

# Barrister's Keepe Homeowners Association, Inc.

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**Subject:** Barrister's Keepe Homeowners Association Tree Policy

## **1. Background**

Many Barrister's Keepe (BK) residents have discovered that trees on common and private property have grown too large for our small lots, have disrupted the integrity of common and private property sidewalks and views of the golf course and have died (e.g. from windstorms or natural causes).

BK contains two types of trees: proffer trees and non-proffer trees. Proffer trees are those trees depicted on the 1995 Landscaping Plan (LP). Since BK HOA is a Planned Development residential neighborhood within the City of Fairfax, it is subject to requirements of Chapter 110 of the City Code (Zoning Ordinance). As such, BK is required to maintain the integrity of trees per the 1995 LP. Non-proffer trees are those trees that are not part of the 1995 LP. The HOA Covenants Committee (CC) is the authority for all trees on private property and the Grounds Committee (GC) is the authority for all trees on common property. Each respective committee Chairperson shall maintain a copy of the 1995 LP.

## **2. HOA Guidance for Proffer Trees (Trees that are part of the 1995 LP)**

Any change (e.g. removal, relocation, replacement or non replacement) to proffer trees requires approval from first, the HOA CC if on private property via an Architectural Change Form (ACF) then second, the City of Fairfax via a City tree permit. An exact replacement of a proffer tree (i.e. same species and location) requires CC approval via an ACF, only, not a City tree permit. The GC Chairperson shall coordinate submission of tree permits for proffer trees on common property.

Proffer trees that die due to natural causes or acts of nature (e.g. a windstorm) shall be replaced by the individual homeowner (if on private property) or the HOA (if on common property) per the above paragraph.

## **3. HOA Guidance for Non-Proffer Trees (Trees that are not part of the 1995 LP)**

Any change (e.g. removal, relocation, replacement or non replacement) to non-proffer trees, or new planting, requires approval from the CC only, via an ACF.

## **4. Compliance**

Failure to comply with this policy will necessitate the Board of Directors taking appropriate action as called for in the Barristers Keepe governing documents

Approved by the Board of Directors:

**March 1, 2011**

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To be effective:

**March 1, 2011**

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**Tree Policy**  
**Action Steps for Homeowners**

A homeowner that would like to (or is required to) remove, replace, not replace or relocate a tree on their property shall follow the below steps:

**Step 1.** Fill out the BK ACF. The ACF can be downloaded from the HOA website. The homeowner is responsible for:

- Ensuring the subject tree is fully on their property.
- Paying for removal, replacement or relocation of trees on their property.

**Step 2.** Mark the subject tree by a ribbon or other such markings so that is clearly identifiable to neighbors of surrounding properties.

**Step 3.** Submit the completed ACF (with signatures) to the Covenants Committee (CC) Chairperson for CC approval.

The CC Chairperson will refer to the 1995 LP to determine if the subject tree is a proffer tree or non-proffer tree; then, solicit a vote from CC members. Actions that change proffer trees require a tree permit from the City of Fairfax. The CC Chairperson will notify the homeowner of the CC's decision and the homeowner's next step; either,

- Appeal the CC's decision to the HOA Board if the requested action was disapproved, or
- Proceed with the requested action if approved by the CC, or
- Obtain a City tree permit, proceed to **Step 4.**

**Step 4.** Obtain a tree permit from the City of Fairfax; the permit application can be downloaded at (<http://www.fairfaxva.gov/CDP/docs/TreeRemovalPermit.pdf>). The permit and fee can be paid via mail or in person at City Hall. For more information, contact the Zoning Administrator at (703) 385-7820.

**Step 5.** Proceed to complete the requested action(s) approved by the CC and the City of Fairfax.