

FAIRLINGTON VILLAGES, A CONDOMINIUM ASSOCIATION
GENERAL RESOLUTION NO. GR 02/03/21

***RULES VIOLATION ENFORCEMENT – 3004 S. COLUMBUS STREET, A-2
(WINDOW WELL COVER)***

WHEREAS, Virginia Code Title 55.1 Section 1956 (B) allows the Board of Directors to exercise power assigned to the "Unit Owners' Association" by the Act, to the extent permitted by the By-Laws of the Unit Owners Association;

WHEREAS, Article III, Section 2, of the By-Laws assigns the Board of Directors with "all of the powers and duties necessary for the administration of the affairs of the Condominium," and further states that the Board may do all such acts and things as are not by the Act or by the By-Laws directed to be exercised and done by the Unit Owners Association;

WHEREAS, the Rules Enforcement/Due Process Procedure effective 7/1/01 establishes a procedure for violations of the adopted rules and regulations of Fairlington Villages; and

WHEREAS, the owners of 3004 S. Columbus Street, A-2 have received and have failed to comply with the First Notice of Violation (dated October 30, 2020) and the Second Notice of Violation (dated December 3, 2020), and have received a Third Notice of Violation (dated December 17, 2020) and are requesting a hearing before the Board of Directors to contest the violations.

THEREFORE BE IT RESOLVED, following the review and evaluation of all evidence, argument and/or comments presented to the Board of Directors of the Unit Owners Association of Fairlington Villages, the Board finds that there is a violation of the Association's Bylaws, and hereby assesses Andrea Molfetto owner of 3004 S. Columbus Street, A-2, \$50.00 for the Bylaws violation noted in the December 17, 2020 letter and authorizes a \$10.00 per day fine for any continuing violations of a similar nature.

ATTEST:

Secretary

President

Date

Date

Moved by _____

Second by _____

VOTE _____

Passed () Failed ()

Submitted by: Management

Roll Call:

Alvord, Melanie _____ Auston, Jessica _____ Brown, Philip _____
Dies, Andrea _____ Placek, Terry _____ Reem, Harold _____
Stollof, Edward _____ Straub, Lawrence _____ Wasowski, Anne _____



Fairlington Villages,
A Condominium Association

MEMORANDUM

TO: Board of Directors
FROM: Erin Moran, Office Manager
DATE: January 25, 2021
RE: New Business B – Rules Violation

Attached please find the 1st, 2nd and 3rd Letters of violation and correspondences between Management and the unit owner, Andrea Molfetto as well as her Property Manager, Glennette Strother. It is expected that Ms. Molfetto and Ms. Strother will address the Board at the February 3rd Meeting.

The Egress Window at 3004 S. Columbus Street, A-2 was approved at the November 2015 Board meeting. The design submitted with the variance request included a design for enlargement of the fenestration (opening) and the window well. Since installation, the owner has experienced multiple water intrusions in the basement. The Facilities Manager has inspected the area on numerous occasions and has concluded after each that the source of the water intrusion is not the foundation wall or the extended window well, *but the window itself*. Pictures of the most recent inspection on September 10, 2020, which have been provided to the unit owner and property manager, show a gap around the window frame that was letting the water in on that date. At the time of inspection, the suggestion was made that the unit owner should install a window well cover to prevent water from collecting in the well and inundating the window. A sample of the suggested cover in use throughout the communities in South Fairlington was provided to the unit owner for reference. Installation of a window well cover would do much to prevent water from collecting in the well, protecting the window during heavy downpours and wind driven rain that could eventually end up in the unit.

The unit owner disregarded the Facilities Manager's window well cover recommendation and instead installed one entirely dissimilar to the one suggested and in use in South Fairlington. It is much larger, extends above the grade, *and is physically attached to the building structure*, in violation of the Association's governing documents.

The Association has demonstrated its willingness to work with the unit owner, which sentiment was emphasized as recently as September 10, 2020 in Management's correspondence to the unit owner and property manager.

Regrettably, there was no response which necessitate these violation proceedings.



South Fairlington Window Well



3004 S. Columbus Street, A-2 Window Well



Fairlington Villages
A Condominium Association

VIA USPS FIRST CLASS MAIL

October 30, 2020

Andrea Molfetto
37 S. Hudson Street
Alexandria, VA 22304

**RE: Violation of Fairlington Villages' Rules & Regulations – 3004 S. Columbus Street
#A2, Arlington, VA 22206**

Dear Ms. Molfetto:

The window well cover attached to the front of your unit is in violation of the Fairlington Villages' By-Laws.

By-laws, Art. XV, § 1: “Architectural Control Committee...Except for purposes of proper maintenance and repair...it shall be prohibited to...make any change or otherwise alter (including any alteration in color) in any manner whatsoever the exterior of any condominium unit or upon any of the common elements within the condominium...” A unit’s vertical boundaries are described in the Declaration as: “The vertical plane of the outside face of the exterior walls which do not separate this type unit from any other unit, and the vertical plane of the center line of the party walls which separate this type unit from other units...”

Thank you in advance for removing the window well cover and restoring the building façade in the next ten (10) days. In the event this item is not removed by Monday, November 9, 2020, Management will remove the cover on your behalf, with any expenses incurred assessed to your unit account.

Your cooperation in this matter is appreciated. If you need assistance in this matter or have any questions, please contact me at 703-379-1440.

Sincerely,

Marcus Reed
Administrative Assistant
mreed@fairlingtonvillages.com

CC: Unit File – 3184
Suspense File

3001 S. Abingdon Street, Arlington, VA 22206 (703) 379-1440
www.fairlingtonvillages.com office@fairlingtonvillages.com



Fairlington Villages
A Condominium Association

VIA USPS FIRST CLASS MAIL

December 3, 2020

Andrea Molfetto
37 S. Hudson Street
Alexandria, VA 22304

RE: 2nd Violation of Fairlington Villages' Rules & Regulations – 3004 S. Columbus Street #A2, Arlington, VA 22206

Dear Ms. Molfetto:

You were recently notified on October 30, 2020 that you are in violation of the Association rules and regulations because you have a window well cover attached to the front of your unit is in violation of the Fairlington Villages' By-Laws. A recent inspection revealed that the window well cover is still there.

By-laws, Art. XV, § 1: “Architectural Control Committee...Except for purposes of proper maintenance and repair...it shall be prohibited to...make any change or otherwise alter (including any alteration in color) in any manner whatsoever the exterior of any condominium unit or upon any of the common elements within the condominium...” A unit’s vertical boundaries are described in the Declaration as: “The vertical plane of the outside face of the exterior walls which do not separate this type unit from any other unit, and the vertical plane of the center line of the party walls which separate this type unit from other units...”

Pursuant with the Rules Enforcement Due Process this is your 2nd notice. Please remove the window well cover and restore the building façade in the next ten (10) days.

Your cooperation in this matter is appreciated. If you need assistance in this matter or have any questions, please contact me at 703-379-1440.

Sincerely,

Marcus Reed
Administrative Assistant
mreed@fairlingtonvillages.com

CC: Unit File – 3184
Suspense File

3001 S. Abingdon Street, Arlington, VA 22206 (703) 379-1440
www.fairlingtonvillages.com office@fairlingtonvillages.com



Fairlington Villages
A Condominium Association

VIA USPS FIRST CLASS MAIL

December 17, 2020

Andrea Molfetto
37 S. Hudson Street
Alexandria, VA 22304

RE: 3rd Violation of Fairlington Villages' Rules & Regulations – 3004 S. Columbus Street #A2, Arlington, VA 22206

Dear Ms. Molfetto:

You were recently notified on October 30, 2020 and December 3, 2020 that you are in violation of the Association rules and regulations because you have a window well cover attached to the front of your unit that is in violation of the Fairlington Villages' By-Laws. A recent inspection revealed that the window well cover is still there.

The purpose of this letter is to provide you with one final opportunity to correct the above violation and to advise you of the provisions of the Association's governing documents pertaining to this matter. Pertinent citations are provided below.

By-laws, Art. XV, § 1: "Architectural Control Committee...Except for purposes of proper maintenance and repair...it shall be prohibited to...make any change or otherwise alter (including any alteration in color) in any manner whatsoever the exterior of any condominium unit or upon any of the common elements within the condominium..." A unit's vertical boundaries are described in the Declaration as: "The vertical plane of the outside face of the exterior walls which do not separate this type unit from any other unit, and the vertical plane of the center line of the party walls which separate this type unit from other units..."

This is your **final notice**. Should you fail to take the appropriate corrective action, you are hereby advised that an assessment of \$50 will be levied for the above noted violation effective on Friday, January 1, 2021. If the violation is of a continuing nature, then an additional assessment of \$10 per diem will be imposed until such time as the violation has been abated or up to ninety (90) days. **If you wish to contest this citation and the imposition of this assessment**, you may request a hearing before the Board of Directors, provided that such a request is made in writing and within fifteen (15) days of this notice. **If you request a hearing**, the hearing will be held on:

**February 3, 2021 at 7:00 p.m.
at the Board of Directors Meeting
in the Community Center at 3005 S. Abingdon Street**

3001 S. Abingdon Street, Arlington, VA 22206 (703) 379-1440
www.fairlingtonvillages.com office@fairlingtonvillages.com

If you request a hearing, you will have an opportunity to be heard on this matter and/or be represented by counsel. At any time prior to the Board's beginning its deliberation, you may submit correspondence and other matters in defense or mitigation. If you elect not to be present at the hearing, the Board of Directors will base its decision on the evidence at hand; whether you are present or not. You will be notified of the Board's decision within three working days of the date of the hearing.

You should also be aware that additional sanctions may be imposed which may include, but not be limited to, the suspension of your right to use facilities or services. The failure to pay any assessment within fifteen (15) calendar days, of its due date, will subject the assessment to late fees and penalties as provided for in the Association's collection procedures.

Your cooperation in this matter is appreciated. If you need assistance in this matter or have any questions, please contact me at 703-379-1440.

Sincerely,

A handwritten signature in black ink that reads "Marcus Reed". The signature is written in a cursive, slightly slanted style.

Marcus Reed
Administrative Assistant
mreed@fairlingtonvillages.com

CC: Unit File – 3184
Suspense File

Marcus Reed

From: Marcus Reed
Sent: Tuesday, November 24, 2020 5:02 PM
To: Andrea Molfetto
Cc: Glennette Strother
Subject: RE: 3004 S Columbus window well cover

Hi Andrea,

I have discussed this issue with Management, and they have come to the conclusion that the cover is in violation of the Association's Rules & Regulations. This remains in the violation process and I will have to send you a second violation. If it is not removed in the allotted time period given in the second violation, I will have to issue a third violation. If you receive a third violation, you will receive a date and time where you can contest the violation before the board.

Please let me know if you have any questions or concerns?

Marcus Reed
Administrative Assistant
Fairlington Villages, A Condominium Association
(703)-379-1440
mreed@fairlingtonvillages.com

-----Original Message-----

From: Andrea Molfetto <amolpetto@yahoo.com>
Sent: Saturday, November 7, 2020 10:35 AM
To: Marcus Reed <mreed@fairlingtonvillages.com>
Cc: Glennette Strother <glennette@pma-dc.com>
Subject: 3004 S Columbus window well cover

Hi Marcus,

Per our conversation, this window variance was approved by the Board in 2015. Part of the reason to put this window in as an egress window was for life and safety for my tenants. This room is now a legal bedroom (and on record with the county), therefore, I must comply with Virginia Law, Section R310 and R310.2.

Due to having numerous issues with water in my basement, going back to before this window was put in, it was agreed between Fairlington maintenance and myself to install a window well cover. I believe the water is entering the building from the foundation, which is on Fairlington to fix. Fairlington maintenance believes it is coming from the window. To rule out the window completely, we both agreed that I would install a window well cover and assess the situation after its installation and during the next heavy rains.

Because this window is an egress window, I had no choice but to install the current cover on the window. This cover opens up and allows for occupants to exit into a public way safely. Should there be a fire, having the cover close after the occupant exit, may also act to contain the fire until the fire department is able to arrive. Furthermore, being that my structural engineer states the integrity of the building may eventually be compromised as the water is believed to be foundational, should the exterior wall in the closet collapse, this window will allow the occupants to safely exit.

During my and my property managers numerous conversations with Fairlington maintenance over the past 2 to 3 years, not once was it ever mentioned that I would need a certain type of cover or a variance for the window well cover. I feel this cover falls within the original, approved, variance from 2015. As this cover is detachable, it does not alter the building exterior or change the facade of the exterior walls, and it actually acts for the purpose of "proper maintenance." If the water is indeed coming from the window, this window well cover will mitigate that issue and continue to maintain the property in its current state.

I have no problem covering the window well and cover with taller shrubs and bushes to "hide" it from street view. I understand the addition of shrubs or bushes would be my burden to maintain and trim. I am hopeful this will be an acceptable solution to this window well cover issue. I look forward to hearing from you in the coming days. Please continue to copy my property manager on all communications.

For quick reference, the below is the Virginia law:

SECTION R310 – EMERGENCY ESCAPE AND RESCUE OPENINGS

R310.1 Emergency Escape And Rescue Required.

Basements, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room.... Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

R310.2 Window Wells.

The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

Andrea



Marcus Reed

From: Marcus Reed
Sent: Tuesday, January 5, 2021 10:13 AM
To: Andrea Molfetto
Cc: Glennette Strother; Greg Roby
Subject: RE: Send data from MFP11886484 12/31/2020 11:30

Happy New Year Andrea!

Thank you for the update. You are on the schedule for next months board meeting on February 3rd. I have let my manager know that you would like to appeal this. You will be receiving a letter in the mail as a reminder as well. All you will have to do is call in to the meeting on February 3rd.

You can keep the cover on until a decision is made at the hearing.

Please let me know if you have any questions or concerns throughout the process.

Marcus Reed
Administrative Assistant
Fairlington Villages, A Condominium Association
(703)-379-1440
mreed@fairlingtonvillages.com

Homeowners – Have you registered with TownSq? It is fast and easy!
Go to: <https://app.townsq.io/login> Have your account number handy.

From: Andrea Molfetto <amolpetto@yahoo.com>
Sent: Thursday, December 31, 2020 6:06 PM
To: Marcus Reed <mreed@fairlingtonvillages.com>
Cc: Glennette Strother <glennette@pma-dc.com>; Greg Roby <groby@fairlingtonvillages.com>
Subject: Re: Send data from MFP11886484 12/31/2020 11:30

Hi Marcus,
I am formally, in writing, requesting a hearing regarding this matter. I am currently out of the state and will not be back until Monday. Please let me know what I need to do to proceed and if the well cover is able to stay on until the hearing date and decision.

Have a Happy New Year.

Andrea

On Dec 31, 2020, at 11:47, Glennette Strother <glennette@pma-dc.com> wrote:

Here is the letter

----- Forwarded message -----

From: **PMA Scanned Document (Do Not Reply)** <pmascans@gmail.com>

Date: Thu, Dec 31, 2020 at 11:15 AM

Subject: Send data from MFP11886484 12/31/2020 11:30

To: <glennette@pma-dc.com>

Scanned from MFP11886484

Date:12/31/2020 11:30

Pages:2

Resolution:300x300 DPI

Glennette Strother, MSW

Service Manager

Property Management Advisors, LLC

8133 Leesburg Pike, Suite 800

Vienna, VA 22182

Talk/text: 703-951-7048 | glennette@pma-dc.com

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<DOC123120.pdf>