

Barrister's Keepe Homeowners Association, Inc.

Tree Policy

(Approved by BK HOA Board April 19, 2021)

- **Background**

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

Any change (e.g., removal, relocation, replacement or non-replacement) to any tree or new tree plantings within BK requires an approved Application for Architectural Change (AAC) and tree removal permit from the City of Fairfax. Pertinent City of Fairfax tree removal information is provided via these City of Fairfax links [Tree Removal Process](#) or [Zoning Code Documents](#).

- **HOA Guidance for Trees on Common Property**

The BK Homeowners Association (HOA) Board of Directors is the initial approval authority for removal and / or replacement of all trees on common property. The Grounds Committee (GC) Chair shall apply for a City tree removal permit for trees on common property. The City of Fairfax tree removal permit for common property trees is \$75.

- **HOA Guidance for Trees on Private Property**

The BK HOA Covenants Committee (CC) is the initial approval authority for removal and / or replacement of all trees on private property. Once the homeowner's AAC is approved by the CC, individual homeowners shall apply for a City of Fairfax tree removal permit for trees on their respective property per the *Tree Policy Action Steps* on the next page.

- **Tree Trimming**

Trees may be trimmed without an AAC or City of Fairfax permit. However, the portion of the tree being trimmed must be on your lot and work performed from your property. Homeowners shall notify affected neighbors in advance.

- **Compliance**

Failure to comply with this policy mandates the HOA Board of Directors to take appropriate action per BK HOA governing documents.

- **Tree Policy Review**

The CC shall review the Tree Policy every two years for accuracy and relevance. The CC shall submit a draft of proposed changes to the BK HOA Board of Directors for approval.

Please contact the Covenants Committee Chair if you have any questions or suggestions to improve the Tree Policy or our community (see [Covenants](#)).

Tree Policy Action Steps for Individual Homeowners

Homeowners who either desire to, or are required to, remove, replace, not replace, relocate, or add a tree on their property shall follow the below five steps.

Step 1:

Fill out the Barrister's Keeper (BK) Application for Architectural Change (AAC). The AAC can be downloaded via this link [AAC](#). The homeowner shall,

- Ensure the base of the subject tree is fully on their property. If the base of the tree is partially on an adjacent property, the homeowner shall obtain written approval from that neighbor per City of Fairfax guidance. And,
- Pay for removal, replacement, relocation, or addition of trees, etc., on their property. Homeowners that are required to remove and / or replace trees, where the base of the tree is partially on an adjacent property and dies from a windstorm or natural causes, shall share the expense.

Step 2:

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

Step 3:

Submit the completed AAC (with signatures) to the Covenants Committee (CC) Chair for CC approval (see [Covenants](#)).

The CC Chair will notify the homeowner of the CC's decision. The homeowner's next step is to either,

- Appeal the CC's decision to the HOA Board of Directors if the requested action was disapproved (see [HOA Board](#)); or,
- If approved, proceed to Step 4.

Step 4:

Obtain a tree removal permit from the City of Fairfax. The City of Fairfax tree removal permit for individual lots is \$20. Tree removal permit payment options and applications can be downloaded via these City of Fairfax links [Tree Permit](#) or [Applications](#). The City of Fairfax affords applicants 120 days to install replacement tree(s) per any conditions placed on the permit. The City of Fairfax timeframe to replace trees is more stringent than, and supersedes, BK HOA governing documents.

Step 5:

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