

Special North Hill Neighborhood Meeting

April 2, 2025

7:00 p.m. – 8:00 p.m.

Parish Center – Saint Mary of Sorrows Church

5222 Sideburn Rd, Fairfax, VA 22032

Notice of Special Meeting of the North Hill Community Property Owners to vote on the appeal of Mark & Shannon with respect to the North Hill ARB denial of approval for the fence at 10831 Oakcrest Court

The purpose of this meeting is to afford Mark & Shannon Wright the right to appeal to a community vote with respect to the North Hill Architectural Review Board's (ARB) denial of approval for the six-foot fence at 10831 Oakcrest Court.

For an understanding of the facts and circumstances surrounding the ARB's decision and subsequent efforts to settle, please see the attached summary prepared by the ARB. A statement submitted by the Wrights is also attached.

Only Property Owners of record, as listed in the land records of Fairfax County (see <https://icare.fairfaxcounty.gov/ffxcare/Main/Home.aspx>) are entitled to attend and vote (1 vote per property). A list of record property owners is available for inspection by contacting any member of the ARB.

Those unable to attend but who wish to exercise their vote may do so by delivering a proxy of the form attached to Maria Cunningham, 4864 Oakcrest Drive or Nadeem Choudry, 5008 Oakcrest Drive, members of the ARB who have been appointed to serve as the inspectors of election for purposes of confirming entitlement to vote and tabulation of votes. The votes will be counted at the meeting.

Although not required, if you plan to attend, please RSVP to northhill.arb@gmail.com so we have an idea of how many to expect. If you have any questions, you would like addressed, please include those in your RSVP email or contact a member of the ARB via northhill.arb@gmail.com.

Key Points and Timeline Events According to Factual Records of the North Hill Architectural Review Board

To protect the beauty and value of North Hill properties, the original developers in 1983 attached legal covenants to all lots and established an Architecture Review Board (ARB) to manage the covenants. Copies of the covenants have been distributed to all homes several times over the past years, should be provided with the title transfer, and can be found online at <http://northhillarb.com> under “documents”. The ARB is a nonpaid group of 8 homeowner volunteers. We work with our neighbors who apply for approvals required by the covenants, and try to negotiate when complaints about covenant violations are brought to our attention.

This meeting concerns a homeowner who knowingly erected a six-foot board on board fence (which had been denied to other homeowners in the past and a compromise met) that is in violation of the covenants. After neighbor complaints, multiple requests for compliance, and negotiations that have over an extended period failed to resolve the noncompliance, the ARB started legal action. The homeowner has since invoked the right in the covenants and bylaws to convene a meeting of all homeowners to vote on overruling or supporting the ARB decision. Please note that this matter is not just about a standard six-foot fence, it is also about a homeowner who purposely ignored the covenants that other North Hill homeowners have respectfully followed throughout the years and spent the time to submit plans for outside projects and, if needed, worked with ARB to reach a resolution that all agree to.

Below are the key points spanning from 2022 to present of the timeline of the events that led to the ARB’s decision to deny Mark and Shannon Wright’s six-foot fence. More in-depth details can be found under the timeline heading.

Key Points

- September 2022, April 2023 - The ARB provided the covenants several times to the Wrights prior to construction;
- 2023 - The Wrights were made aware the ARB needed to review the plans by several neighbors prior to and after construction, and the neighbors whose property was impacted called and provided complaint emails to the ARB;
- 2023/2024 - ARB provided options offered to other homeowners for fences outside the covenants in multiple (5) letters and emails sent to the Wrights in 2023 and 2024;
- 2023/2024 - ARB legal counsel corresponded with the Wrights in 2023 and subsequent to both the Wrights and the Wright’s counsel numerous times in 2024;
- August 2024 - The Wrights were aware of the lawsuit as early as August 2024;
- November 2024 - The ARB was ultimately informed by the Wrights legal counsel that the Wrights did not accept any of the options and offered no known compromise;
- December 2024 – The law suit was filed; and
- January 2025- The ARB and the Wrights participated in settlement discussions in January after the community meeting was postponed and a proposal was presented to the Wrights and their counsel with no counter offer other than the request to hold the community meeting.

Timeline

2022

- September 2022 -In early September 2022 a member of the ARB was notified that the Wrights were removing trees and she brought the Wrights copy of the covenants and noted any plans to remove large trees or build a fence needed to be approved by the ARB.

2023

- April 2023 - A member of the ARB was notified by neighbors that the Wrights were planning to erect a six-foot fence on the property line. Several neighbors informed the Wrights at that time that they would need permission from the ARB, which they ignored. On April 14, 2023 the Wrights received the 1st letter from the ARB notifying them of the covenants and requirements to submit plans. The Wrights began construction of the fence on April 26, 2023

- May 2, 2023 and July 18, 2023 - The 2nd letter was sent to the Wrights by the ARB and the ARB's legal counsel sent its 1st letter regarding the fence violation and the need to bring the fence into compliance with one of the options that had been previously afforded other property owners.

- July 2023 - The Wrights requested guidance from the ARB on how to submit plans for an outside project. The ARB replied with the necessary information and inquired on the type of project. In early August the Wrights replied "*This application will pertain to a new fence*" and invited the ARB to view the site and have additional discussion. Members of the ARB met with the Wrights and were joined by other neighbors of the Wrights. Other than an understanding that the fence was built because of their large dogs, when asked about the plans they referred to in their email, the reply was "You are looking at it" and no further details were provided.

- September 1st and 2nd, 2023 - The ARB received emails from three neighbors the fence directly or indirectly impacted voicing their displeasure. One neighbor particularly stated "*... people look for a nice house in a nice neighborhood, don't care to pay high HOA fees, so they choose a neighborhood like ours which has been kept lovely because of having covenants, and then they ignore...the covenants that make North Hill such a desirable place to live!*" and another stated "*The homeowner violated the covenants and clearly has no regard for the effects this fence would have had on their neighbors, property values, and community as a whole.*"

- October 2023 - A 3rd letter from the ARB was sent to the Wrights stating the same proposal and the Wrights responded that they had the approval of the neighbors on either side and behind. However, in November one neighbor believed she was signing off on the stain and not approving the fence and wrote to the ARB to let the ARB know she was removing her signature as she did not like the stain color and was not approving the fence. (Note: this neighbor now approves the fence after promises made by the Wrights to plant vegetation.) The Wrights also requested the records of the other fences in the neighborhood and the ARB responded that the Wrights are being offered what other homeowners the ARB has worked with have been offered.

2024

- January and February 2024 - The ARB sent the 4th and 5th letters to the Wrights who exchanged correspondence regarding the proposed ARB options and Wrights continued to reject the proposals with no known counter proposal for remedy.

- August 19, 2024 - ARB's legal counsel sent a 2nd letter to the Wrights restating the options for modifying the fence, and if not brought into compliance the ARB will move forward with legal action and included a copy of the draft complaint.

- September 13, 2024- Wright's legal counsel replied to ARB's legal counsel stating he would reply when he returned from vacation. However, he did not reply until November.

- November 8, 2024 - The Wright's legal counsel replied to the August 19th letter stating the Wrights were not interested in the proposals set out in the August 19th letter.

- December 2024 - The suit was filed December 23, 2024.

2025

- January 15, 2025 - The Moran's, neighbors of the Wrights, initiated a meeting of the community on behalf of the Wrights to overturn the decision of the ARB. However, the Covenants and ARB Bylaws specify certain procedures and notice requirements which the Moran's purported meeting would not have satisfied even if made by the Wrights, and the meeting was postponed.

- January 25, 2025 – Four members of the ARB met with the Wrights to discuss possible settlement options of which a verbal proposal was outlined and subsequently on January 29th a formal written proposal was sent to the Wrights. The Wrights responded they were amenable to some of the terms but not in a position to accept the offer in its entirety and asked to go through legal counsel.

- February 2025 -The ARB's legal counsel corresponded with Wright's legal counsel to obtain a counter proposal and ultimately the Wrights legal counsel responded the terms were not amenable and requested to move forward with the community meeting.

Proxy for Special Meeting of the North Hill Community

April 2, 2025

I, the undersigned, _____ [Your Name], a property owner of record of the home located at _____ [Your Address], hereby appoint:

Please check the applicable choice

☐ Members of the North Hill ARB - Robert Webb, Judy Watters, Maria Cunningham, Connie Hylton, Nadeem Choudhry, Robert Portland, Linda Hulick and Gene Desaulniers, any one of whom may act,

or

☐ _____ [print Proxy's Name]

as my proxy to vote for me and on my behalf at the Special Meeting

This Proxy is a directed proxy and may only be voted as directed below on the question presented at the Special Meeting as described in the Notice of Special Meeting.

I hereby direct that my proxy be voted as follows:

Check only one box	
<input type="checkbox"/>	<p><u>To Vote to approve the position of the North Hill ARB to deny approval of the Wright's fence at 10831 Oakcrest Court for covenant violations.</u></p> <p>The North Hill ARB has, however, determined that they will allow the fence to remain if the following conditions are met:</p> <ul style="list-style-type: none">• The Wrights accept via recordable written agreement the settlement proposal presented by the North Hill ARB as a compromise during settlement negotiations.• The Wright's will agree to maintain the fence in good and attractive condition for so long as the fence is in existence; and will agree to remove the fence (or bring it into compliance) when and if the property is sold.• The Wright's will develop and agree with neighbors upon a reasonable plan for planting of screening trees and shrubberies (i) along the property line between their lot and 4900 Oakcrest Drive, (ii) to provide screening for the view from 4902 Oakcrest Drive; and (iii) to provide a level of screening for the view from 4898 Oakcrest Drive. <p>This plan will be accomplished within 6 months.</p> <ul style="list-style-type: none">• The Wright's will pay reimbursement of the North Hill ARB's legal fees with a cap of \$3,000.
<input type="checkbox"/>	<p><u>To Vote to overturn</u> the North Hill ARB denial of approval of the Wright fence at 10831 Oakcrest Court (and allow the fence to remain without conditions)</p>

In witness whereof, I have set my hand this ____ day of _____, 2025.

Signature: _____

Printed Name: _____

Please return to Maria Cunningham, 4864 Oakcrest Drive or Nadeem Choudry, 5008 Oakcrest Drive or deliver to your named proxy to be brought to the meeting.

Note – This proxy can be revoked at any time by the undersigned either (i) by actual attendance at a meeting, or (ii) execution of a subsequent written proxy or notice of revocation.

March 8, 2025

Bodhi & Rex

Dear North Hill Neighbors,

Many of you may already know us. We frequently walk the neighborhood with our dogs, Bodhi and Rex; attend community socials; trick or treat with our children at Halloween; and patrol as part of the North Hill Neighborhood Watch.

We moved into the North Hill Community in July 2022, and quickly made friends with our immediate neighbors, finding many more friendships all over the neighborhood in the following months, going to concerts, backyard parties, and throwing parties of our own. We love this neighborhood and intend to remain here for many years!

We constructed our fence in April 2023 because our dogs' breed, Rhodesian Ridgeback, is known for its athleticism and strong prey drive. Our pups are certainly large dogs that are capable of jumping smaller fences. We understand that fences are not everyone's preference but we took great care to design a fence that was both attractive and effective at keeping our dogs from running loose and getting into trouble.

While the majority of our neighbors enthusiastically supported our fence, unfortunately a couple of neighbors spurred the North Hill Architectural Review Board (NHARB) to demand we take it down and resort to legal action to attempt to settle the issue. In doing so, the NHARB is using its neighborhood funds to prosecute their lawsuit.

We have appealed their decision to deny our fence in writing many times over the last two years. Our neighborhood covenants provide that we may appeal to you, our neighbors, to overturn the NHARB's decision, without conditions, and keep our neighbors' children and our dogs safe.

Thank you in advance for hearing our appeal this coming April the 2nd and casting your vote to overturn the North Hill ARB decision to disapprove our fence, without conditions. If you are unable to attend, we ask that you use the attached proxy vote. We look forward to the community's input on this matter.

If you want to stop by, email or call or text us. We are happy to meet more of our neighbors!

Sincerely,

Shannon Wright: (214) 668-8626 / slambremont@yahoo.com

Mark Wright: (703) 825-0157 / galleonlap@yahoo.com



Key Points from Mark and Shannon Wright:

- Facts:
 - Purchased our home in July 2022 marketed as not having a Home Owners Association. Covenants were not part of the title company's closing documents.
 - Introduced to the Covenants in September when a member of the ARB, uninvited, stopped the work of a landscaping crew who were working on our property, later returning to deliver the document.
 - Our home is only 200' from Braddock Road in an unobstructed straight line.
 - We were unaware of any neighbor's complaints to the ARB since those letters were not shared with us. We shared five letters of support from our immediate neighbors with the ARB, including one from a former member of the Board.
 - On April 14, 2023, the Board stated its primary responsibility was "to protect our property values for all homeowners." To our knowledge our fence has not had a direct negative impact, evidenced by the sale prices of two homes recently sold on our street, as well as by rising property values throughout North Hill.
 - The Board has informed us that it approves 6ft fences for swimming pools and suggested that we build one in order to have our fence approved, ignoring the reasonableness of desiring to protect our large athletic dogs, our neighbors and especially young children.
- Willingness to compromise:
 - Since building and staining the fence, at a cost of more than \$20,000, we have planted three 8' American Hollies in the corner facing the Brown's home in an attempt to provide screening, at an additional cost of \$3400.
 - We have also agreed to landscape the entirety of the Leamers' side of the fence within the next 3 months, and to maintain the fence during the years we live here.
- We are unwilling to:
 - provide screening / landscaping for the Garito's as their property is not adjacent to ours, with only a view across the Stanton-Hoyle's wooded backyard.
 - reimburse the ARB's legal fees as we never asked for a lawsuit. Asking instead for a homeowners' meeting in accordance with the covenants.
 - tear down the fence when we someday move as the board has requested.
- Regrets:
 - Due to safety concerns for our dogs, our neighbors, and especially young children, we didn't file an initial request with the ARB
 - This process has lasted almost two years, incurring legal fees for us now nearing \$10,000. We agree standards are important and want to keep North Hill a place we proudly consider home.
- Hopes:
 - That funds held by the ARB will be used to support neighborhood volunteer projects, maintain its website, and preserve property values through guided home-improvement projects rather than to pursue litigation against fellow homeowners.

Timeline of events and correspondence with regard to interactions between Mark & Shannon Wright and the North Hill Architectural Review Board:

September 21, 2022: Removed brush, small-diameter trees, and construction debris from previous owner's renovations of the house. Larger trees had been removed by previous owners.

April 26, 2023: Fence was built.

May 2: ARB Chair sent letter warning of formal action & proposing alternatives to a 6ft fence.

July 18: Received letter from the ARB's legal firm, Rees Broome, PC, indicating ARB had engaged legal counsel, and stating that fences that do not meet the four-foot requirement may be approved for "around approved swimming pools, or for other reasonable purposes..."

July 27: Wrights respond to Rees Broome providing reasons for the height of the fence, requesting instructions for submitting project plans.

July 28: Wrights email ARB requesting guidance. ARB responds with informal set of guidelines.

August 1: Wrights email ARB Chair requesting more details, invitation for ARB to visit property.

August 10: ARB Chair sends guidance from NH Covenants, including allowance for taller fences that back to Braddock Rd. (House is 200' from Braddock Rd, unimpeded by fences or obstacles.)

August 19: ARB Member offers to visit. We accepted and offered dates.

August 23: Five members of the ARB visited, standing outside our house to discuss their concerns. Our neighbors joined us to share their views as well. An ARB member asked to measure the fence and we welcomed him inside.

August 31: We created and submitted an electronic form we hoped the ARB would use to facilitate requests for relevant improvement projects.

October 3 & 10: The ARB formally disapproved the fence, offering conditional approval for a 5' fence and requiring we pay their legal costs of \$865.39.

October 18: As requested in their disapproval letter, we delivered to the ARB Chair letters from five of our immediate neighbors voicing support for keeping the fence as is. We also sought approval from all adjacent neighbors for the color of stain they preferred. Signed letters from all but one of those neighbors were also delivered to the Chair.

October 19: We appealed the ARB's decision, again relating our neighbors' support for the fence as a necessity to contain our large dogs, and protect our neighbors, especially young children providing links to website about the breed, showing how anything less than a 6' fence would not contain them. The ARB did not respond until January.

January 8, 2024: ARB repeated its disapproval and requested repayment of their legal fees.

January 31: We again appealed to the ARB, reiterating our neighbors' support, the specific needs of our dog breed, and our request for the details of past approvals of similar fences.

February 7: ARB repeated its denial, stating that past approvals had been given for two 5' fences, and that the only 6' fences in the neighborhood belonged to properties bordering Braddock Road.

June 4: ARB meeting at Fairfax Country Club.

September 9: We hire counsel in response to ARB's stated intention to proceed with legal action.

September 13: Wrights' counsel wrote to ARB counsel to introduce himself.

September 16: ARB counsel responded.

October 8: ARB counsel followed up.

October 8: Wrights' counsel responded, arranging a phone conversation.

October 23: ARB counsel followed up.

November 8: Wrights counsel responded.

December 19: ARB directed counsel to file suit, setting January 24 for responsive pleading.

January 2, 2025: ARB counsel filed complaint with Fairfax County Civil Court.

January 10: A group of our neighbors distributed an invitation to a general meeting of the North Hill homeowners to discuss overturning the ARB's decision, setting the meeting for January 21.

January 15: ARB wrote to invalidate homeowners meeting since it did not meet guidelines of the ARB By-Laws – a new document which on its face pertained only to the activities of the Board itself.

January 17: Neighbors send announcement of meeting cancelation. Both counsels agree that a meeting must take place, called by the ARB.

January 25: Four members of the ARB come to our home to discuss a mediated solution to approve fence. Suggest penalties including paying ~\$4500 in ARB legal fees. We agree to landscape fence line between ourselves and 4900 Oakcrest Drive, having already made that pledge to the Leamers.

January 29: Wrights send draft proposal to ARB; requests ARB call meeting of homeowners.

February 6: ARB sends proposal to approve the fence and drop its lawsuit, if Wrights:

1. Agree to maintain the fence and remove the fence when and if the property is sold;
2. Provide public acknowledgment of the covenant violation to the neighborhood;
3. Reimburse the legal fees incurred by the ARB not to exceed \$4,500;
4. Develop a reasonable plan for landscaping (i) along the property line between their lot and the Leamer lot, (ii) to provide screening for the Garito view; and (iii) to provide a level of screening for the Brown rear yard view. This plan was to be accomplished within 6 months;
5. Cancel their request for a special community meeting.

February 7: On advice of counsel, Wrights do not accept ARB's proposals and instead request ARB move ahead with announcing meeting.

February 8: Request ARB to move ahead with meeting, providing 22 potential dates between March 3 and March 26; requested ARB respond by February 15 with proposed date and details of how the meeting will be called and run.

February 25: ARB counsel tentatively announces 26 March as date for homeowners meeting.

March 4: ARB announces meeting date secured for April 2.