closing Statement by Aggrieved Party | 2 Minutes |
| 7. Closing Statement by Applicant | 2 Minutes |
| 8. Board Discussion and Vote | 5 Minutes |

If the applicant is the aggrieved party, the indicated minutes for statements by the applicant will be omitted.