

ISSUE: Certificate of Appropriateness for alterations

APPLICANT: Lynn Rogerson Shirey

LOCATION: Old and Historic Alexandria District
121 Duke Street

ZONE: RM/Residential Townhouse Zone

STAFF RECOMMENDATION

Staff recommends approval of the of the Certificate of Appropriateness for alterations, as submitted.

GENERAL NOTES TO THE APPLICANT

1. **APPEAL OF DECISION:** In accordance with the Zoning Ordinance, if the Board of Architectural Review denies or approves an application in whole or in part, the applicant or opponent may appeal the Board's decision to City Council on or before 14 days after the decision of the Board.
2. **COMPLIANCE WITH BAR POLICIES:** All materials must comply with the BAR's adopted policies unless otherwise specifically approved.
3. **BUILDING PERMITS:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Department of Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Permit Center, 4850 Mark Center Drive, Suite 2015, 703-746-4200 for further information.
4. **ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO DEMOLISH:** Applicants must obtain a copy of the Certificate of Appropriateness or Permit to Demolish PRIOR to applying for a building permit. Contact BAR Staff, Room 2100, City Hall, 703-746-3833, or preservation@alexandriava.gov for further information.
5. **EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B), 10-206(B) and 10-307 of the Zoning Ordinance, any Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.
6. **HISTORIC PROPERTY TAX CREDITS:** Applicants performing extensive, certified rehabilitations of historic properties may separately be eligible for state and/or federal tax credits. Consult with the Virginia Department of Historic Resources (VDHR) prior to initiating any work to determine whether the proposed project may qualify for such credits.

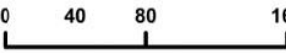




BAR2025-00300
121 Duke Street



0 40 80 160 Feet



I. APPLICANT'S PROPOSAL

The applicant requests a Certificate of Appropriateness to replace an existing fence. The new fence will be 6'6" tall with the upper 16" a trellis. This will bring the fence in line with the brick walls of the two adjacent properties. See Figure 1.



Figure 1: Existing wood fence between neighboring brick walls. Alley ownership is undetermined.

Site context

The fence will run along an alley of undetermined ownership abutting the north property line of the property. The new fence will be minimally visible from South Lee Street. See Figure 2.



Figure 2: Visibility of existing wood fence, circled in red, from South Lee Street.

II. HISTORY

According to Ethelyn Cox in her book *Historic Alexandria Virginia Street by Street*, Richard Rock constructed this dwelling **circa 1820**. He purchased this lot, as well as the lots of 123 and 125 Duke Street, in 1819. In 1854, when the property was divided and sold by court order, Margaret Rock purchased this house for \$4000. On May 20, 2013, the Historic Alexandria Foundation approved a plaque for the property, noting its age and significant history.

Previous BAR Approvals

BAR2013-00303: Administrative approval for new gas fixtures.

BAR2019-00476 and BAR2019-00482: Administrative approval to repoint the east wall, chimneys, and parapet wall.

III. ANALYSIS

Certificate of Appropriateness

As the Board is aware, most new fences in the historic districts can be administratively approved by staff. However, in this case, two features require Board approval:

First, the overall height of the proposed fence will be 6'6", which is 6" above the permitted height in the Zoning Ordinance. The Board has the authority to waive this height limit as part of the Certificate of Appropriateness application. The solid part of this fence will be 4'6" tall, a foot shorter than the existing fence to be removed. The 2' trellis section will bring the height up to 6'6". Staff notes that the 2' trellis topper is not solid; it has cutouts which provide a lighter appearance to the fence and minimizes the overall impact of the extra 6". See Figure 3. In addition, bringing the fence up to the height of the neighboring brick walls adds balance and symmetry to the overall north property lines.

Second, the material for the proposed fence will be aluminum reinforced solid cellular PVC with PVC posts. Staff cannot administratively approve this proposed material, as the *Design Guidelines* state, "Fences and walls should be made of wood, metal, and/or masonry." However, in this case the proposed material is virtually indistinguishable from wood, especially as viewed from the nearest public right of way, the sidewalk at South Lee Street which is 52' away. See Figure 2 for distance and Figure 4 for the proposed material as compared to wood.

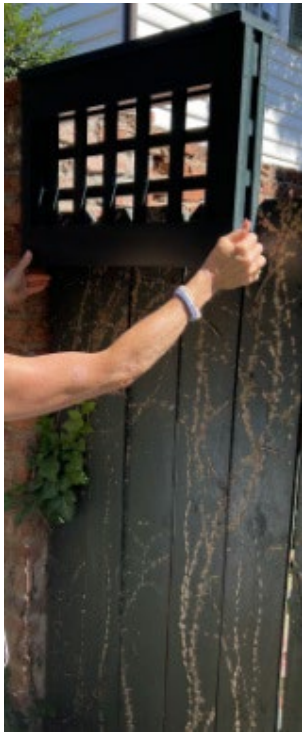


Figure 3: Trellis topper



Figure 4: PVC as seen against wood.

Staff therefore recommends approval of the project as submitted.

STAFF

Susan Hellman, Historic Preservation Planner, Planning & Zoning
Tony LaColla, AICP, Land Use Services Division Chief, Planning & Zoning

IV. CITY DEPARTMENT COMMENTS

Legend: C- code requirement R- recommendation S- suggestion F- finding

Zoning

C-1 Proposed fence replacement will comply with Zoning.

F-1 Fence height exceeds Zoning regulations; therefore, the Board will need to grant the applicant the additional six inches.

Code Administration

C-1 No permit is required for a fence less than 6ft.

Transportation and Environmental Services

F-1 No comments received.

Alexandria Archaeology

F-1 No Archaeology comments.

V. **ATTACHMENTS**

- Application Materials
- Completed application
- Plans
- Material specifications
- Scaled survey plat if applicable
- Photographs
- Public comment
- Any other supporting documentation

BAR CASE#

BAR2025-00300

(OFFICE USE ONLY)

ADDRESS OF PROJECT:

121 Duke St., Alexandria, VA

DISTRICT: ☒ Old & Historic Alexandria ☐ Parker - Gray ☐ 100 Year Old Building

TAX MAP AND PARCEL: 075.03.02-24

ZONING:

APPLICATION FOR: (Please check all that apply)

☒ CERTIFICATE OF APPROPRIATENESS☐ PERMIT TO MOVE, REMOVE, ENCAPSULATE OR DEMOLISH
(Required if more than 25 square feet of a structure is to be demolished/impacted)☐ WAIVER OF VISION CLEARANCE REQUIREMENT and/or YARD REQUIREMENTS IN A VISION
CLEARANCE AREA (Section 7-802, Alexandria 1992 Zoning Ordinance)☐ WAIVER OF ROOFTOP HVAC SCREENING REQUIREMENT
(Section 6-403(B)(3), Alexandria 1992 Zoning Ordinance)Applicant: ☒ Property Owner ☐ Business (Please provide business name & contact person)

Name: Lynn Rogerson Shirey

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED] E-mail: [REDACTED]

Authorized Agent (if applicable): ☐ Attorney ☐ Architect ☒ husband

Name: Steven Shirey

Phone: [REDACTED]

E-mail: [REDACTED]

Legal Property Owner:

Name: Lynn Rogerson Shirey

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED] E-mail: [REDACTED]

NATURE OF PROPOSED WORK: *Please check all that apply*

- ☐ NEW CONSTRUCTION
- ☒ EXTERIOR ALTERATION: *Please check all that apply.*
- | | | | |
|--------------------------------------|--|---|-----------------------------------|
| ☐ awning | ☒ fence, gate or garden wall | ☐ HVAC equipment | ☐ shutters |
| ☐ doors | ☐ windows | ☐ siding | ☐ shed |
| ☐ lighting | ☐ pergola/trellis | ☐ painting unpainted masonry | |
| ☐ other _____ | | | |
- ☐ ADDITION
- ☐ DEMOLITION/ENCAPSULATION
- ☐ SIGNAGE

DESCRIPTION OF PROPOSED WORK: *Please describe the proposed work in detail (Additional pages may be attached).*

Please see attached separate sheets.

SUBMITTAL REQUIREMENTS:

- ☐ Check this box if there is a homeowner's association for this property. If so, you must attach a copy of the letter approving the project.

Items listed below comprise the **minimum supporting materials** for BAR applications. Staff may request additional information during application review. Please refer to the relevant section of the *Design Guidelines* for further information on appropriate treatments.

Applicants must use the checklist below to ensure the application is complete. Include all information and material that are necessary to thoroughly describe the project. Incomplete applications will delay the docketing of the application for review. Pre-application meetings are required for all proposed additions. All applicants are encouraged to meet with staff prior to submission of a completed application.

Demolition/Encapsulation : *All applicants requesting 25 square feet or more of demolition/encapsulation must complete this section. Check N/A if an item in this section does not apply to your project.*

- N/A
- ☐ ☐ Survey plat showing the extent of the proposed demolition/encapsulation.
- ☐ ☐ Existing elevation drawings clearly showing all elements proposed for demolition/encapsulation.
- ☐ ☐ Clear and labeled photographs of all elevations of the building if the entire structure is proposed to be demolished.
- ☐ ☐ Description of the reason for demolition/encapsulation.
- ☐ ☐ Description of the alternatives to demolition/encapsulation and why such alternatives are not considered feasible.

Additions & New Construction: Drawings must be to scale and should not exceed 11" x 17" unless approved by staff. Check N/A if an item in this section does not apply to your project.

- ☐ ☒ N/A Scaled survey plat showing dimensions of lot and location of existing building and other structures on the lot, location of proposed structure or addition, dimensions of existing structure(s), proposed addition or new construction, and all exterior, ground and roof mounted equipment.
- ☐ ☒ FAR & Open Space calculation form.
- ☐ ☒ Clear and labeled photographs of the site, surrounding properties and existing structures, if applicable.
- ☐ ☒ Existing elevations must be scaled and include dimensions.
- ☐ ☒ Proposed elevations must be scaled and include dimensions. Include the relationship to adjacent structures in plan and elevations.
- ☐ ☒ Materials and colors to be used must be specified and delineated on the drawings. Actual samples may be provided or required.
- ☐ ☒ Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- ☐ ☒ For development site plan projects, a model showing mass relationships to adjacent properties and structures.

Signs & Awnings: One sign per building under one square foot does not require BAR approval unless illuminated. All other signs including window signs require BAR approval. Check N/A if an item in this section does not apply to your project.

- ☐ ☒ N/A Linear feet of building: Front: _____ Secondary front (if corner lot): _____.
- ☐ ☒ Square feet of existing signs to remain: _____.
- ☐ ☒ Photograph of building showing existing conditions.
- ☐ ☒ Dimensioned drawings of proposed sign identifying materials, color, lettering style and text.
- ☐ ☒ Location of sign (show exact location on building including the height above sidewalk).
- ☐ ☒ Means of attachment (drawing or manufacturer's cut sheet of bracket if applicable).
- ☐ ☒ Description of lighting (if applicable). Include manufacturer's cut sheet for any new lighting fixtures and information detailing how it will be attached to the building's facade.

Alterations: Check N/A if an item in this section does not apply to your project.

- ☒ ☒ N/A Clear and labeled photographs of the site, especially the area being impacted by the alterations, all sides of the building and any pertinent details.
- ☒ ☒ Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- ☒ ☒ Drawings accurately representing the changes to the proposed structure, including materials and overall dimensions. Drawings must be to scale.
- ☒ ☒ An official survey plat showing the proposed locations of HVAC units, fences, and sheds.
- ☐ ☒ Historic elevations or photographs should accompany any request to return a structure to an earlier appearance.

ALL APPLICATIONS: *Please read and check that you have read and understand the following items:*

- ☒ I understand that after reviewing the proposed alterations, BAR staff will invoice the appropriate filing fee in APEX. The application will not be processed until the fee is paid online.
- ☒ I understand the notice requirements and will return a copy of the three respective notice forms to BAR staff at least five days prior to the hearing. If I am unsure to whom I should send notice I will contact Planning and Zoning staff for assistance in identifying adjacent parcels.
- ☒ I, the applicant, or an authorized representative will be present at the public hearing.
- ☒ I understand that any revisions to this initial application submission (including applications deferred for restudy) must be accompanied by the BAR Supplemental form and revised materials.

The undersigned hereby attests that all of the information herein provided including the site plan, building elevations, prospective drawings of the project, and written descriptive information are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The undersigned also hereby authorizes the City staff and members of the BAR to inspect this site as necessary in the course of research and evaluating the application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:Signature: Lynn R. ShireyPrinted Name: Lynn R. ShireyDate: 07/24/25

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Lynn Rogerson Shirey	[REDACTED]	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 121 Duke Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Lynn Rogerson Shirey	[REDACTED]	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. NA		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

07/24/25

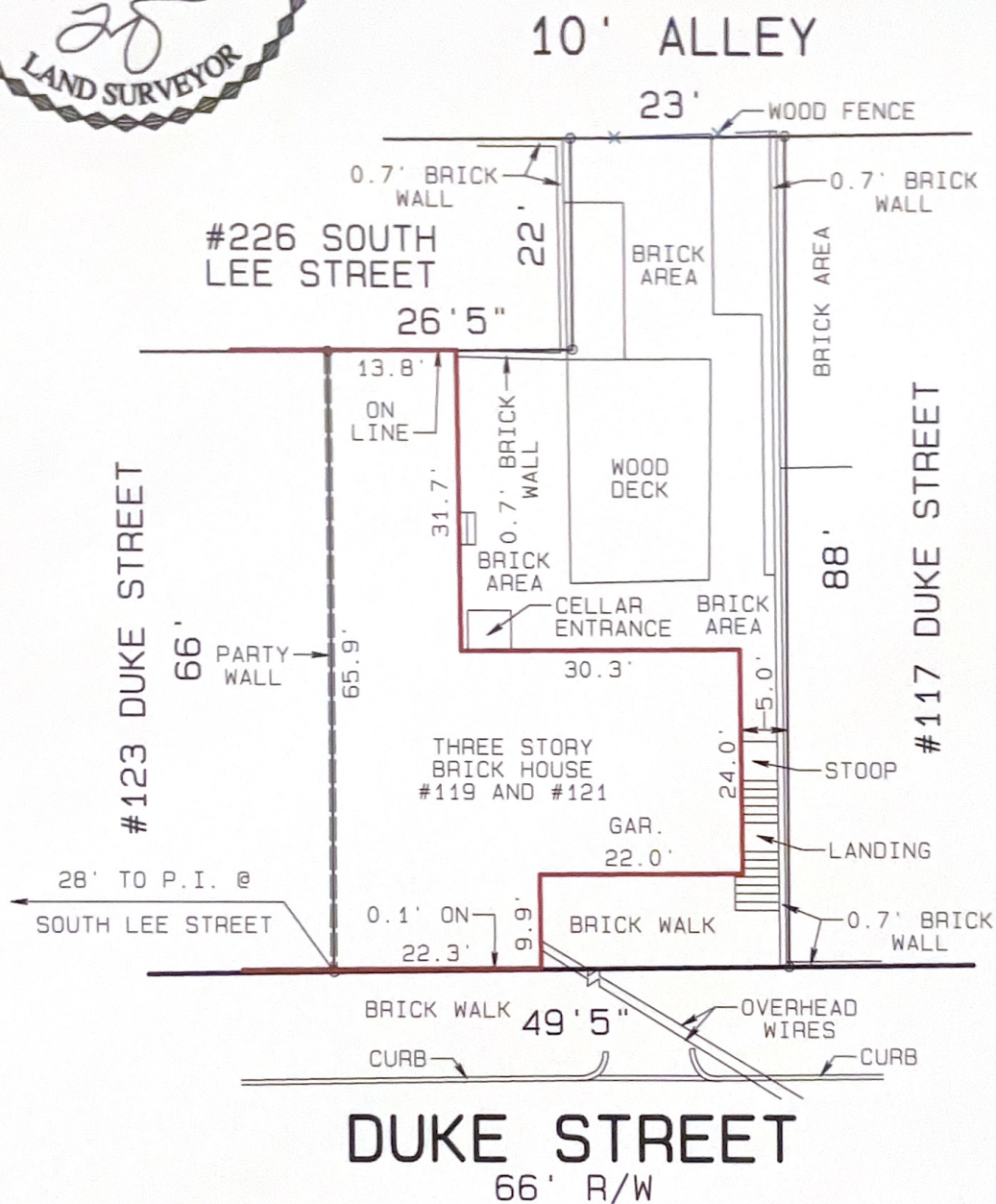
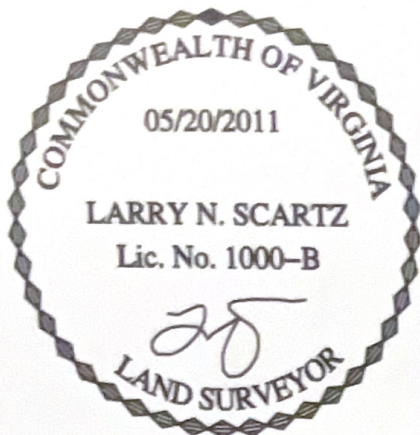
Date

Lynn R. Shirey

Printed Name

Lynn R. Shirey

Signature



PHYSICAL IMPROVEMENTS SURVEY
ON THE PROPERTY LOCATED AT
#119 AND #121 DUKE STREET
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1"=20' DATE: MAY 20, 2011

CASE NAME: SALTONSTALL/SCHULMAN
TO ROGERSON (OTA1105047)

MBH
Settlement Group, L.C.

NO TITLE REPORT FURNISHED.

PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.

FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBIDGE, VIRGINIA

LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM



DESCRIPTION OF PROPOSED WORK

Replace existing rotting fence between rear of garden at 121 Duke Street and private alley.

The existing fence is rotten and marred. It is located at the back of the 121 Duke garden, and fronts onto a private alley. The fence is approximately **52'** from Lee Street.

*** VIEW OF THE EXISTING ROTTEN FENCE, SEEN FROM THE ALLEY ***



*** ROTTEN AREAS IN THE EXISTING FENCE ***



The plan is to remove the existing rotten wooden fence and replace it with a handsome, classic design by Walpole Outdoors — a high-end fabricator.

The new fence will be made of aluminum reinforced solid cellular pvc with rigid pvc posts — a very high-end material. It will be painted with two coats of “Verde” Sherwin William’s Superpaint with a satin sheen to exactly replicate the surface of the existing fence. The existing painted wooden panels look identical to the painted panels of the sample.

The current owner has no intention of moving in her lifetime, and the Walpole fence will last in beautiful condition throughout her lifetime without becoming an eyesore in her old age and looking dilapidated (as this wooden fence does).

*** SAMPLE PANELS OF THE NEW FENCE LEANING AGAINST THE EXISTING FENCE (the solid bottom section is shown here shorter than the finished project will be — see drawing) ***



*** THE TRELLIS TOPPER WILL BE LEVEL WITH THE EXISTING BRICK WALL RUNNING DOWN THE SIDE OF THE PROPERTY (abutting 117 Duke) ***

The existing wooden fence is 5’6” tall. The solid part of the proposed fence will be only 4’6” tall. With the see-through 2’ trellis section added to the solid lower portion, the overall height of the new structure will be 6’6”, and in line with the top of the connecting brick wall.



*** VIEW FROM LEE STREET, DOWN THE PRIVATE ALLEY — THE CLOSEST POSSIBLE PUBLIC VIEW OF THE NEW PROJECT (existing fence is seen on the right, past the clapboard house and brick wall)...

...SEEN FROM THE LEFT..... and.....SEEN FROM THE RIGHT
sides of the alley ***



The view of the Proposed Project can only be seen obliquely from the public access point — Lee Street, 52' away from those passing down Lee Street. And, when walking down Lee Street and across the mouth of the alley, the distance for viewing the fence occurs for only about 2 strides.

For much of the time, visual access to the fence is blocked by cars parked in the alley:



When standing at any location on the nearest public area — Lee Street (and even when viewed up close — see page 2 of this text), there is no way that the eye can detect that the proposed painted fence material is other than wood. For this reason we seek approval of the project as proposed.

*** VIEW OF THE CURRENT FENCE AS SEEN FROM INSIDE THE PROPERTY ***



The existing fence is not original to the property.

The owner is undertaking this work to correct an existing eyesore and to improve the area. She has agreed to open the property for the Virginia Garden Week 2027 House and Garden tour for the enjoyment of the community and garden enthusiasts, and is thus making this investment.

* * * * *

Customer #	Date	Order #	Cust.	Salesman
	5/29/25		Lynn Shirey	Gary Workman
Street			City, State	
121 Duke St.			Alexandria, Va	
Digsafe #	Underground pipe or wire	Clear Fence Line	Wire on Fence	In Outside
Extra Long posts	Paved Areas	Core Drilling	Trees / Stumps in Fence line	Ledge / Rock
				Fence on Wall

GRADE	Grade Notes:			
RACK STEP BOTTOM LEVEL TOP BOTTOM STEP TOP LEVEL TOP & BOTTOM	± 2 5/8" HL			
Select one:				

*****Show grades and curves from face side of fence*****											
CURVES	HL	HR	Straight Rail	Curved rail	Notes:	SCALLOPS	Top depth	inches	Straight rail	Curved rail	Notes:
The curves shown here are high left	HL or HR LONG	HL or HR SHORT	HL or HR SHORT END	HL or HR LONG END							
Select one:						Select one:					

± 2 3/4" HL Bottom Scribe - Top Level 21' 5 3/16" OA 6' 2 3/16" OC 8' 1/2" OC 6' 9" OC 2 1/2" From corner Flush Cut Cap LAG TO COLUMN Cap EVEN w/ Column Top G. Post. Notch Cap AROUND CORNER LAG TO Wall Lattice Applique G Post THIS SIDE SECTION CAP OVER POSTS !! 9" x 18" Oval OUT OUTS w/ 2" FRAMES 3 1/4" Applique 5" HV Applique 2 1/2" HV Topper 24" 6' 6" 4' 6" 13 1/2" ± 16 1/8" House # 121 Duke St		Special Travel Considerations Payment Arrangements 50% Deposit due with order 40% Due prior to delivery 10% Due upon installation Is Job Pinned? Yes ☒ NO ☐ Drive Time? 50 min Hours Start Time 8 Stop Time 5 Length of Carry 150 Any other Special Equipment? Masonry Drill Lags + Shields Power and Water Location. Show them on layout On House Where do we Park? STREET
--	--	---

Lynn Shirey

6/2/2025

Date Site Ready

255 Patriot Place
Foxborough, MA 02035
(800) 343-6948

Date:	May 30, 2025
Reference #	00039585
Customer ID:	18-5897275

Bill to		Ship To	
Lynn Shirey Lynn Shirey 121 Duke Street Alexandria, VA 22314 lynnrshirey@gmail.com 703-589-7275		Lynn Shirey 121 Duke Street Alexandria, VA 22314	
Design Consultant		Branch Address	
Gary Workman (631) 865-1051		200 Glen Cove Rd Old Brookville, NY 11545 (631) 865-1051	
Ship Via		Terms	Est. Start Date
Install		50/40/10	

Project Description	
22Lf of 5' Universal screen, lowered midrail, bottom rail long and loose to scribe to grade with 5" HV lattice applique. between midrail and top rail. 22lf of 2' tall 2.5" HV lattice topper with 9" x 18" Oval cut outs with 2" frames. (4) 5.5" sq x 6' tall flat top posts (2) have wood cores to lag to adjacent brick. Section caps continuous over posts. Aluminum reinforced sold cellular pvc with rigid pvc posts Factory prefinished 2 coats of Sherwin William's Superpaint, Vinyl Safe "Verde" with satin sheen. Approval Drawing. Takedown and dispose of old fence. Customer has been advised the fence cannot be used to support edging for the raised planter. Installed and touched up by Walpole Outdoors, LLC	
Not Included: Permit fees, permit processing, stamped drawings, surveys.	
Color Option	Verde

This quote is valid for 10 days from the date of issuance. To commence the project, a 50% deposit or commercial purchase order (where applicable) is required, along with acceptance of this quote. Any delay in signing the contract or submitting the deposit may result in a delay in the project's estimated start date. Once the contract has been accepted and signed, Walpole Outdoors will send an emailed payment link to collect the required deposit. The expected total cost of this project is: \$14,043.44



Authorized Signature for Lynn Shirey

6/2/2025

Pricing Breakdown

		Subtotal	\$13,400.00
		Handling Fee (3%)	\$0.00
		Sales Tax	\$643.44
		Total Due	\$14,043.44
		Check/ACH Discount Total	\$14,043.44
		Savings	\$0.00

Optional:



I agree to pay by Check, ACH or Wire Transfer in order to receive a 3% discount on the total amount.

3% Payment Discount: Customers who choose to pay via **Check, ACH or Wire Transfers** will receive a 3% discount on the total invoice, which includes both taxable and non-taxable amounts. By selecting the checkbox and opting for this payment method, you acknowledge that the 3% discount applies only when payment is made using **Check, ACH or Wire Transfers**. This discount is not applicable to credit card payments, or any other form of payment.

Important Note: The payment must be received and cleared within the terms outlined on the invoice for the discount to be honored. Failure to comply will result in the reversal of the discount.

Terms & Conditions:**Installation by Walpole Outdoors**

- 1 **Property Condition:** Customer is responsible for establishing property lines and fence lines, for clearly marking all underground and/or concealed objects, and for conforming with local zoning regulations and HOA by-laws, including but not limited to obtaining permits; the customer is responsible for any damage and fees resulting from failure to do so. This contract is subject to conditions beyond our control and does not include costs arising from extraordinary conditions; for example, striking ledge, alternate/unplanned post setting methods, or clearing trees, brush or other obstructions from the working area.
- 2 **Return visits:** A service charge will be assessed for any return visit requested post installation for any non-warranty adjustments and/or to repair general wear and tear issues.

Direct Shipment to End User

- 3 **Quote:** This quote is based on measurements, layouts, quantities, and specifications, as provided by Customer, and is valid for 10 days. The quote may include freight estimate; actual freight costs will be charged to the customer at time of invoice.
- 4 **FOB Origin Shipping:** Product may be shipped via motor freight to the shipping address provided as shown on this contract. Customer is responsible for offloading material from trailers at designated site, as well as disposal of all packing material, pallets, and crating. Any extra costs charged to Walpole Outdoors by the carrier due to delays or delivery difficulties will be passed on to the Customer.
- 5 **Upon Delivery:** Customer is responsible for inspecting products for damage and reviewing packing list for discrepancies against quantities and product conditions. Damaged products should be documented and signed for as damaged on the Bill of Lading, after which contact Walpole Outdoors immediately for direction and resolution. If damage is hidden, the customer has 48 hours to inspect all pieces and report damage to Walpole Outdoors. Please Initial.


General Terms

- 6 **Project Delay:** The following conditions may cause delays in the commencement or completion of your project:
 - 6.1 **Permitting and Approvals:** Delays in obtaining necessary permits, approvals, or inspections from local authorities can impact project timelines.
 - 6.2 **Unforeseen Site Conditions:** Unexpected site conditions, including but not limited to, access issues or unforeseen structural concerns, may result in delays.
 - 6.3 **Weather Conditions:** Severe weather or unforeseen environmental factors may prevent timely installation or delivery.
 - 6.4 **Material Availability:** Supply chain disruptions or delays in material shipments may affect project start dates or completion.
 - 6.5 **Labor Availability:** Scheduling or labor resource constraints can result in delays in starting or completing the project on time.

Regardless of whether delivery of the materials to customer has already occurred, when a customer requests to reschedule the installation to a later date, Walpole reserves the right to (1) invoice the customer for the cost of all products and materials produced under the applicable Quotation, and (2) to charge the customer's payment method on file (credit card or ACH payment) for such products and materials on the date of the originally scheduled installation timeframe.

While Walpole Outdoors will make every effort to minimize delays, these factors may affect the expected timeline for your project. We will notify you promptly if any issues arise that could impact the project schedule.

By agreeing to these terms, you acknowledge and accept that these factors may cause changes to the anticipated timeline.

- 7 **Cancellation:** Customer may cancel this agreement provided you notify Walpole in writing via email, in-person delivery or ordinary mail posted not later than midnight of the third business day following the signing of this agreement. If

cancelled beyond this period Walpole has the right to recover the costs incurred for engineering, materials and manufacturing  Please Initial.

- 8 **Returns:** Since we design and manufacture your specific order to your unique project specifications, return of custom and made-to-order products can neither be authorized nor accepted, regardless of reason. See our return policy or contact us for details. Our full return policy can be found on our website at www.walpoleoutdoors.com/resources-center
- 9 **Payment Terms:** A 50% Deposit is required for all orders within 24 hours of signed agreement. A 40% progress payment is required prior to delivery or the first day of installation. The remaining 10% balance is required to be paid at the substantial completion of installation or delivery. Walpole reserves the right to utilize any of its legal rights to collect any unpaid balance.
- 10 **Shipping Terms:** Quoted shipping price is an estimate and may be repriced at time of shipment.
- 11 **Warranty:** Walpole Outdoors, LLC warrants all products and workmanship to be free from defects for one year from the date of installation. Furthermore, Walpole Outdoors offers a 25-year Limited Product Warranty. Comprehensive warranty details can be obtained at www.walpoleoutdoors.com/resources-center
- 12 **Change Orders:** All Change Orders require a separate contract, that must be signed and returned with applicable payment due upon execution. Change orders may delay installation or delivery dates.
- 13 **Handling Fee:** The buyer agrees to pay a 3% handling fee, which is calculated based on the total contract price. The fee covers packaging, handling and processing of the order.
- 14 **Notice Regarding Lien Rights:** If Walpole Outdoors or any subcontractor thereof working on this project is not paid for their services, they may have a legal claim against the property in accordance with applicable lien laws in your jurisdiction. This claim may be enforced against the property if payment is not made as agreed.  Please Initial.

Notice for New York, Virginia and Maryland Customers

These terms may supersede any conflicting terms above.

- 15 **Permit Requirements:** Walpole requires all necessary jurisdictional permits to perform the work under this contract be in place prior to commencement of the project.
- 16 **Workers' Compensation Certificate:** Upon request, Walpole agrees to furnish the homeowner with a valid certificate of Worker's Compensation insurance prior to commencing any work. If requested, the homeowner's name and address is required to be submitted to Walpole's insurance provider for the purpose of securing said certificate of issuance.

Entire Agreement: This agreement, along with all documents and drawings incorporated herein by reference, constitutes the entire agreement between Walpole Outdoors LLC and the customer and there are no verbal agreements or representations in connection therewith. This agreement shall not be modified other than in writing by an authorized representative of each party and neither party shall have the authority to waive this prohibition.

Approval: By signing below, I agree that I have received, understand, and will abide by the Terms & Conditions detailed above. I acknowledge that phone and electronic processing carry the same authorization as my written signature.

 *Lynn Shirey*

Authorized Signature for Lynn Shirey

6/2/2025