

SMITHY GLEN

**Guidelines
for
Architectural Modifications
and
Property Use Restrictions**



**Coventry PD-MRC
York County, Virginia**



COVENTRY

Homeowners Association, Inc.

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March 5, 1997

Dear Smithy Glen Neighbor:

As your interim Board of Directors, we were charged with developing the Architectural Guidelines and interpreting the Use Restrictions of our Covenants as they pertained to the village of Smithy Glen. You are holding in your hands the results of this task; however, we are a little ahead of ourselves here.

- First, the Commonwealth of Virginia *Property Owners' Association Act* mandates compliance with declarations contained in development legal documents by all homeowners within the development. Both the **Smithy Glen and Coventry Declaration of Covenants, Conditions and Restrictions** require homeowners to obtain prior approval of the Architectural Review Committee (ARC) before undertaking improvements, alterations, repairs, change of paint colors, excavations or any other work which in any way alters the exterior appearance of any property within **Smithy Glen**.
- The *Property Owners' Association Act* also grants the Board of Directors the power to establish, adopt, and enforce rules and regulations with respect to the common areas and with respect to such other areas of responsibility assigned to the Association by the legal documents.
- These guidelines have been written to help the homeowners, the Architectural Review Committee and the Association carry out the legal obligations we all assumed when we decided to buy property in **Coventry**. The guidelines explain how the design review process works and provides all concerned with specific guidance on what alterations are acceptable and unacceptable in the community. The guidelines also incorporate guidance on the various activities allowable on both private property and the common areas within the development.
- Many owners have already completed modifications that have not been approved because they were unaware of the intent of the covenants or the existence of guidelines. Applications for these must still be submitted in order to keep the Master Association aware of changes within **Coventry** and to update Association records. Owners will be given ample time to remedy those actions not meeting acceptable standards.
- We're confident all homeowners understand that the only purpose of the covenants and these guidelines is to keep **Coventry** a desirable community in which to live and to help maintain the value of each home within the development. Since we're all in this together, any comments on ways these guidelines can be improved are certainly welcomed.

At this point I would like to share with you some very special people who assisted this board in the above endeavor: Al Erkkeinen, Donna Bulman and George Ganoe.

Thank you,

Interim Board of Directors

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DESIGN REVIEW - Purpose & Process

The COVENTRY Master Association

Is a non-profit entity which will operate for the purpose of bringing about civic betterment and social improvements in the residential community known as Coventry.

It will act to protect and preserve the property values of Coventry and perform with the aim in mind that it act not for an individual's benefit, but rather for the common good of the community.

COVENTRY Architectural Review Committee

The Architectural Review Committee (ARC) consists of five members of the Association in good standing. All are volunteers and need not be an architect or meet any other particular qualifications. Members are not compensated for their services.

The ARC members are appointed and removed by the Board of Directors by written Declaration identifying each new member appointed to or removed from the committee. The term of appointment is for a period of one year or until the appointment of a successor. In the absence or disability of any regular member or members, the Board will appoint replacement members. Any new member appointed to replace a member will serve that member's unexpired term.

The primary responsibility of the ARC is to keep the community attractive for the enjoyment of residents and for the protection of property values. It does this through a process of design review whereby changes to existing properties are examined, in advance, for aesthetics, impact on adjoining private and public properties, and adherence to the *Declaration of Covenants, Conditions, and Restrictions* contained in Smithy Glen and Coventry legal documents. Proposed changes not meeting the standards set forth in the legal documents or these guidelines cannot, for the good of the entire community, be approved.

The ARC shall meet once a month to perform its duties. The vote or written consent of any three members shall constitute the act of the committee. The committee shall keep and maintain a written record of all actions taken.

For additional information about the ARC refer to ARTICLE TEN of the COVENTRY Homeowners Association Declaration of Covenants, Conditions, and Restrictions.

Village Committees & Design Review

Due to the number of residences in COVENTRY, the ARC may use the Village Committees to assist it in performing its duties. This involvement of Village Committees in the design review process is optional and is strictly up to each Village Committee.

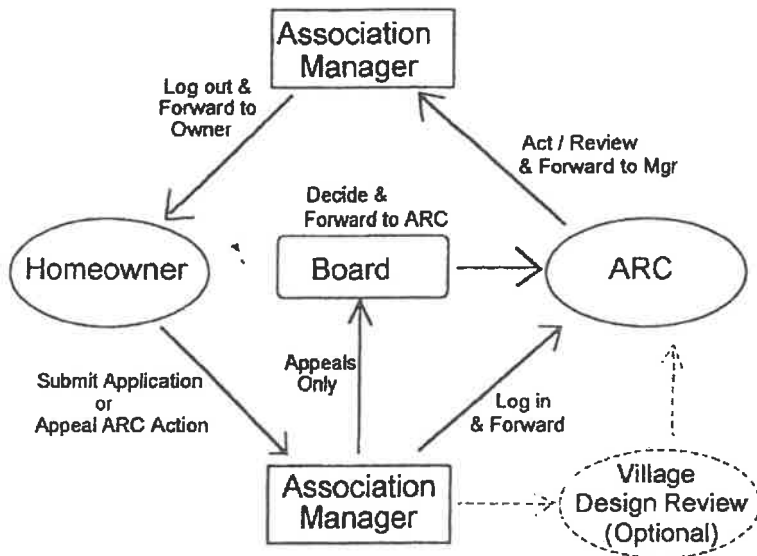
Interested Village Committees, who have volunteers genuinely interested in maintaining the integrity of the architectural style in their areas, may choose a Design Review Team to work with the ARC in developing and maintaining appearance standards within their particular Village. The

Design Review Team leader will present the official views of his/her Village to the ARC and/or Board of Directors.

The ARC may ask for information from these teams concerning proposed rules and regulations, may give alteration applications to the team for review, validation, and comment. In any event, neither the Design Review Teams nor the Village Committees will be asked to carry out enforcement actions. This disagreeable, but necessary duty, is the sole responsibility of the Master Association.

It is the hope of the ARC that each Village Committee can find enough interested homeowners to make design review a true community-wide effort. A resident may contact the ARC members or the Association Manager to find out which Village Committees are active in the design review process.

The Application and Review Process



Applying for Approval of Exterior Alterations

1. Homeowner obtains application from his/her Village Committee or the Association Manager.
2. Homeowner must return completed application to Association Manager by the seventh of the month in order for it to be considered during that month's scheduled ARC meeting, (Currently the ARC meets every third Wednesday of the month).
3. Association Manager logs in application and supporting documents. If application is incomplete, the Association should not accept it without warning the Homeowner that it may be rejected because it lacks required or needed information. If the application is complete, or the Homeowner insists, the Association Manager will accept the application, log it in the ARC Log Book. The Homeowner will be advised that an answer to his application will be due thirty (30) days from the date of the scheduled ARC meeting that will review the application.

4. The Association Manager will give all applications to the ARC no later than the eighth working day of the month. One copy of each application will be provided to every member of the ARC and additional copies, as needed, to the Village Committee Design Review Team, if applicable.
5. Design Review Teams must make their input(s) to the ARC not later than the 12th of the month. If no input is received from the team, the ARC will process the application without it.
6. All applications received will be reviewed by the ARC at its monthly meeting. The recommendations of the Village Design Review Teams will be taken into consideration, however, the ARC has the ultimate responsibility in determining the application's compliance with the Association's rules and regulations.
7. The Association Manager will enter the ARC's decision onto the master log and will notify the applicant, in writing, of the ARC's decision within seven days following the ARC meeting.
8. The master log, completed applications, and supporting documents will be retained as permanent Association records.

What Makes an Application Complete?

An application is complete when it provides the ARC with enough information to thoroughly analyze the alteration applied for. Besides filling in all the required information on the application form, the homeowner will probably need to submit supporting documents. Some examples of supporting documents are as follows:

ITEM	REASON
Description of Alteration	Required for all applications, can be detailed or simple statement depending on the complexity of the alteration and number of supporting documents.
Copy of Physical Survey	Required for applications proposing adding new structures, relocating structures, or making landscaping changes. This will allow the ARC to see how the proposal will affect neighboring property.
Description of Materials	Will allow the ARC to maintain uniformity within the area.
Contractor's Proposal	Not required, but would provide the ARC with the maximum amount of information.

This list is not all inclusive but shows some of the documents that the ARC may require to support the applications.

What To Do If An Application is Disapproved

If an application is disapproved, the homeowner has the right to appeal the decision to the Board of Directors. The homeowner should contact the Association Manager for the procedures to file an appeal. Before filing the appeal, however, the homeowner should first consider why the application was disapproved. If the homeowner is willing to accept changes recommended by the ARC (if any are made), the homeowner can submit an amended application using the previously submitted application as a supporting document, and indicating the changes that will be made to make the application acceptable. If information was missing from the application, the homeowner should resubmit the application with the required information. In any event, any applications resubmitted will start the thirty day period again.

What If I Don't Wait For Approval?

If you start alterations without first obtaining written approval of your plans, you do so at your own risk. If you fail to submit an application or if your application is turned down or modified, you may face the cost of removing the alteration plus the cost of litigation if the civil legal system has to be utilized. These circumstances may also arise if your property has been altered without approval before you purchased it.

In cases such as those above, every effort will be made to work out a reasonable solution to the situation.

Enforcement

Observance of the covenants is the job of every resident, but enforcement is carried out by the Association. When architectural complaints are brought to the attention of the ARC and the Association Manager, they are kept confidential and are reviewed as promptly as possible. If a complaint is found to be a violation, the property owner is contacted by a formal letter and asked to correct the problem, either by removal or submission of an application, or by repair in case of a maintenance problem. Most problems can be or should be corrected at this point.

The covenants give to the Architectural Review Committee the responsibility to set rules and procedures for architectural control, and the power to interpret the covenants and allow exceptions to their restrictions. The guidelines presented here have been written by a task force of Smithy Glen residents in support of the Architectural Review Committee.

Based upon the policies and previous decisions of the ARC, the guidelines will tell what is most likely to be approved in typical circumstances, and will also provide important information on how to prepare your application.

Special circumstances regarding your property may allow the approval of an application which might be denied at another location, or the denial of one which might be approved elsewhere. The fact that your plan has been approved for use at another location does not mean that it is automatically approved for you.

To paraphrase the legal documents (Article Eight, Section Three, Smithy Glen Declaration of Covenants, Conditions, and Restrictions and Article Ten, Section Four, Amendment Three of the Coventry Declaration of Covenants, Conditions, and Restrictions): *Should an owner undertake unauthorized additions and modifications to his Townhouse, or should an owner cause any damage to the common area, or should an owner fail to maintain the lawn, grass, shrubs, trees, flower beds, gardens, or fences on the Owner's property in good order, condition and repair, then the Association shall have the right to undertake such repairs, replacements or maintenance as may be necessary, and levy a special assessment for the costs thereof against the owner.*

Major Building Additions

* See Resolution # 4, July 25, 2006

A full application is required, including drawings of the proposed addition and a copy of the homeowner's physical survey.

1. Major building additions include, but are not limited to greenhouses, porches, and room additions.
2. Because the Association, and not the homeowners, bear the responsibility to keep the exteriors and roofs of the town homes in Smithy Glen in good condition and repair, major additions involving modifications to exterior walls and roofs will not be considered without an architect's consultation and approval. Such consultation will be at the owner's expense.
3. In order to be aesthetically pleasing, the design of major additions should be consistent with the existing shape, style and size of the dwelling in the following ways:
 - a. Siding, roofing, and trim materials should be the same as, or compatible with, the existing materials of the dwelling in color and texture.
 - b. New windows and doors should be compatible with those of existing dwelling in style and color. These should also be located on walls at the same approximate height as those of the existing dwelling and be trimmed in a similar manner.
 - c. Roof eaves and fascias should be the same depth, style and approximate height as existing eaves and fascias. New roofs should be the same approximate slope as those existing on the dwelling.
4. The following conditions shall determine the acceptability of additions:
 - a. Additions should not significantly impair the view, amount of sunlight, or ventilation of adjacent residences or the public's use or enjoyment of open space. New windows, doors, or viewing areas from the addition should not impinge upon existing internal or external private areas of adjacent residences.
 - b. New additions should not create situations in which adjacent neighbors will have difficulty adding to, modifying, or maintaining existing dwellings.

- c. The addition must not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions.

NOTE: It is recommended that before any digging is initiated the applicant call MISS UTILITY 1-800-552-7001 to have existing utilities located and marked.

Covenant Clarifications

General: This section has been created to amplify on the Covenants and Use Restrictions as they apply to Smithy Glen. There are differences between the separate Villages within COVENTRY and what applies to one Village may not apply to another.

These are layman interpretations. Where there is still room for interpretation, the basic covenants prevail. The italicized paragraphs below have been extracted from Article Five (Use and Occupancy Restrictions) of Smithy Glen's covenants and are followed by explanations, interpretations, and comments developed by the Smithy Glen Interim Board of Directors and an ad-hoc Rules Committee.

References

The following references were used in the preparation of this guide:

- *Declaration of Covenants, Conditions and Restrictions of Coventry, As Amended*, 30 January 1988, 9 May 1991, 18 July 1991, 13 January 1995, October 1995.
- *Declaration of Covenants, Conditions and Restrictions of Smithy Glen*, 9 November 1990
- *Architectural Control Design Review*, CAI-Community Associations Institute, 1986
- *Strategies for Successful Enforcement of Rules and Deed Restrictions*, CAI-Community Associations Institute, 1992

USE RESTRICTIONS - Smithy Glen

A - Use of Residence

No Owner shall occupy or use his Townhouse, or permit the same or any part thereof to be occupied or used, for any purpose other than as a private, single-family residence for the Owner's immediate family, lessees, servants or guests.

Self explanatory.

B - Parking and Storage in the Common Area

Except for parking passenger automobiles in the designated parking spaces, nothing shall be stored by any Owner in the Common Area without the prior consent of the Association, and no waste shall be committed in or to the Common Area.

The Developer may, within the provisions of the Master Plan, make modifications to Common Property for the purpose of providing common amenities, however, no other party may make any alteration to Common Property without specific written approval from the Association.

C - Use of Garages

Any parking garages constructed as part of a Townhouse within the Project are to be used for automobile parking only, and may not be converted into living space without the prior consent of the Association.

Self explanatory.

D - Subdividing Lots

Except as reserved to the Declarant, no Lot may be divided, re divided, or subdivided, nor may any portion thereof be sold or otherwise transferred, except in its entirety.

Self explanatory.

E - Increase of Liability

No Owner shall do or keep or permit anything to be done or kept on any Lot or in the Common Area which will increase the rate of insurance on the Project, result in cancellation of insurance on any Townhouse or on any part of the Project, or be in violation of any law without the prior consent of the Association.

This is a catch all statement for the protection of Smithy Glen and Coventry as a whole. It pertains to landscaping that causes changes in drainage or runoff, the construction of unsafe structures, or structures that present a dangerous situation such as blocking easements for utilities maintenance

or access for emergency services. Unsafe structures may be defined as but not limited to trampolines and slip and slides.

F - Signs

No sign of any kind shall be displayed to the public view on or upon any Lot or Townhouse or in the Common Area without the prior consent of the Association, except as provided in Para L below.

Signs are used to communicate and not meant to be a distraction. Permanent signs are put in place by the Master Association. These include: Stop signs, street signs, development signs, neighborhood watch signs, and mailbox identification. All other signs are temporary. These include: Political, business, and yard sales. Temporary signs such as "house direction" signs and "yard sales" should be free-standing and may not be tacked in any way to permanent signs. Temporary signs should not be a distraction/eye sore and must be policed up no later than 8:00 AM to the day following the event.

Political signs cannot be placed in the-common areas without written permission from the Master Association. Political signs no larger than 18" X 36" may be placed on private property. They may be displayed up to one month before an election and must be removed 48 hours after the election.

Other signs or plaques that identify the house number/address or name of the resident must be approved by the Master Association if they vary significantly from conventional numbers on a porch or front entrance. (Reference ARC Guide Lines: Residential ID signs/House Numbers.)

G - Animals

No animals, livestock, or poultry of any kind shall be raised, bred, or kept upon any Lot or within in any Townhouse thereon or in the Common Area, except such dogs, cats, or other household pets as may be permitted by the rules and regulations adopted by the Association .

Dogs, cats, birds and fish are examples of appropriate pets. Pets must not be permitted to disturb neighbors with continued howling, barking or other loud animal noises. Homeowners are restricted to two four legged pets.

Pet excrement must be promptly removed from the property of neighbors and from common areas by the pet's owner if the pet is permitted outside the owner's property lines. Regular cleanup of one's own property is required to prevent odor and unsightliness from becoming public nuisances.

NO animals should be allowed to run free. All dogs must be on a leash. Animals on the loose are considered stray and are subject to pick up by the SPCA.

Tethering animals on or in reach of common property is prohibited. When tethering your animal, consideration of your neighbors needs should be uppermost in your mind.

H - Nuisances

No nuisances shall be allowed in or upon any Lot or Townhouse or the Common Area, nor shall any use or practice be allowed which interferes with the peaceful occupancy and use of any Townhouse or the Common Area by the Owners.

Anything that annoys and disturbs a resident of the community, rendering the normal use or occupation of their property physically uncomfortable shall be considered a nuisance.

Irresponsible use of bicycles, skateboards and roller blades will not be tolerated. (i.e. darting in and out of traffic, cutting corners or across lawns, erecting ramps on sidewalks. *(No motorized scooters)*)
** See Policy Resolution #3, September 26, 2000*
A public nuisance is one which affects others living in Smithy Glen. This shall include, but is not limited to, loud noises (such as those created by portable basketball hoops and trampolines) and music, unprovoked continuously barking dogs, discharging of firearms or fireworks or any other related public nuisance. A dog which has been declared as "vicious" by York County's Animal Control Division shall be considered a public nuisance within Coventry.

A private nuisance is one which affects one's personal interest in the private use and enjoyment of their property by any type of liability-creating action. This shall include, but is not limited to, willful destruction of private property, unsightly structures and unsafe structures (Dog houses, trash piles, playhouses, decks and fences) or any other related private nuisance.

I - Improper Use

No immoral, improper, offensive or unlawful use shall be made of any Lot or Townhouse thereon or any part of the Common Area.

Self explanatory

J - Leases

Except as provided in Para L below, Townhouses may be rented by the Owner only if the Townhouse is occupied by the lessee and his immediate family, servants and guests, and only if the minimum term of any such rental and occupancy shall be one (1) month.

This provision prevents any owner from turning his dwelling into a motel or bed and breakfast.

Rental owners are encouraged to require leases of six months or more. Longer leases are more likely to foster tenant loyalty to our community and to maintain property values for all homeowners.

K - Association Rules & Regulations

Reasonable rules and regulations concerning the use of the Common Area and conduct of the Owners, their families, guests, tenants, agents and invitees within the Project may be made, amended and

revoked from time to time by the Board of Directors of the Association. Copies of rules and regulations and all amendments thereto shall be furnished by the Association to all Owners and residents of the Project upon request.

Self explanatory

L - Interfering with Developer

No Owner nor the Association shall interfere in any way with the completion of the contemplated improvements of the Lots by the Declarant. The Declarant may make such use of the unsold Lots as may in its judgment facilitate such completion and sale to the extent otherwise set forth in this Declaration. The Declarant may display such signs as it deems necessary and appropriate in its sales efforts. The Declarant shall have the right to lease any unsold Lot and Townhouse thereon upon any terms it desires, notwithstanding the provisions of paragraph J above..

The above statement deals with Developer owned property only.

M - Use of Common Area

Except for the right of ingress and egress, an Owner shall use the Common Area only as may be allowed by the Association or expressly provided for herein.

Self explanatory. ↵

USE RESTRICTIONS - Coventry Master Association

The restrictions in this section are extracted from the Article Nine - Use Restrictions, Coventry Declaration of Covenants, Conditions, and Restrictions and are applicable to Smithy Glen owners insofar as the Village is zoned as a *Single Family-Attached* area.

A - Home Businesses

No Owner shall occupy or use his or her Residential Unit, or permit the same or any part thereof to be occupied or used, for any purpose other than as a private, single-family residence for the Owner's immediate family, lessees, servants or guests, including, but not limited to, a home business, unless the same has been approved by the Board of Directors. Owners shall make a written request to conduct any home business in his or her Residential Unit to the Board of Directors before business operations begin.

No signs or other advertising are allowed that would create traffic.

Approved businesses should be conducted by mail, phone, or by traveling to the customer from the residential office. Approved businesses should be invisible.

Any parking garages constructed as part of a residence are to be used for automobile parking or storage only and may not be converted into office space without the prior consent of the Association.

B - Model Homes

The provisions of this Section shall not prohibit the Declarant from using a house or other dwelling units as models.

Self explanatory.

C - Timely Construction

The exterior of all houses and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible, or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities. Houses and other dwelling structures may not be temporarily or permanently occupied until a certificate of occupancy has been issued thereon by the County of York, Virginia. During the continuance of construction, the Owner of the lot shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.

This paragraph only applies during the construction phase of development.

D - Screened Areas

Each lot owner shall provide a screened area in which garbage receptacles, fuel tanks or similar storage receptacles, clothes lines, above ground swimming pools, and other unsightly objects must

be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screened area delineating the size, design, texture, appearance and location must be approved by the Architectural Review Committee prior to construction. Garbage receptacles and fuel tanks may be located outside of such screened area only if located underground.

The intent of this guideline is to, screen from public view the types of objects mentioned in the corresponding paragraph of the Coventry covenants. Screening can be accomplished with landscaping, fencing, or architectural materials that are similar in color and style as the primary structure on that lot. Landscaping materials used for screening must ensure that plant growth will screen effectively year-round and from all applicable angles. All proposed screening must be approved by the ARC.

In any neighborhood, garbage and trash storage is particularly important. Improper storage can lead to not only a shabby appearance, but also health and odor problems.

All garbage and trash stored within Smithy Glen must be kept in covered containers and, except for a reasonable amount of time to permit collection, these containers at no time shall be visible from neighboring property. Hence, all garbage and recycle containers must be kept inside a privacy fence, shed, garage or other concealed area.

Garbage containers and recycle bins must be placed at the street side only on the mornings of collection days and removed no later than 7:00 PM of that same day. Only plastic or metal garbage cans with covers can be used. Your unit number and street name must be marked on both the cover and the can.

E - Parking

Each lot owner shall provide two (2) spaces for the parking of automobiles off streets prior to the occupancy of any building or structure constructed on said property in accordance with reasonable standards established by the Declarant.

Not applicable to Smithy Glen because parking spaces are assigned. See paragraph "P".

F - Mobile Homes, Boats, & Trailers

No mobile home, trailer, tent, barn, or other similar outbuilding or structure shall be placed on any lot at any time, either temporarily or permanently. Boats and boat trailers may be maintained on a lot, but only within an enclosed or screened area approved by the Architectural Review Committee such that they are not generally visible from adjacent properties.

Self explanatory.

G - Temporary Structures

No Structure of a temporary character shall be placed upon any lot at any time; provided, however, that this prohibition shall not apply to shelters or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary

shelters may not, at any time, be used as residences or permitted to remain on the lot after completion of construction. The design and color of structures temporarily placed on a lot by a contractor shall be subject to reasonable aesthetic control by the Declarant.

Self explanatory.

H - Externally-Mounted Devices

No television antenna or satellite dish, radio receiver or sender or other similar device shall be attached to or installed on the unit owner's lot or exterior portion of any building or structure without the approval of the Master Association.. Window air conditioning units, aluminum or vinyl awnings will not be permitted..

Self explanatory.

I - Lot Boundaries

No lot shall be subdivided, or its boundary lines changed, nor shall application for same be made to the County of York, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors or assigns, the right to replat any lot or lots owned by it and shown on the plat of any subdivision within the Development in order to create a modified building lot or lots; and to take such other steps as are reasonably necessary to make such replatted lot suitable and fit as a building site including, but not limited to, the relocation of easements, walkways, rights of way, private roads, bridges, parks, recreational facilities and other amenities to conform to the new boundaries of said replatted lots. The provisions of this paragraph shall not prohibit the combining of two or more contiguous lots into one larger lot. Following the combining of two or more lots into one larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.

Self explanatory.

J - Fences

No chain link fences are allowed on any portion of a lot. Fences shall only be constructed of wood, masonry, or other material approved by the Architectural Review Committee. No fences shall be erected, placed, or permitted to remain on any lot nearer to any street than the front of the house constructed on the lot.

Self explanatory.

K - Mail Boxes

No mail and newspaper boxes shall be permitted along the streets unless required by the appropriate governmental authority, in which event, all such mail and newspaper boxes shall conform to a standard Development design approved by the Architectural Review Committee of the Association

Smithy Glen has United States Postal Service-approved, cluster mail boxes, therefore, individual mail boxes in front of residences are not allowed.

L - Overnight Parking

Overnight parking in the street will not be permitted except on an emergency basis.

Self-explanatory.

M - Ungaraged Vehicles

No more than three ungaraged vehicles will be permitted to be consistently parked on the premises, and these must be in the driveway or on a parking apron off the driveway. These vehicles will be restricted to licensed, operable automobiles, mini-vans and pickup trucks not to exceed 3/4 ton in capacity.

Not applicable to Smithy Glen.

N - Large Vehicles, Trailers, & Boats

Pickup trucks over 3/4 ton capacity, recreational vehicles, boats and boat trailers must be garaged. Recreational vehicles and boats too large to garage and large vans may be stored behind the house on a parking apron with suitable screening to minimize unsightliness and with a total of one per lot. The parking and screening must be approved by the Association. Tractors, trailers, buses, commercial vans and non-pickup trucks over 3/4 ton capacity are not permitted.

Self explanatory.

O. Vehicle - Abandoned or Inoperable

No junk, derelict, abandoned or inoperable vehicle or other vehicle on which current registration plates and City and State stickers, as required, are not displayed, shall be kept upon any property or street, public or private. Vehicle repairs other than light maintenance are not permitted on the Common Property. The Board of Directors shall have the power to tow or "boot" any vehicle in violation of this subparagraph upon ten (10) days prior written notice to the property owner or, in the event the property owner is unknown, by affixing such written notice to such vehicle for a three (3) day period and such vehicle will not be permitted to return until such time as the owner presents evidence to the Board of Directors that the violation has been corrected.

* See Policy Resolution # 2016-1

Self explanatory.

P. Parking

No vehicle shall park in an area designated as a non-parking area or in any reserved or designated parking area which has not been reserved or designated to such vehicle.

Parking in other than paved parking spaces will not be tolerated and will result in the vehicle being towed.

Parking Lots are Common Areas. Two parking spaces are designated to each townhome except for the Chatous' parking lots which are not marked. Requests for additional spaces must be applied for through the Smithy Glen Association. The Association has a right to charge a fee for the extra space.

USE RESTRICTIONS - Recreational Facilities

A - Liability

All persons using any of the recreation facilities which may be placed on the Common Property do so at their own risk and sole responsibility. The Master Association and the Declarant do not assume responsibility for any occurrence, accident or injury in connection with such use. No Owner or occupant of a Residential Unit shall make any claim against the Master Association or the Declarant, their servants, agents, or employees, for or on account of any loss or damage to life, limb or property sustained as a result of or in connection with any such use of any of the recreational facilities. Each Owner and occupant of a Residential Unit shall hold the Master Association and the Declarant harmless from any and all liabilities and any action of whatsoever nature by any tenants, guests, invitees or licensees of such Owner growing out of the use of the recreational facilities, except where such loss, injury or damage can be clearly proved to have resulted from and been proximately caused by the direct negligence of the Master Association or the Declarant or their agents, servants or employees in the operation, care or maintenance of such facilities.

Self explanatory.

B. - Damage

Any damage to any building, recreational facility or other portion of the Common Property or improvements therein caused by an Owner or such Owner's pets shall be repaired at the expense of the Owner.

Self explanatory.

ARCHITECTURAL GUIDELINES

NOTE: "Visible from Neighboring Property" shall mean, with respect to a person six feet tall, standing on any part of such neighboring property at an elevation no greater than the elevation of the base of the object being viewed. * See Resolution # 2014-1

Antennas/Satellite Dishes

Satellite dishes and like devices can have a sizable effect on a community's appearance and therefore must have the approval of the Architectural Review Committee. Careful consideration of mounting location is critical to the best reception. Consideration must also be given to the structural integrity of the building. The following guidelines will be considered when approving your request:

1. Screened in the back yard if visible to neighboring property.
2. Unscreened in the back yard if the yard is fenced.
3. On the roof, but below the roof line.
4. On the chimney but painted for blending purposes.
5. In the side yard or front yard if appropriately screened.
6. May not be placed on common property.
7. Professional installation is required because the roof and roof structure is a reserve item. Damages incurred as a result of installation will be the responsibility of the homeowner.

The application must include the locations of the antenna on the property plat or if mounted on the house, the location must be shown on a photograph of the house.

Attic Ventilators (Exterior)

Because any attic ventilator exteriorly installed on a unit will be visible from neighboring property, all such ventilators require an application for variance.

The following guidelines are intended to help balance individual economic interests with neighborhood aesthetic concerns:

1. No part of the ventilator should be visible from a street.
2. The ventilator should protrude no more than twelve (12) inches above the roof surface.
3. To camouflage the ventilator, all exposed parts should be painted the color of the surface the ventilator penetrates.

4. Blocking air flow through the ventilator should be accomplished from the inside of the unit.

Awnings

Awnings can have a considerable effect on the appearance of both a unit and the surrounding neighborhood, therefore, a variance application must be submitted.

The ARC will review these applications based on the following:

1. Compatibility with the unit's architectural character and consistent with other units in your building.
2. Design of the awning should be straight forward without decorative fringes, etc.
3. Awnings should be a solid color to match the shutters of the building.
4. Materials will be fabric , i.e. vinyl coated or PVC coated.
5. Awnings will cover no more than the upper sash of a window.
6. Based on the design of the individual unit, the ARC may require that all windows and doors in that part of the unit be covered
7. Patio awnings can be stationary, manual or automatic. Full detail is required on your application.

If the proposed awnings will be removed for winter storage, frames must also be removed. Brackets may remain attached to the unit if the color is maintained the same as the background.

Basketball Backboards

Neither portable nor permanently installed basketball backboards are allowed in Smithy Glen. Because of the size of lots and the closeness of residences in Smithy Glen, there is no effective way to screen the noise and vibrations of basketball backboards from one's neighbors nor is there adequate space to play without trespassing upon neighboring property.

Boat Storage

The only approved area for storage of boats and boat trailers in Smithy Glen is in a garage or inside the privacy fence of your townhome. The boat must not be able to be seen above the privacy fence.

Clothes Lines

Clothes lines are to be screened from view (i.e., clothes lines cannot be visible from neighboring property). Since the height and length of clothes lines do not lend themselves to effective and attractive screening, clothes lines are discouraged. ARC approval is required.

Decks

A complete application to the ARC is required for a deck.

Applications should include the following:

1. A description of the materials to be used.
2. An illustration of the proposed deck, including railings and stairs, dimensions and height above grade.
3. An explanation of any relocation of windows or doors, meter, and heating/air conditioning units.
4. A description of any changes in exterior lighting (refer to residential lighting).
5. A description of plantings to be removed for construction of or added in conjunction with the deck.

All visible wood portions should be similar to the existing fencing and weather treated accordingly. York County requires a building permit be obtained prior to constructing a deck. Contact the Department of Codes Compliance.

Dog Houses & Dog Runs

Unless visible from neighboring property, dog houses do not require a variance application to be submitted. Dog runs are prohibited in Smithy Glen.

For additional information, see "G" Smithy Glen Use Restrictions.

Driveways & Curbs

Additional driveways, parking aprons or extensions of existing driveways are not allowed in Smithy Glen. This does not apply to additions or extensions made by a Builder at time of the original sale.

Owners of townhomes in Smithy Glen are responsible for maintaining their respective driveways and parking spaces. Owners are responsible for keeping curbs neat and free of debris.

Exterior Repairs (Siding and Roofs)

The maintenance and repair of the exteriors of the townhomes are the responsibility of the Association who has the sole right to determine the method and manner in which such repairs and/or maintenance is to be performed. The Association will furnish all labor and materials needed to accomplish the same. Minor repairs may be done by the homeowner at his/her expense. All repairs must be coordinated through the Association Manager. Approval of the ARC will be needed if changes will be made to the original design or materials used.

Fences

A complete application to the ARC is required before making any modifications to the builder installed fencing. Townhomes without builder installed fences must apply to the ARC before constructing a fence. New or modified fences should conform to the fences installed by the builder on the majority of the units in Smithy Glen. The official type of fence in Smithy Glen has a lattice top.

No application is required to weatherproof fences with a clear sealant. Shared fences must be treated with the same type of sealant within 30 days to maintain a uniform appearance. Any stain that would color the wood is not permitted. * See Resolution # 2015-2 Paragraph 2

Repairs to the original or ARC-approved fencing do not require an application. However, damaged fencing should be repaired within thirty (30) days of damage occurrence, and repairs must duplicate the original or approved fencing. Replacement should be the lattice topped style.

Grills (Permanent)

An application to the ARC is required for permanent grills which are visible from neighboring property. If the grill is not visible, no application is necessary. Grills may be located only in the patio or fenced area.

Gutters and Down Spouts

When replacing existing gutter and/or down spout or portions thereof, no variance application is necessary. However, an application is required if altering, e.g. changing color, or relocating the existing systems. Prior to installing gutters and/or down spouts additional to those present at the time of the original sale, a variance application must be filed with the ARC and installation coordinated with the Association Manager. Applications for below ground gutter drainage systems must be accompanied by a diagram of the property, proposed installation, and termination point.

Heating and Air Conditioning Units

Before installing an external heating and/or air conditioning unit additional to that installed by the Subdivision Builder, a variance application must be filed with the ARC. An application is also necessary when relocating the builder-installed unit.

DATE: September 24, 1999

MEMO TO: Smithy Glen Board

FROM: Cathy Thompson 

RE: Exterior Surfaces

Per Kate Helwig of Community Group, doors and windows are usually not considered a component of the exterior surface. However, brick molding and framing are considered parts of the exterior.

Irrigation Systems and Wells

An application to the ARC is required for underground lawn sprinkling systems. Wells for such systems also require approval.

Landscaping

Application is required if any deviations from the builder's original landscaping plan are to be made that alters the slope/drainage characteristics of the property, significantly alters the appearance (especially from the street), or creates features potentially hazardous to the safety of others. This would not include mulching, planting of small shrubs or flowers in flower beds. Since installation of a rock garden constitutes a change in landscaping and because these gardens may create new and possibly undesirable drainage patterns for adjacent properties, rock gardens require an application for variance.

The Hamlets and the Villas of Smithy Glen are maintained by the Association's landscape contractor. Owners are encouraged to help maintain the flower beds. Owners may make changes to the original landscaping plans by filing an "Adopt-a-spot" application with the Landscape Committee.

It is the homeowners responsibility in all other areas of Smithy Glen to keep landscaping and grass neatly trimmed, properly cultivated and free from all trash, weeds, and other unsightly materials. Lawns are required for soil stabilization. Grass height shall not be permitted to exceed 5 inches at any time except on newly established lawns.

Each application will be considered on an individual basis.

Lighting (Decorative)

Holiday lighting shall not be operative prior to Thanksgiving, and not later than the following 7th of January. It must be totally removed by January 22nd. The ARC suggests that you make sure your lighting display is not objectionable to your neighbors or adjacent properties, or across the street from you.

Festive lighting during other times of the year requires approval from the ARC.

Lighting (Residential)

The replacement of an existing light fixture, if accomplished with a realistic match to the old fixture, does not require approval from the ARC. If a change in style, size, shape, color or positioning is desired, or if additional light fixtures are to be installed on existing structures, an application is required.

Lighting and Wiring (External)

Permanent exterior lighting and wiring requires a full application. All exterior lighting should be installed so as not to shine on adjacent property, and should be aesthetically planned for each location.

Security lights, flood lights and various types of high output lights should be considered more carefully because of the potential impact on neighboring properties. Light fixtures for this application should be carefully aimed so that they illuminate only a specific area, such as a doorway. Some high output light fixtures may have to be shielded in a manner similar to some street light installations to prevent unwanted or excessive intrusion of light from one property to another. A full application is required.

The ARC recommends that before any digging is initiated, the applicant call MISS UTILITY 1-800-552-7001 for existing locations of utilities.

Painting (Exterior)

To insure a continued attractive neighborhood appearance, exteriors of all living units and of accompanying structures must be kept neatly and adequately painted. The Association is responsible for painting the exterior of buildings. Any touch up painting by the owner must be coordinated through the Association Manager.

To change colors in Smithy Glen, the whole building must be painted at the same time and the color change agreed to by all owners in the building. An ARC application will be needed.

The ARC will consider color change applications on the basis of the following:

1. The material used to affect the change, i.e. the type of paint to be used.
2. The effect of the proposed color combination on neighborhood appearance.

More specifically, the ARC will review the proposed combination itself, the new combination in conjunction with the unit's shingle and siding color, and the visual effect of the proposed colors on the immediate neighborhood. In general, the ARC recommends that proposed colors be consistent with those already in Smithy Glen. The Committee also advises no more than three (3) different colors on a particular unit.

Patios and Walkways

A complete application to the ARC is required for walkways which extend outside existing fences to include stepping stones.

Play and Recreation Equipment

Play equipment which will not be visible from neighboring property does not need an application for variance.

A complete application to the ARC is required if the proposed equipment will be visible. All play equipment should be located within your fenced in area. Equipment that would pose a public or private nuisance will not be permitted.

Residential Identification Signs (House Numbers)

The builder installed numbering system is adequate for any emergency situation such as police, fire department or rescue personnel in locating your home. Any additions or changes to this would require a complete application to the ARC.

Warning signs (Beware of Dog, Security Alarms by XXXX, etc.) must be commercial quality and kept in good condition. Application, with strong justification, is required for such signs exceeding 120 square inches in size.

Restyling

Restyling is any relatively permanent change which alters the exterior appearance of a unit. It includes the addition of or change in porches, porch railings, shutters, storm doors, security doors and windows, etc.

If the proposed alterations will be visible from neighboring property, a variance application must be filed. The application should be thorough and should include a detailed plan specifying the materials to be used, paint and/or stain colors, dimensions, and any other pertinent information. A sketch of the completed project should be also provided.

The ARC will review each plan based upon appropriateness of the alteration, the suitability of the proposed materials, and both the physical effects and the visual impact of the alterations on neighboring properties.

The ARC advises fashioning alterations in accordance with the unit's original style. Alterations should have minimal physical and visual effects on neighboring and adjacent properties. Finally, check with the York County Department of Codes Compliance for the necessary permits.

Rock Gardens

See LANDSCAPING.

Security Doors

A complete application to the ARC is required for Security doors. Security doors must have plain bars and be all white or colored to match the exterior color. Design of all doors must be consistent with the architectural character of the residence as well as the community.

Sheds and Tool Storage

A complete application to the ARC is required for sheds or other storage structures that are visible above the fence. All storage sheds must be within your fenced in area. The structure should be nonmetal and stained or painted to match the townhome. * See Resolution # 2012-1

Smokestacks and Chimneys

Whenever an additional chimney or smokestack is to be built, an application must be filed with the ARC. In such instances, special care is needed to arrive at an architecturally suitable design. The ARC will consider applications on a case by case basis.

The following are some generalized guidelines:

1. New chimneys should resemble original chimney with respect to style, material, etc.
2. When a chimney is to be added next to the original chimney both flues should be run through the same enclosure.

Staining (Exterior)

See PAINTING (EXTERIOR)

Statues, Fountains, & Ornaments

A complete application to the ARC is required for any statue, fountain and/or ornament, including but not limited to flag poles, window boxes, weather vanes, and bird baths. Proposed statues, fountains and ornaments should have minimal visual and physical impact on neighboring properties.

Storm Doors / Screen Doors

A complete application to the ARC is required for storm and screen doors. Doors visible from the front of the property must be 1" thick wood (painted to match house trim), or 1.25" aluminum baked on enamel. Half-glass or cross buck doors are not permitted. Temporary doors will not be approved. * See picture of Approved Doors

Swimming Pools

Since no units within Smithy Glen have yards suitable for private pools, both in and above ground pools are prohibited. Inflatable and plastic wading pools do not require an application however, they should not be left out over night.

Hot Tubs and Spas

A complete application to the ARC is required for hot tubs and spas.

The ARC's primary concern is the effect of drainage upon adjacent lots. Consideration for application review are:

1. Whether installation requires excavation, and if so, the effect of excavation upon adjacent properties.
2. Where siphoning into the yard will be the means of drainage, the gallon capacity of the proposed tub or spa relative to yard dimensions.
3. If the tub or spa will be visible from neighboring property, the visual effect on adjacent properties.

York County requires owners to obtain a building permit prior to installing a hot tub or spa.

Remember that any structure to be built in conjunction with the proposed hot tub or spa (e.g. trellis, decks, etc.) not only may require a building permit, but also will require a variance application if the structure will be visible from neighboring property. Finally, once installed, hot tubs and spas must be operated so as not to become a nuisance.

Trash Storage and Collection

In any neighborhood, garbage and trash storage is particularly important. Improper storage can lead to not only a shabby appearance, but also health and odor problems.

All garbage and trash stored within Smithy Glen must be kept in covered containers and, except for a reasonable amount of time to permit collection, these containers at no time shall be visible from neighboring property. Hence, all garbage containers and recycle bins must be kept inside a privacy fence, shed, garage or other screened area.

Garbage containers and recycle bins must be placed at street side only on the mornings of collection days and removed no later than 7:00 p.m. of that day. Only plastic or metal garbage cans with covers can be used. (Plastic bags and cardboard boxes can not be used as trash containers.) Your unit number and street name must be marked on both the cover and the can.
** See Resolution # 2015-1*

Trellises

A complete application to the ARC is required for trellises. Generally, trellises detract from the overall uniform appearance of townhomes. Applications must include drawings and measurements of the intended placement. Trellises within fenced areas must not show above the fence and will not require an application.

Vegetable Gardens

Only vegetables that can be grown in small garden areas within your privacy fence are permitted. No application is required. No growth should extend above the fence. No fruits or vegetables may be planted in the flower beds in front of or around the townhomes.

Vehicle Repairs

Except with the approval of the Master Association, no mobile home, trailer of any kind, truck (larger than 3/4 ton), camper or permanent tent or similar structure can be kept or placed for a period of more than forty-eight (48) hours, or maintained, constructed, reconstructed, or repaired, upon any property or street within Smithy Glen in such a manner as will be visible from neighboring property. The provisions of this paragraph shall not apply to emergency vehicle repairs.

A variance for boats, trailers, RV's or repairs is not required provided the vehicle or repair is contained entirely within the garage, i.e. the garage door must close completely.

Woodpiles

Woodpiles do not necessitate filing a variance application. However, all woodpiles must be located within the privacy fence area and not visible above the fence.

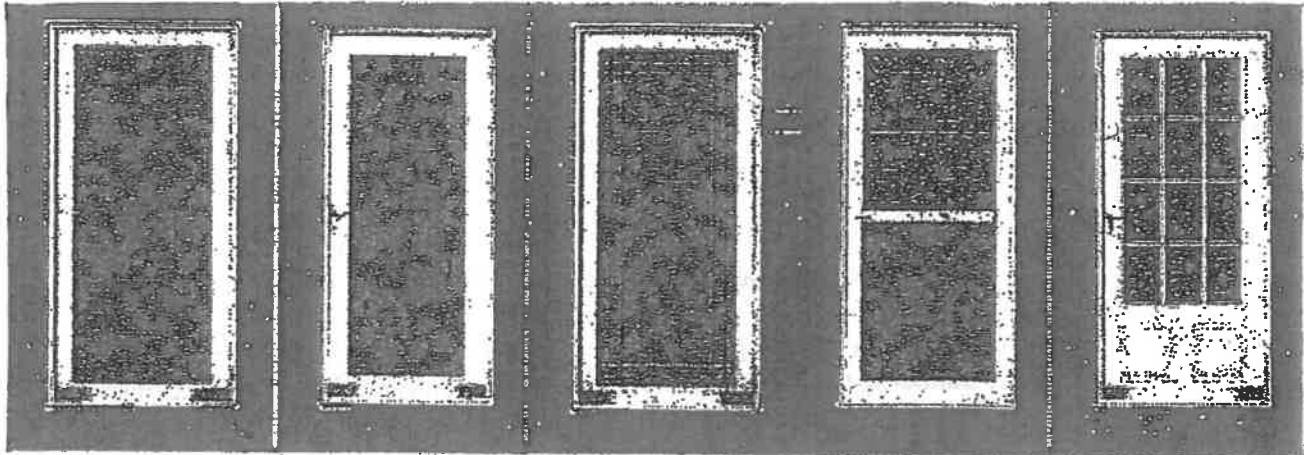
OTHER ALTERATIONS

When a guideline is not available for the project you are proposing, a complete application should be filed.

SMITHY GLEN

Storm Doors/ Screen Doors

Storm and Screen doors visible from the front of the property must be 1.25" aluminum (anodized or baked on enamel). All storm doors shall be full glass type or ¾ aluminum decorative grids as below. Door installations require approval of the Architectural Review Committee. Half-glass or cross buck doors are not permitted. Temporary doors will not be approved. **NOTE:** Installing a storm door may cause thermal deformity to plastic door trim.



Clear Glass

Clear design

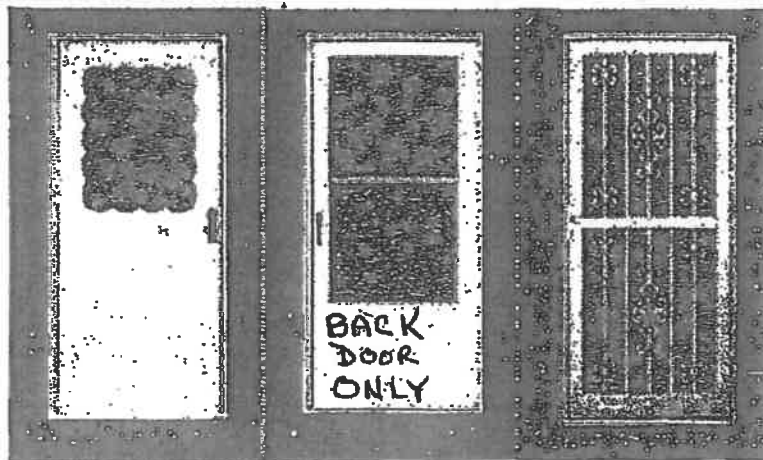
Clear Etched

Full View

¾ view
divided panes

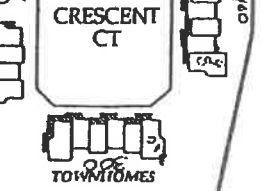
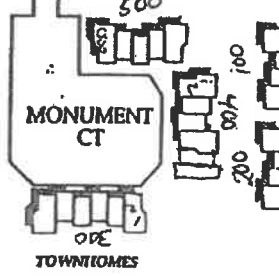
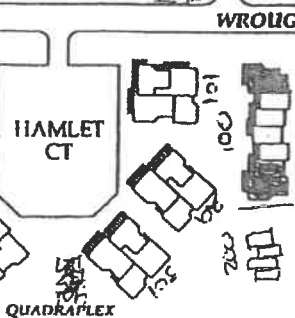
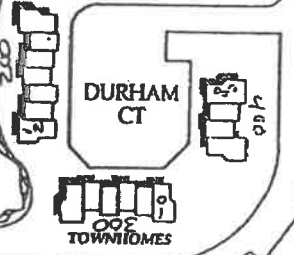
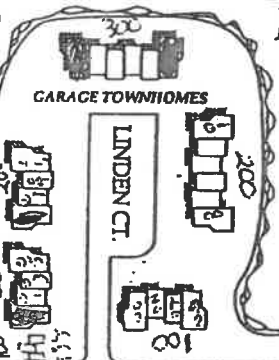
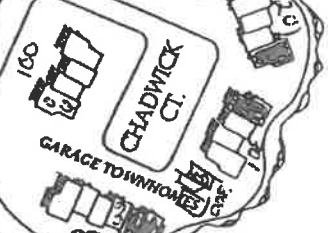
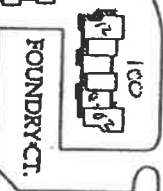
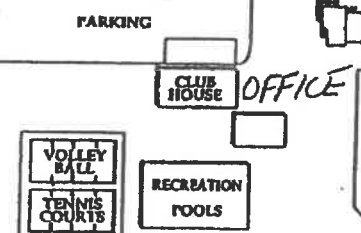
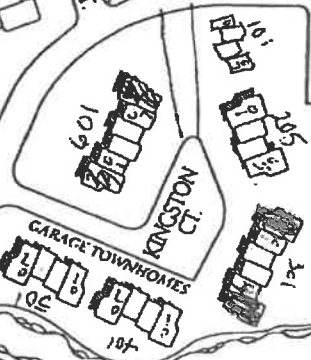
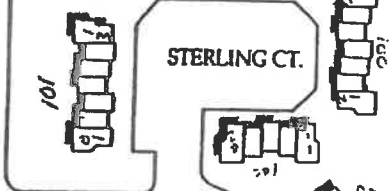
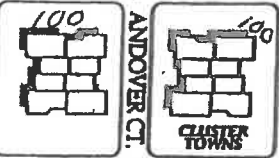
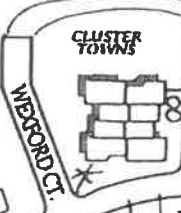
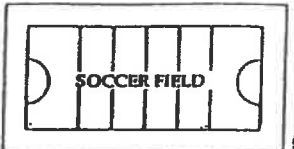
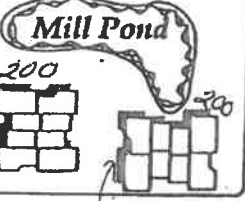
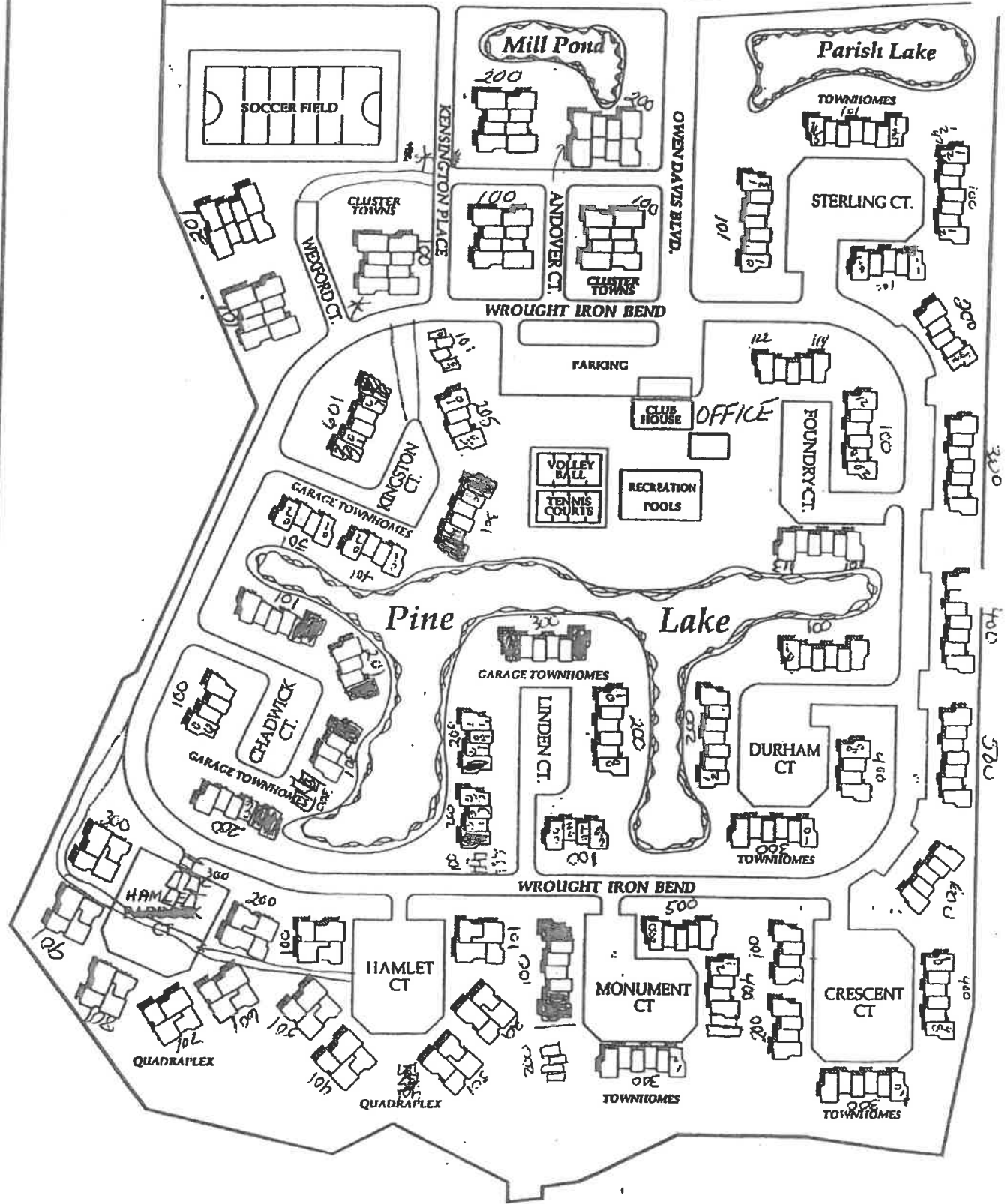
Above doors meet approved standards.
Preferred door color should match house trim.

(IF A DOOR HAS SELF-STORING SCREENS (AS WITH THE FULL VIEW)
THE SCREENS WILL BE KEPT FREE OF TEARS



↑ THESE DOORS WILL NOT BE APPROVED ↑

COVENTRY BOULEVARD



Smithy Glen Townhomes Owner's Association, Inc.

**Policy Resolution # 2016-1 Car Covers
Effective Date: March 22, 2016**

WITNESSETH:

At a duly noticed, regular meeting of the Board of Directors of Smithy Glen Townhomes Owner's Association, Inc., a Virginia non-stock corporation (the Association), held on March 22, 2016 at which a quorum was present, the Board of Directors did hereby approve the following action:

WHEREAS, Article Six, Section Four of the Declaration of Covenants, Conditions, and Restrictions for Smithy Glen Townhomes provides: *In the administration of the project, the Association shall have, and is hereby granted, the authority and power to adopt, promulgate and enforce such Rules and Regulations governing the use of any Lot and any Townhouse thereon and Common Area as the Board of Directors of the Association may deem to be in the best interest of the Project:*

AND WHEREAS, Smithy Glen Guidelines for Architectural Modifications and Property Use Restrictions, page 14, Section O-Vehicle-Abandoned or Inoperable states; *"No junk, derelict, abandoned or inoperable vehicle on which current registration plates and City and State stickers, as required, are not displayed, shall be kept upon any property or street, public or private... .."*

AND WHEREAS, Article Five, Section One A states; *"Except for parking passenger automobiles in the designated parking spaces, nothing shall be stored by any owner in the Common Area without the prior consent of the Association....."*

AND WHEREAS, the Association must have a means of identifying inoperable vehicles in order to keep our property from becoming a dumping area for unused vehicles.

NOW THEREFORE, BE IT RESOLVED, that the following guidelines shall be added to the Smithy Glen Property Use Restrictions Guidelines for Vehicles, Page 14 as follows:

If any vehicle (Automobile /motorcycle) is covered in common area or on private property, the following shall be enforced:

- 1- Current registration plates must be visible OR
- 2- A copy of the current inspection (pink slip) and current registration shall be presented to the Coventry office. The office will make a copy and file it in the homeowner file.
- 3- A statement of reason for the cover shall be presented to office.
- 4- Covers must be form fitting for the make of the vehicles- not oversized tarps.

FURTHER, RESOLVED that the officers, directors and Site Administrator of the Association are hereby authorized to perform such other or further acts as shall be necessary to carry out the intent of this resolution.

This Resolution shall be included with the Minutes and the Property Use Restrictions Guidelines of the Association.

SMITHY GLEN TOWNHOMES OWNER'S ASSOCIATION, INC.

Attest Robert Fitzmaurice March 22, 2016
President, Rob Fitzmaurice Date

Kathleen Aiello Mar. 22, 2016
Secretary, Kathleen Aiello Date

Smithy Glen Townhomes Owner's Association, Inc.

**Policy Resolution # 2015-2 – Fence Colors
Effective Date: March 24, 2015**

WITNESSETH:

At a duly noticed, regular meeting of the Board of Directors of Smithy Glen Townhomes Owner's Association, Inc., a Virginia non-stock corporation (the Association), held on March 24, 2015 at which a quorum was present, the Board of Directors did hereby approve the following action:

WHEREAS, Article Six, Section Four of the Declaration of Covenants, Conditions, and Restrictions for Smithy Glen Townhomes provides: *In the administration of the project, the Association shall have, and is hereby granted, the authority and power to....adopt, promulgate and enforce such Rules and Regulations governing the use of any Lot and any Townhouse thereon and Common Area as the Board of Directors of the Association may deem to be in the best interest of the Project;*

AND WHEREAS, the original Guidelines stated that fences should be treated with a clear sealant.

AND WHEREAS, over the years Smithy Glen homeowners have not adhered to the Guidelines resulting in an array of colors and not being uniform as our documents state. The Board also feels that these different fence colors have an adverse impact on the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the Property Use Restrictions Guidelines for FENCES, Page 19 are changed as follows:
Paragraph 1 and 3 will remain the same.

Paragraph 2 will now read: No application is required to weatherproof fences with only OLYMPIC ELITE Semi-Solid "Canyon Sunset". This is a Stain & Sealant in one. Shared fences must be treated with only the above sealant within 30 days to maintain a uniform appearance.

Homeowners will have until December 31, 2015 to bring their fences into compliance with this resolution.

FURTHER, RESOLVED that the officers, directors and Site Administrator of the Association are hereby authorized to perform such other or further acts as shall be necessary to carry out the intent of this resolution.

This Resolution shall be included with the Minutes and the Property Use Restrictions Guidelines of the Association.

SMITHY GLEN TOWNHOMES OWNER'S ASSOCIATION, INC.

Attest Robert Fitzmaurice Mar. 24, 2015
President, Rob Fitzmaurice Date
Kathleen Aiclio Mar. 24, 2015
Secretary, Kathleen Aiclio Date

Smithy Glen Townhomes Owner's Association, Inc.

**Policy Resolution # 2015-1 - Regarding Trash Totes
Effective Date: February 20, 2015**

At a duly noticed, regular meeting of the Board of Directors of Smithy Glen Townhomes Owner's Association, Inc., a Virginia non-stock corporation (the Association), held on January 27, 2015 at which a quorum was present, the Board of Directors did hereby approve the following action:

WITNESSETH:

WHEREAS, Article Six, Section Four of the Declaration of Covenants, Conditions, and Restrictions for Smithy Glen Townhomes provides: *In the administration of the project, the Association shall have, and is hereby granted, the authority and power to....adopt, promulgate and enforce such Rules and Regulations governing the use of any Lot and any Townhouse thereon and Common Area as the Board of Directors of the Association may deem to be in the best interest of the Project;*

AND WHEREAS, the Board wishes to discourage the improper storage of trash totes, which can cause health and odor problems and adversely impact the neighborhood,

AND WHEREAS, the Board has found that giving residents two warnings (Policy #5, April 23, 2013) has increased the Associations' paper, printing and postage costs.

NOW THEREFORE BE IT RESOLVED, that the Property Use Restrictions Guidelines for Trash Storage and Collection are stated as follows:

All garbage and trash stored within Smithy Glen must be kept in covered containers and, except for a reasonable amount of time to permit collection, these containers at no time shall be visible from neighboring property. Hence, all trash containers and recycle bins must be kept inside a privacy fence, shed, garage or other screened area.

Trash containers and recycle bins may be placed at street side no earlier than 5PM the day before collection (Wednesday). They must be removed from the street and stored within a privacy fence by 7PM of pick-up day (Thursday). Only trash totes supplied by the Waste Company may be used as trash containers. Your unit number and street address must be marked on both the trash tote and recycle bin.

When a tote is not stored properly after 7PM on Thursday, one warning notice will be mailed to the homeowner. If a homeowner is called to a hearing, a \$50.00 fine in accordance with Smithy Glen documents-Article Thirteen, Section G, Assessment of Fines and Charges and Article 55-513, Sections C & D of the Virginia Property Owners' Association Act will be assessed against the lot.

FURTHER, RESOLVED that the officers, directors and Site Administrator of the Association are hereby authorized to perform such other or further acts as shall be necessary to carry out the intent of this resolution.

This Resolution shall be included with the Minutes and the Property Use Restrictions Guidelines of the Association.

SMITHY GLEN TOWNHOMES OWNER'S ASSOCIATION, INC.

Attest Rob Fitzmaurice 2/11/2015
President, Rob Fitzmaurice Date

Kathleen Aiello 2/11/2015
Secretary, Kathleen Aiello Date

SMITHY GLEN
Townhomes Owner's Association
100 Wrought Iron Bend
Yorktown, VA 23693
757 867-9200

February 9, 2015

Dear Homeowner;

On the reverse side of this letter is Resolution 2015-1- Regarding Trash Totes.

In April 2013, the Board voted a resolution 2013-1, Policy #5 because we felt that our documents at times could be a little unforgiving. That resolution allowed two marks on your tote and letters sent to your home before you were called to a hearing. Many homeowners who attended these hearings over the last two years had the fines waived only to be called back to another hearing the next month. It seems the more you try to help people, the more they take advantage of you!

The new resolution was originally written with no warning letter as the Smithy Glen documents allow. But in crossing our t's and dotting our i's we found that the law requires us to give one warning letter and then you are called to a hearing as explained in the resolution.

If you rent your unit, please advise your tenants immediately. They are not the ones called to a hearing, the lot owner is and the fine is placed on the property not the tenants, even if no one attends the meeting.

Yours truly,

THE SMITHY GLEN BOARD OF DIRECTORS

R. Fitzmaurice, President

R. Moore, Vice President

B. Allen, Treasurer

K. Aiello, Secretary

Smithy Glen Townhomes Owner's Association, Inc.

Policy Resolution 2014-1
Effective Date: October 28, 2014

At a duly noticed, regular meeting of the Board of Directors of Smithy Glen Townhomes Owner's Association, Inc., a Virginia non-stock corporation (the Association), held on October 28, 2014, at which a quorum was present, the Board of Directors did hereby approve the following action:

WITNESSETH:

WHEREAS, Article Six, Section Four of the Declaration of Covenants, Conditions, and Restrictions for Smithy Glen Townhomes provides: *In the administration of the project, the Association shall have, and is hereby granted, the authority and power to....adopt, promulgate and enforce such Rules and Regulations governing the use of any Lot and any Townhouse thereon and Common Area as the Board of Directors of the Association may deem to be in the best interest of the Project;*

AND WHEREAS, the Smithy Glen documents were written with uniformity and conformity in mind.

AND WHEREAS, the original Architectural Guidelines, Pg. 16 of the Smithy Glen documents, include a definition for "Visible from Neighboring Property".

AND WHEREAS, there are ten original items in the documents that specifically state "Will not be visible above the fence".

AND WHEREAS, over the years homeowners have planted trees within the privacy fence without obtaining approval from the ARC. Now, years later the trees have grown to heights, in some cases, over the roof line of the home and roots have expanded and are causing damage to the foundations of homes, patios and sidewalks.

NOW THEREFORE, with the exception noted below, BE IT RESOLVED, there shall be NOTHING visible above the privacy fence line. This shall include, but not limited to trees, shrubbery, tents (pop ups, easy ups, etc), gazebos, pergolas. Homeowners will have until December 31, 2014 to bring their property into compliance. After that date homeowners not in compliance will be considered in violation of Smithy Glen documents and subject to a hearing and fine according to the Smithy Glen documents, Article Thirteen, Section (g) Assessment for Fines and Charges and the Virginia Property Owner's Association Act, Article 55-513, Section B.

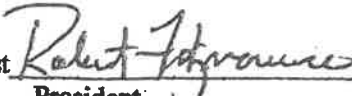
EXCEPTION: #1-Homeowners may have a one pole umbrella inside the privacy fence. Umbrellas should be closed when not in use.

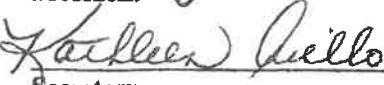
#2-American flags flown from a pole attached to the fence are permitted and do not require ARC approval. Reasonable consideration should be given to the flags' size and location. All other flags require ARC approval as stated on pg. 23 of our documents.

FURTHER, RESOLVED that the officers, directors and Site Administrator of the Association are hereby authorized to perform such other or further acts as shall be necessary to carry out the intent of this resolution.

This Resolution shall be included with the Minutes and the Property Use Restrictions Guidelines of the Association.

SMITHY GLEN TOWNHOMES OWNER'S ASSOCIATION, INC.

 Oct 28, 2014
President Date

 Oct 28, 2014
Secretary Date

Smithy Glen Townhomes Owner's Association

RESOLUTION

Policy Resolution # 2012-1

Date: January 24, 2012

A RESOLUTION PERTAINING TO: The Architectural Guidelines for Sheds and Tool Storage in Smithy Glen as originally perceived by the builder.

WHEREAS, Article Ten, Section One, Para D of the Declarations of Covenants, Conditions and Restrictions states that: *The Architectural Review Committee shall, subject to the approval of the Board of Directors of the Master Association, develop and promulgate policy guidelines for the application of the design review provisions in (the) Declaration consistent with County Ordinance and the Overall Plan; and the Smithy Glen Declaration Article Six, Section Four: In the administration of the project, the Association shall have, and is hereby granted, the authority and power toadopt, promulgate and enforce such Rules and Regulations governing the use of any Lot and any Townhouse thereon and Common Area as the Board of Directors of the Association may deem to be in the best interest of the Project....*

AND WHEREAS, Smithy Glen is a Planned Unit Development community in which residential lot sizes are reduced. Sheds and Tool Storage other than the resolve below may result in a significant impact on the exterior appearance of the community creating a cluttered appearance that detracts from the overall uniform appearance of townhomes and otherwise adversely impacts neighbors' enjoyment of their property. (See attached exhibit A)

NOW THEREFORE BE IT RESOLVED that the Smithy Glen Board of Directors hereby adopts, at a meeting duly held on January 24, 2012 at which a quorum was present the following change to the Smithy Glen Architectural Guidelines:

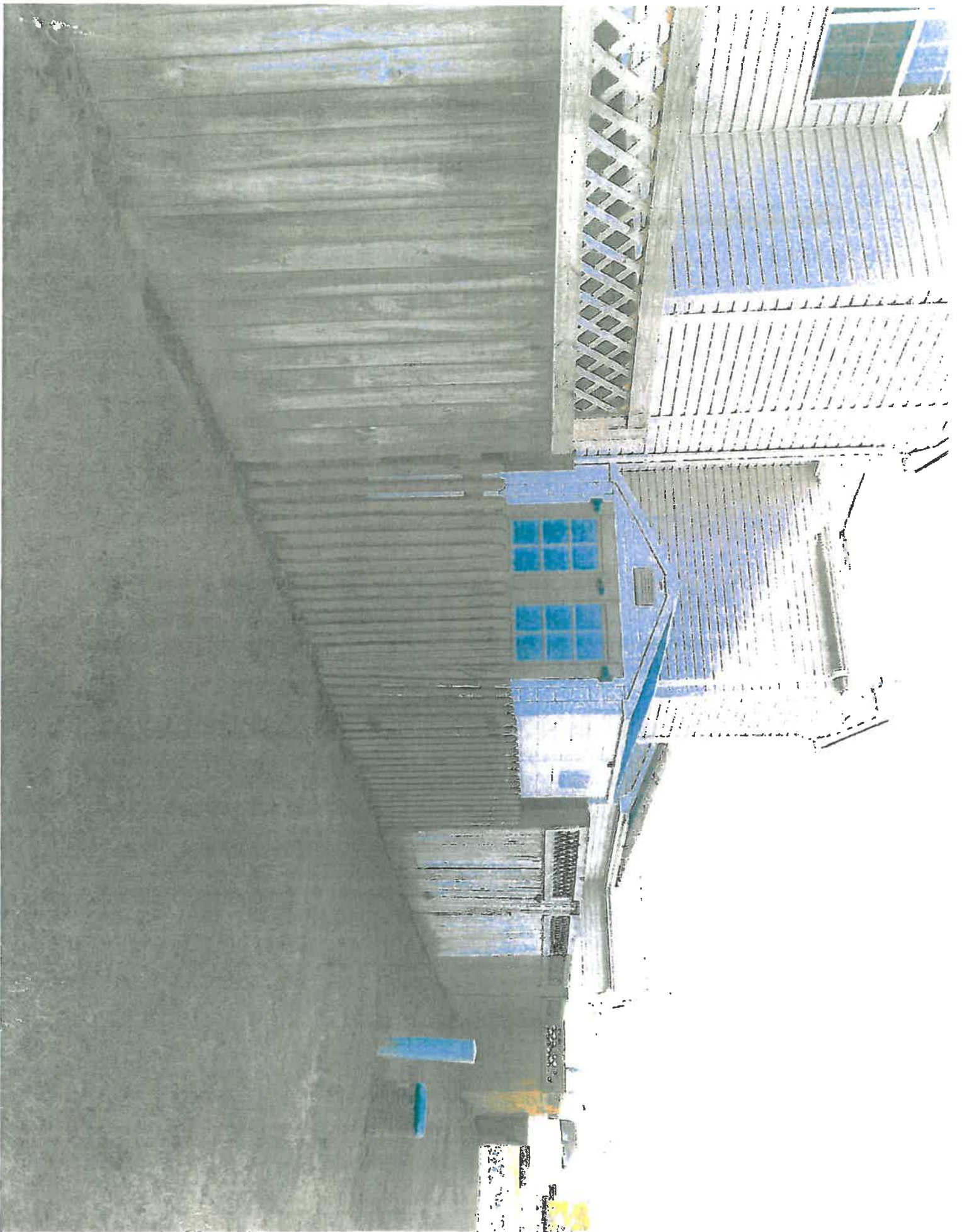
SHEDS and TOOL STORAGE

A complete application to the ARC is required for sheds or other storage structures. Sheds and storage structures will be located inside the fence and behind housing units and **shall not be visible above their fence.** The structure should be nonmetal and stained or painted to match the townhome.

Attest:


Secretary, Jessica Diebler


President, John Rogne



*Supersedes attached
SG-02-01*

Smithy Glen Townhomes Owners Association

Resolution

Policy Resolution # 4

Date: July 26, 2006

A RESOLUTION PERTAINING TO: Approval of an amendment to the Smithy Glen Architectural Guidelines.

AUTHORITY FOR THE RESOLUTION: CHOA Declaration, Article Ten, Section One, Para D: *The Architectural Review Committee shall, subject to the approval of the Board of Directors of the Master Association, develop and promulgate policy guidelines for the application of the design review provisions in (the) Declaration consistent with County Ordinance and the Overall Plan; and the Smithy Glen Declaration Article Six, Section Four: In the administration of the project, the Association shall have, and is hereby granted, the authority and power to....adopt, promulgate and enforce such Rules and Regulations governing the use of any Lot and any Townhouse thereon and Common Area as the Board of Directors of the Association may deem to be in the best interest of the Project....*

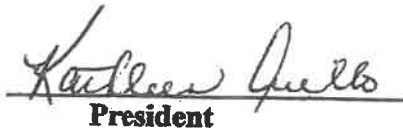
PURPOSE OF THE RESOLUTION: To amend the Smithy Glen Architectural Guidelines as they pertain to major building additions.

SCOPE OF THE RESOLUTION: Applicable to all townhomes in Smithy Glen except those on Hamlet Court.

NOW THEREFORE BE IT RESOLVED that the Smithy Glen Board of Directors hereby adopts at a meeting duly held on July 26, 2005 at which a quorum was present the following modification to the Smithy Glen Architectural Guidelines: **No building additions will be permitted in Smithy Glen, with the exception of the Hamlets. The Hamlets were designed with an option to have sunrooms or screened porches. If a resident of the Hamlets desires to make a change or to construct a building addition they are limited to the following: They may change by enclosing a screened porch area with glass or they may construct a new screened porch area, if none presently exists, but they shall conform with the builders original design for sunrooms and screened porches. For either they should follow the guidelines for Major Building Additions as discussed in the Smithy Glen Architectural Guidelines.**

Attest:


Secretary


President

RESOLUTION

Number: 5602-01
Date: 11-12-2002

A RESOLUTION PERTAINING TO: Approval of an amendment to the Smithy Glen Architectural Guidelines


AUTHORITY FOR THE RESOLUTION: CHOA Declaration, Article Ten, Section One, Para D: *The Architectural Review Committee shall, subject to the approval of the Board of Directors of the Master Association, develop and promulgate policy guidelines for the application of the design review provisions in [the] Declaration consistent with County Ordinance and the Overall Plan; and the Smithy Glen Declaration Article Six, Section Four:* *In the administration of the project, the Association shall have, and is hereby granted, the authority and power to . . . adopt, promulgate and enforce such Rules and Regulations governing the use of any Lot and any Townhouse thereon and Common Area as the Board of Directors of the Association may deem to be in the best interest of the Project . . .*

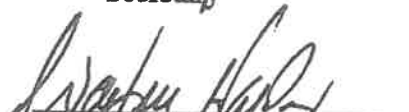
PURPOSE OF THE RESOLUTION: To amend the Smithy Glen Architectural Guidelines as they pertain to major building additions.

SCOPE FOF THE RESOLUTION: Applicable to all townhomes in Smithy Glen except those on Hamlet Court.

NOW THEREFORE BE IT RESOLVED that the Smithy Glen Board of Directors hereby adopts at a meeting duly held on Nov 12, 2002 at which a quorum was present the following modification to the Smithy Glen Architectural Guidelines: **No building addition will be permitted in Smithy Glen, with the exception of the Hamlets. The Hamlets were designed with an option to have sunrooms or screened porches. If a resident of the Hamlets desires to make a change or to construct a building addition, they should follow the guidelines for Major Building Additions as discussed in the Smithy Glen Architectural Guidelines.**

Attest:


Secretary


President

1 02 01

**RESOLUTION OF THE BOARD OF DIRECTORS OF
Smithy Glen Townhomes Owner's Association, Inc.**

**Resolution # 4 Regarding Building Additions
Effective Date: July 26, 2005**

At a duly noticed, regular meeting of the Board of Directors of Smithy Glen Townhomes Owner's Association, Inc., a Virginia non-stock corporation (the "Association"), held on July 26, 2005, at which a quorum was present, the Board of Directors did hereby approve the following action:

WITNESSETH:

WHEREAS, Article Ten, Section One, Para D of the Declaration of Covenants, Conditions and Restrictions of Coventry Planned Unit Development ("CHOA") states that: *The Architectural Review Committee shall, subject to the approval of the Board of Directors of the Master Association, develop and promulgate policy guidelines for the application of the design review provisions in (the) Declaration consistent with County Ordinance and the Overall Plan;*

WHEREAS, Article Six, Section Four of the Declaration of Covenants, Conditions, And Restrictions For Smithy Glen Townhomes provides: *In the administration of the project, the Association shall have, and is hereby granted, the authority and power to....adopt, promulgate and enforce such Rules and Regulations governing the use of any Lot and any Townhouse thereon and Common Area as the Board of Directors of the Association may deem to be in the best interest of the Project;*

WHEREAS, Smithy Glen is a Planned Unit Development community in which residential lot sizes are reduced. Any additions other than the resolve below may result in a significant impact on the exterior appearance of the community, creating a cluttered appearance and otherwise adversely impacting neighbors' peaceful quiet use and enjoyment of their property;

WHEREAS, by Resolution Number SG 02-01, dated November 12, 2002, the Board of Directors of the Association amended paragraph 1 of the Major Building Additions section of the Smithy Glen Guidelines for Architectural Modifications ("Smithy Glen Architectural Guidelines") to prohibit building additions, except to those homes on lots in The Hamlets for the reason that The Hamlets were designed with an option to have sunrooms or screened porches;

WHEREAS, the Board deems it necessary and in the best interest of the Association to amend Resolution Number SG 02-01 as set forth herein.

NOW THEREFORE BE IT RESOLVED, that Resolution SG 02-01 modifying and paragraph 1 of the Major Building Additions section of the Smithy Glen Architectural Guidelines be and hereby are amended and restated as follows:

Major building additions include, but are not limited to greenhouses, porches, and room additions. No building additions will be permitted in Smithy Glen, except in The Hamlets, which were designed with an option to have sunrooms or screened porches. If an Owner of a lot in The Hamlets desires to make a change to or construct a building addition, such additions will be limited to the following: enclosing an existing screened porch area with glass or constructing a new screened porch area, if none presently exists, provided all such construction shall conform with the builders original design for sunrooms and screened porches and the other provisions for Major Building Additions in the Smithy Glen Architectural Guidelines.

FURTHER, RESOLVED, that the officers and directors of the Association are hereby authorized to perform such other or further acts as shall be necessary to carry out the intent of this resolution.

This Resolution shall be included with the Minutes and the Architectural Guidelines of the Association.

SMITHY GLEN TOWNHOMES OWNER'S
ASSOCIATION, INC.

Date July 26, 2005

By Kathleen Fields
KATHLEEN FIELDS, President
Print Name

Attest [Signature]
Secretary

**SMITHY GLEN TOWNHOME OWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 3**

WHEREAS, Article 7 – MAINTENANCE AND REPAIR OF THE LOTS, TOWNHOUSES AND COMMON AREA OF THE PROJECT; Section One – Duties of the Association; of the Declaration of Covenants, Conditions and Restrictions states that the Association shall cause the exterior of each Townhouse, the Lot upon which the Townhouse is situate, and the Common area of the project to be kept in good order, condition and repair and in clean and sanitary condition and appearance, and shall cause to be performed and furnished all the labor and materials which may at any time be necessary to accomplish same;

AND WHEREAS, the Board of Directors has determined that they have a fiduciary duty to comply with Article 7 of the Association's Declaration;

AND WHEREAS, there is a need to clarify what exterior maintenance will be performed by the Association and what is the responsibility of each individual property owner;

NOW THEREFORE BE IT RESOLVED THAT as of January 1, 2004 homeowners are to refer to the Smithy Glen Townhome Owners Maintenance Responsibility Chart

Owners shall be responsible for maintaining in good working order all exterior fixtures that service only their home including but not limited to all air conditioning/heating units; all exterior light fixtures and outlets; roof sheathing; plumbing, dryer, and exhaust vents; all windows, doors, sliding doors, storm doors and skylights and their integral parts (i.e., glass, screens, frames, weather-stripping, locks, latches, etc.), all flues and pipes (including chimney flues), all utility service connections, all house numbers, kick-plates, concrete patios, fences and associated hardware and any other exterior features added by the owner.

Since the homes are held fee simple ownership, homeowners shall also maintain proper insurance coverage for the lots and the dwellings. Homeowners and their insurance companies shall be responsible for any interior damage from roof leaks.

The Board of Directors hereby adopts this resolution and the attached maintenance responsibility chart at a meeting duly held on February 24, 2004 at which a quorum was present.

Date: Feb 24, 04

President: Wayne Harding
Wayne Harding

Date: Feb 24, 04

Secretary: Arthur Miller
Arthur Miller

Smithy Glen Townhomes Owners Association, Inc. -- Maintenance Responsibility Chart

Article 7 -- MAINTENANCE AND REPAIR OF THE LOTS, TOWNHOUSES AND COMMON AREA OF THE PROJECT; Section One -- Duties of the Association; of the Declaration of Covenants, Conditions and Restrictions states that the Association shall cause the exterior of each Townhouse, the Lot upon which the Townhouse is situated, and the Common Area of the project to be kept in good order, condition and repair and in clean and sanitary condition and appearance, and shall cause to be performed and furnished all the labor and materials which may at any time be necessary to accomplish the same.

Description of Item or Service	Resp.	Comments
BUILDING EXTERIORS		
- Roof Replacement	A	Replacement as per Reserve Study
- Roof Repair	H	See *-Check office for Warranty
- Gutters and downspouts	A	Replace per RS= A, Routine maint=H
- Chimney Cap	H	
- Chimney Pipe/Fireplace	H	
- Chimney Cleaning	H	
- Bathroom/Stove/Dryer Vents	H	
- Vinyl Siding replacement	A	Replacement as per Reserve Study
- Vinyl Siding upkeep/repair	H	See ** - Siding to be power washed as needed to remove mildew.
- Exterior Brick	A	Normal wear & tear only
- Exterior Metal Trim	A	Normal wear & tear only
- Concrete Patio, Entrance walkways, driveways	H	As indicated on Homeowner plat as private property
- Fences, fence latches, locks and hinges	H	Fences to be repaired & power washed. Use only Olympic Elite Semi-Solid "Canyon Sunset" to Stain and Seal-clear base.
- Railings	A	Normal wear & tear only
- Exterior Light fixtures	H	
- Exterior Termite inspection	A	Yearly
- Interior Termite inspection	H	
- Townhouse structure	H	
DOORS & WINDOWS		
- Shed door	H	
- Front door	H	
- Sliding door	H	
- All door frames	H	
- Exterior locks, hardware	H	
- House numbers	H	
- Door painting (Outside)	A	Garage, front, back and shed-- Normal painting rotation
- Kick plate, bell, knocker,	H	
- Storm doors	H	
- All windows (glass, seals, frames)	H	New doors require ARC approval
- Wood/ Aluminum Trim/ Shutters	A	Normal wear and tear only

*Roof Repair-Any natural disaster which occurs and leaves areas in need of repair.
 **Vinyl siding upkeep/repair-Any natural disaster which occurs and leaves areas in need of repair.

Description of Item or Service	Resp	Comments
- Locks, tracks, balances	H	
- Screens	H	
- Skylights	H	
UTILITIES		
- Sewer	A	Homeowner is responsible for the line from inside the home to cleanout.
- If there is raw sewage coming up into tub or toilet call County emergency at 890-3773.	H	Association is responsible for the sewer line from cleanout to main sewer line.
- Water	A	Homeowners are responsible for water line from the meter to the home and inside home. <u>Newport News Water Works</u> is responsible for lines from street into the meter.
- Cable TV/ Satellite Dishes	H	Satellite dishes require ARC form and to comply with Association Rules & Regulations
- Phone/ Electrical connections	H	
- Heat and Air-Conditioning Unit	H	
COMMON GROUNDS		
- Sidewalks	A	
- Roads	A	
- Lots/ Landscaping	A	Association shall provide grass cutting in front yards only as provided in landscape contract; homeowners shall cut grass inside back fence. Homeowner is responsible for maintaining landscape beds, i. e. mulch as needed, bushes trimmed, free of weeds.
- Street Lighting	A	
- Lakes	A	
- Household trash removal	A	Home address should be on tote
- Bulk trash removal	H	Contact Association office for assistance. Ph # 867-9200
INSURANCE		
Common Areas	A	
Townhouses	H	Owner & Renter policies

Key: A=Association H=Homeowner
 Revised February 28, 2005.

KAUFMAN & CANOLES

— | A Professional Corporation | —
Attorneys and Counselors at Law

Sarah R. Palamara
757 / 259-3841
sxpalamara@kaufcan.com

757 / 259-3800
fax: 757 / 259-3838

Mailing Address:
P.O. Box 6000
Williamsburg, VA 23188
4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

VIA FACSIMILE to (757) 766-0249

November 11, 2003

Board of Directors
Smithy Glen Townhomes Owner's Association, Inc.
c/o Cathy Thompson, CMCA, AMS
100 Wrought Iron Bend
Yorktown, VA 23693-4530

Re: Review of Proposed Maintenance and Repair Responsibility Chart

Dear Board Members:

I have been asked to review a proposed maintenance and repair responsibility chart prepared in accordance with the requirements of Article Seven of the Association's Declaration of Covenants, Conditions and Restrictions and Policy Resolution No. 2, Exterior Maintenance and Repair Responsibilities, dated December 15, 1999. The Chart as drafted complies with the requirements of both the Declaration and the Resolution, with the exception of a couple of typographical errors I pointed out to your Association Manager by telephone call earlier today. The errors will be corrected prior to distribution of the chart to the Owners.

Please contact me if I can answer any questions for you. I appreciate this opportunity to be of service.

Sincerely,



Sarah R. Palamara

Chesapeake

Hampton

Newport News

Norfolk

Richmond

Virginia Beach

www.kaufmanandcanoles.com

**Smithy Glen Board of Directors
Smithy Glen Homeowners Association
Coventry**

Resolution

Number: Policy No # 3

Date Sept 26, 2020

A RESOLUTION PERTAINING TO: The safety of the residents of Smithy Glen in relation to the use of "Go Peds" or any type of motorized scooters.

AUTHORITY FOR THE RESOLUTION: With Smithy Glen being a private community with privately owned streets, the Smithy Glen Board has the right to make such resolutions.

PURPOSE OF THE RESOLUTION: The purpose of this resolution is for the safety of the residents of Smithy Glen. There have been numerous close calls for many residents who have complained. These vehicles are being ridden on the walking paths and have nearly run people down several times. There have been numerous close calls with cars as well. The riders of these vehicles are young and are not paying attention to traffic as well as pedestrians, and this is just an accident waiting to happen.

SCOPE OF THE RESOLUTION: Effective immediately, the Smithy Glen Board of Directors would like to ban the use of any motorized scooters of any kind. Signs will be posted.

Now therefore, be it resolved that: The Smithy Glen Board of Directors has determined that this is a necessary resolution for obvious safety reasons of our residents, young and old, thus such resolution is hereby unanimously approved.

Attest: Nancy S. Yarrington
Nancy Yarrington, Secretary

Wayne Harding
Wayne Harding, President

SMITHY GLEN
Townhomes Owner's Association, Inc.

RESOLUTION

Administration Policy # 2

A RESOLUTION PERTAINING TO: Reelection of a resigned President.

AUTHORITY FOR THE RESOLUTION: Smithy Glen Declaration of Covenants, Conditions and Restrictions and By-Laws, Article 5, Section 5, Resignation and Removal of Officers.

PURPOSE OF THE RESOLUTION: To prevent the action of a Director, in specific, the President, from taking any action that would jeopardize or be considered illegal to Smithy Glen as a corporation or homeowner association.

SCOPE OF THE RESOLUTION: Applies to the President.

Now therefore, be it resolved that: If a President should resign and knowingly does not have sufficient board members to execute their fiduciary duties, thereby putting the Association at any potential legal risk, then said President shall not be able to run for office.

Approved: May 23, 2005
Date

Roy H. Mow
President

Cathy Smith
Secretary