

**KEENE MILL WOODS II CONDOMINIUM COUNCIL OF CO-OWNERS**

**Policy Resolution No. 95-1**

**(Design Review Procedure Relating to Exterior  
Changes to Units, Common Elements and Limited Common Elements)**

WHEREAS, Article V, Section 3(d) of the By-Laws empowers the Board of Directors to promulgate and enforce rules and regulations, restrictions, and/or requirements as may be deemed proper with respect to the use, occupancy and maintenance of the Condominium Project and the use of the general and the limited common elements;

WHEREAS, Article XI, Section 1 of the By-Laws provides, in part:

. . .[I]t shall be prohibited . . . to make any change or otherwise alter (including any alteration in color) in any manner whatsoever to the exterior of any condominium apartment unit or upon any of the common elements within the Condominium Project until the complete plans and specifications, showing the location, nature, shape, height, material, color, type of construction and/or any other proposed form of change (including, without limitation, any other information specified by the Board of Directors or its designated committee) shall have been submitted to and approved in writing as to harmony of external design, color and location in relation to surrounding structures and topography by the Board of Directors of the Council;

WHEREAS, the Board deems it is necessary to strictly enforce the covenants regarding the making of changes to the exterior of units, windows, doors, the common elements or the limited common elements within the Condominium; and

WHEREAS, the Board deems it necessary and in the best interest of the Council to establish rules and procedures for the application and review of proposed changes to the exterior of units, windows, doors, the common elements or the limited common elements.

NOW, THEREFORE, BE IT RESOLVED that the following rules and procedures for the application and review of proposed changes to the exterior of units, windows, doors, the common elements or the limited common elements are hereby promulgated:

## **I. GENERAL**

- A. No exterior alteration, addition, or change may be made to units, common elements or limited common elements, including changes to windows or doors, without prior written application to, and approval of, the Board of Directors (or its committee).
- B. All Owners are responsible for assuring that all such changes and additions are made only in accordance with the provisions of this Resolution.
- C. Those unit owners who have made changes to the exterior of their units, the common elements or the limited common elements without seeking the prior approval of the Board of Directors and before the date of this Resolution must apply to the Board of Directors for approval of the previously made alteration in the manner set forth in this Resolution. All applications must be received by the Board of Directors or its managing agent within thirty (30) days of the date of this Resolution. The failure of a unit owner to follow this procedure may result in a determination by the Board of Directors that any previously made alteration is not approved. If such a determination is made by the Board, the Board shall have the option of taking any and all actions available to the Board as authorized by the condominium instruments to enforce the provisions of the condominium instruments, including, but not limited to, a demand that the unit owner restore the exterior of the unit, the common elements or the limited common elements to their state before the alteration was made.

## **II. APPLICATION PROCEDURES**

- A. Requirements for All Applications
  - 1. Owners wishing to make any changes to the exterior of their unit, including changes to windows and doors, the common elements or the limited common elements must submit a proper written application form to the Board of Directors with all appropriate sections completed, including required submissions. A copy of the proper application

form is attached hereto as "Exhibit A."  
All applications shall be mailed to:

The Board of Directors of the Council of Co-  
Owners of Keene Mill Woods II Condominium  
c/o Abaris Realty, Inc.  
7811 Montrose Road Suite 110  
Potomac, MD 20854

2. Oral requests will not be considered.
3. Each alteration or addition must be specifically approved even though the intended alteration or improvement conforms to the condominium instruments and even when a similar or substantially identical alteration or addition has been previously approved.
4. Approval of any project by the Board of Directors does not relieve the owner from the obligations to obtain any required governmental permits.
5. Obtaining a governmental permit does not relieve an owner from the obligation to obtain the Board's approval.
6. The burden rests with the applicant to demonstrate the acceptability of the proposal. The applicant must submit any submissions required by the Board of Directors for an alteration or improvement of the type proposed. The applicant may submit with the application any additional materials such as exhibits, petitions, photographs, experts' statements and the like that the applicant deems appropriate. The applicant may request an opportunity to appear before the Board of Directors to testify, along with any witnesses the applicant desires.

B. Administrative Requirements

1. The Board of Directors shall act on the application and give notice to the applicant within ninety (90) days from receipt of a complete application, including all submissions required. The Board of Directors shall notify an applicant, in writing, of any deficiencies in the application which preclude consideration of the application and the commencement of the ninety (90) day review period.

2. The Board of Directors may delegate to a managing agent the responsibility for receiving applications and notifying applicants of the decisions of the Board of Directors. In such case, the review period shall commence upon the date of receipt of a complete application by the managing agent.
3. The applicant must inform the Board of Directors in writing of the date on which construction, if any, will start.
4. If the applicant desires to make changes during construction, a revised application must be submitted to the Board of Directors which shall promptly act upon the revised application.

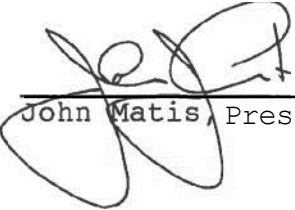
### **III. RESULTS OF REVIEW**

- A. The applicant shall be informed in writing of the Board's review of the application and its decision.
- B. If the applicant fails to receive a reply indicating a decision within ninety (90) days from the receipt of a complete application and submissions by the appropriate party, the request shall be considered to have been approved by waiver.
- C. If a proposal is rejected or approved with modifications, the reason(s) for disapproval or modifications shall be stated as part of the written decision. Notice of such decisions shall be sent to the applicant by first class mail.
- D. The applicant may request reconsideration if new or additional information which might clarify the request or demonstrate its acceptability can be provided. The Board of Directors shall respond to a request for reconsideration of a decision within thirty (30) days from the date of receipt of such a request.
- E. All approvals shall expire six months after the date of approval if the item approved has not been started.
- F. The applied for alteration must be substantially completed in accordance with the plans and specifications approved by the Board of Directors within thirty (30) days after construction has commenced, except that the Board of Directors may grant extensions where completion is impossible or is the result of matters beyond the control of the owner or

builder, such as strikes, casualty losses,  
national emergencies or acts of God.

This resolution is hereby adopted this 19<sup>th</sup> day of  
January, 1995.

COUNCIL OF CO-OWNERS OF KEENE MILL  
WOODS II CONDOMINIUM



John Matis, President

**KEENE MILL WOODS II CONDOMINIUM  
DESIGN REVIEW APPLICATION**  
**Items Needed to Complete Covenants Application**

- 1) Image of the proposed window and doors.
- 2) Confirmation in writing that the new windows and doors will appear the same from the exterior of the unit in size, color, and style.
- 3) Copy of contractor's business license.
- 4) Copy of contractor's certificate of insurance listing Keene Mill Woods II Condominium as Additional Insured and Certificate Holder. (wording below)  
Keene Mill Woods II Condominium  
c/o Abaris Realty, Inc.  
7811 Montrose Road Suite 110  
Potomac, MD 20854

# KEENE MILL WOODS II CONDOMINIUM DESIGN REVIEW APPLICATION

Please mail or email to: Board of Directors of Keene Mill Woods II Condominium  
c/o Abaris Realty, Inc  
Attn: Ms. Lawan B. Trent  
ltrent@abarisrealty.com  
7811 Montrose Road Suite 110  
Potomac, MD 20854

**1. Name:**

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**2. Address of Property Where Change is Proposed:**

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*Mailing Address:*

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**3. Phone Numbers:** (h) \_\_\_\_\_ (c) \_\_\_\_\_ (w) \_\_\_\_\_

**4. General Description of Proposed Change:**

Provide a description of the proposed change, including the purpose or reason for the change, the type and color of materials to be used, location on the property, and any other pertinent information required to evaluate this proposed change.

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**5. Required Exhibits and Supporting Documentation:**

The supporting exhibits or supporting documentation listed below must accompany this design review application, as applicable for the proposed change. An application submitted without all required submissions will be considered incomplete. In such case, the Board of Directors' ninety (90) day review period will not commence until all required submissions have been provided. An applicant should provide all documents and exhibits required by Fairfax County.

A. **Paint or Stain Colors** – A sample and model number of the color(s) to be used must be provided, both for repainting or re-staining existing improvements and for structural additions, together with a list of existing paint colors on the unit or appurtenant structures which will remain unchanged. Only the Keene Mill Woods II standard colors will be permitted on any exterior surface.

- B. **Finish Materials** – A description and/or sample of all finished materials to be used for the exterior surface proposed improvements must be provided.
- C. A plan, drawn to scale, showing the location and dimensions of the proposed improvement, including orientation with respect the property lines, unit, and adjacent dwelling units, must be provided.
- D. **Photographs** – The inclusion of photographs is appropriate for exterior lighting fixtures, decorative objects and similar cosmetic additions to the unit or lot.
- E. **Other Exhibits** – Other exhibits may be required in order to permit adequate evaluation of the proposed change. Unit owners are advised to seek guidance from the Board of Directors’ managing agent before submitting an application.

6. **Estimated Start Date of Construction:** \_\_\_\_\_  
*(after approval by the Board of Directors)*

7. **Estimated Completion Date:** \_\_\_\_\_

Owner’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Date received by the Board of Directors: \_\_\_\_\_

Pursuant to the governing documents, the Board/ACC is granted the authority to approve or disapprove the plans and specifications for the architectural change herein submitted. The following action has been taken:

\_\_\_\_\_ Approved - Plans and Specifications submitted in this application meet the requirements of the Declaration, Bylaws, and ACC Rules, Regulations, and Guidelines.

Comments: \_\_\_\_\_

\_\_\_\_\_ Disapproved - Plans and Specifications submitted in this application do not meet the requirements of the Declaration, Bylaws, and ACC Rules Regulations, and Guidelines.

Comments: \_\_\_\_\_

\_\_\_\_\_ Incomplete - Further information is required before this application can be approved. Please resubmit this application with the following additional information:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 (Print name, title)