

Variance Requests
Excerpted from
Fairlington Mews Condominium Association
Welcome Handbook
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9. VARIANCES

A. Request Procedures

Variance requests must be submitted in writing to the Board or the community manager. Variance requests will be accepted only from co-owners of units. In the event a tenant or other party wishes to request a variance, the unit co-owner must submit it.

All requests must include the following:

- Co-owner name and address.
- Phone number of the requester.
- Information on the proposed change, such as sketches or blueprints, measurements, precise location of the proposed change on the property, and type and color or trade name of materials to be used in construction.
- Documentation of anticipated effects, such as changes in insurance rates or other expenses of the Mews, information indicating compliance with Arlington County, building permits, codes or other statutes, information on the compatibility of the change to the building structure, and a poll of neighbors who would be affected.

The Board will advise the requester of its decision in writing within 30 days of receipt of the request, unless more information is required. Another 30-day period begins when the follow-up information is received. The Board acts as promptly as possible.

If the Board denies a variance request, the requester may ask for reconsideration within 30 days, setting forth reasons. The Board will make a final decision within thirty (30) days. The same request will not be considered for one year unless a change in circumstances has occurred.

B. Blanket Variances

In establishing blanket variances, the Board eliminates the need to submit certain variance requests. Modifications not falling within a blanket variance are not necessarily prohibited but remain subject to notification and permission

requirements set forth in the Master Deed and Bylaws, and the procedures described above. The Board may repeal blanket variances, though previously approved alterations and modifications would be unaffected.

The following blanket variances have been established:

1. Patio Landscaping

Co-owners may plant or improve the landscaping within their patio enclosures, provided that:

- Planting or landscaping is limited to the area inside the fence.
- Structural changes do not extend beyond the height of the fence.
- Drainage is not changed so as to affect adversely neighboring units or common areas.
- No climbing vines are planted.

2. Fences

Co-owners may stain or varnish the interior of their fences with a clear or natural wood color. Any change to the exterior of fences is subject to standard variance procedures.

3. Front and Side Beds Landscaping

Co-owners should be careful not to reverse the grade toward the units.

Co-owners may plant or replace annual, biennial or perennial blooming plants or shrubs within flower beds, provided that:

- No climbing vines are planted.
- Plants or shrubs are well kept.

4. Container and Hanging Plants

Co-owners may use containers such as pots and hanging baskets to plant flowers or small shrubs on porches, provided that:

- The container is located on the owner's side of the porch.
- The container does not obstruct pedestrian traffic.
- The plants and containers are well kept.

5. Window Replacement

Co-owners may replace windows on the main and upper floors of their units within the following guidelines:

- A licensed and bonded contractor must perform installation.
- Aluminum frame capping should be replaced if it is deteriorated.
- Windows must have white exteriors and be custom-fitted to the existing opening.
- Windows must be colonial double-hung and match the six-pane-over-six-pane pattern of existing windows.

6. Storm/Screen Doors and Windows

Co-owners may install storm or screen doors and windows (but not plastic sheet weatherproofing), provided that:

Storm doors are white, brown or black and contain clear glass or acrylic, compatible with the architecture of Fairlington Mews, that is, "Colonial" or "Williamsburg."

Storm windows or screen frames are white.

The co-owner is responsible for maintenance.

7. Window Well Coverings

Co-owners may install plastic, wire mesh or nylon mesh covers, provided that:

- They are level, fit under the grate, and do not extend beyond the wall.
- They are not permanently attached so as to prevent an emergency exit.

8. Window/Door Signs or Ornamentation

Co-owners may install window/door signs or ornaments that do not exceed 4-by-6 inches. Larger signs may be hung temporarily for special events or holidays. Attachment braces, wiring supports and the like must not be permanently installed.

9. Flags

A flag may be flown for special events or holidays for a reasonable temporary period, provided that it is securely affixed to the unit and does not obstruct the entry or windows of adjoining units.

10. Real Estate Sale or Rent Signs

Co-owners may place up to two real estate signs, provided that they are in a window or in reasonable proximity of the unit, are of the size and type customary in residential areas, do not obstruct walkways or other parts of common areas, and are removed promptly after sale or rental.

11. Alterations to a Unit Interior

Co-owners may make certain structural alterations to a unit interior without requesting a variance provided that the change does not affect neighboring units and conforms with county and state codes concerning zoning, building, electrical work, plumbing work and environmental impact.

Modifications that do not require a variance:

- Installation of carpets.
- Stripping, staining, or painting of floors.
- Installation of attic flooring or additional non-flammable attic insulation.
- Installation or removal of ceiling tiles or panels.
- Installation or removal of molding or stairwell railings.
- Installation of wall coverings.
- Painting, lathe patching, routine plastering.
- Installation of shelving or closets or cabinets.
- Installation or removal of interior doors.
- Installation of additional door locks.
- Replacement of tiled floors, provided drainage is not affected.
- Replacement of plumbing fixtures equivalent to those already installed.
- Installation or removal of lighting fixtures.
- Modification to electrical systems or plumbing to accommodate the installation of humidifiers and automatic icemakers.

Variations must be requested for major modifications, which include but are not limited to:

- Partial or total removal of walls, floors, or partitions.
- Modifications to plumbing.
- Electrical modifications requiring changes in circuit breaker alignment.
- Installation of fireplaces or stoves which require flues or external vents.
- Any modification affecting roofs or foundations.

Major structural changes to a unit interior may require the acquisition of an architect's certificate, to be obtained at co-owner expense, attesting to the compatibility of the change to the building structure.

12. Brick Borders Around Existing Bedding Areas

Brick borders around existing bedding areas may be installed, subject to the following conditions:

- The bedding area must be adjacent to the residence. (Tenants must obtain written permission from the unit co-owner.)

- Any bedding are enclosed by a brick border must be continuously enclosed, specifically excluded are borders which appear to stop abruptly along a line of bedding.
- The bricks must be common red bricks; the color should closely resemble Mews' exterior brick walls. Specifically excluded are bricks with holes in the cores and pink, white or painted brick.
- Bricks must be installed either in a continuous, even saw tooth pattern or flush to the abutting surface. In both cases, bricks should be sunk in the ground to a uniform depth. If the saw tooth pattern is used, the maximum height of the top point of the bricks is 2.5 inches above ground level.

The border must be maintained so as not to become unsightly or dangerous.

The Board may consider alternative borders or creation of new bedding areas upon submission of a variance request.

13. Heating and Air Conditioning

Co-owners may install new HVAC lines provided they are located in the rear of units and, if ran up the outside wall, placed beside downspouts. Alternatively, the lines must be enclosed in material matching existing materials e.g. false downspout. Penetration through the brick exterior must be caulked matching mortar color.

The co-owner is responsible for the maintenance of the new installation, such as caulking and any leaks that develop because of the installation.

C. Complaint Procedure

Residents may write to the Board concerning any alteration that appears to have been made without approval, that may not adhere to variance conditions, or that adversely affects a neighbor.