

COUNTRYSIDE PROPRIETARY

**ADMINISTRATIVE RESOLUTION NO. 236
AS AMENDED NOVEMBER 13, 2013
ARCHITECTURAL REVIEW PROCEDURES**

WHEREAS, Article III, Section 3(b)(1) of the Covenants and Restrictions of the CountrySide Proprietary grants the Board of Directors (“Board”) powers for conducting all Proprietary affairs; and

WHEREAS, Article III, Section(c) (2) of the Covenants and Restrictions of the CountrySide Proprietary charges the Board with the establishment of rules and regulations for the use of property; and

WHEREAS, Article VI, Section 1 of the Covenants and Restrictions of the CountrySide Proprietary authorizes the Design Review Committee, or its appointed designate, to approve any proposed changes, alterations or additions (“modifications”) to lots or homes; and

WHEREAS, the Board wishes to create procedures for fair and consistent review of all modification requests to lots or homes; and

WHEREAS, the Board desires to rescind Administrative Resolution No. 183 and hereby substitutes Administrative Resolution No. 236 in its place.

NOW, THEREFOR, BE IT RESOLVED THAT Administrative Resolution No. 183 be, and hereby is, rescinded, and that the following procedures be adopted and implemented herewith:

I. **APPLICATION PROCEDURES**

A. Application Types

For efficiency and consistency of review, applications for modifications are classified into two (2) categories: (1) standard and (2) non-standard application requests, as described below:

1. Standard Applications

Standard applications pertain to any modification request which has been pre-approved by formal adoption action by the Board of Directors and, as such, has been published as an acceptable and permitted modification, requiring no formal review action by any architectural committee.

2. Non-Standard Applications

All applications which are not classified as standard applications, as defined above, shall be classified as non-standard applications requiring formal review action by the Design Review Committee.

B. Application Submission

The following guideline criteria apply for submission of standard and non-standard application requests, respectively.

1. Standard Application Submission

- a. Each unit owner must submit a proposal for an exterior modification to the Design Review Committee, in writing, using the designated application request form.
- b. Acknowledgement signatures shown on the application are not required for applications requesting a standard modification. Deviations from this requirement may be considered on a case-by-case basis in the sole discretion of the Proprietary.
- c. Oral requests will not be considered.

2. Non-Standard Application Submission

- a. Each unit owner must submit a proposal for an exterior modification to the Design Review Committee, in writing, using the designated application request form adopted by the Committee for this purpose. The proposal should contain a description of the modification, including height, width, length, size, shape, color, materials and location of the proposed modification, together with any other information or materials required by the terms of the application. A site plan (plat), drawn to scale, showing the location of proposed modification must also be included when appropriate. A non-technical sketch showing side views of the proposed modification must also be included when appropriate. Photographs or sketches of similar completed projects will assist in consideration by the committee. If the modification affects the existing drainage pattern, the proposed drainage pattern must be included. The proposal must include a written description of the proposed modification. The applicant must obtain four (4) signatures of those homeowners most directly affected by the modification. If the applicant is unable to obtain four (4) signatures or if four (4) homeowners are not directly affected, a written statement of request for consideration to the Design Review Committee must be submitted and enclosed with the application packet. As stated above deviations from this requirement may be considered by the Design Review Committee on a case-by-case basis in its sole discretion.

3. Due Date

- a. Standard applications may be submitted during regular business hours to the Proprietary office or mailed to the Proprietary's official mailing address. Standard application requests do not have a due date. These applications may be submitted at any time during the month for immediate approval.
- b. Non-standard applications may be submitted during regular business hours to the Proprietary management office or mailed to the Proprietary's official mailing address. Non-standard applications are due by the close of business (6:00 PM) on the first day of the month. Should the first day of the month fall on a weekend or legal holiday, the application is due by the close of business on the next regular business day following such weekend or holiday.

4. Applications together with all other materials and information required by the Design Review Committee, shall be entered into the design review process on the second day of the month following the month in which the completed application was received in the Proprietary management office. If the second day of the month falls on a weekend or legal holiday, then completed applications will be entered into the design review process on the first business day following that weekend or holiday.

4. Review Date

- a. Standard application requests are reviewed and processed upon receipt. A copy of the standard application request indicating the ruling is forwarded to the applicant within five (5) days following receipt.
- b. Non-standard applications are processed and reviewed by the Neighborhood Advisory Councils and the Design Review Committee at their regularly scheduled meetings each month. Within five (5) days following the date of the DRC ruling, the DRC Coordinator will forward to the applicant a copy of the application request and copies of the supporting documentation indicating the ruling of the DRC.

II. ARCHITECTURAL COMMITTEE REVIEW

A. Standard Application Review

Standard applications require no formal action by any architectural committee. Applications which conform to the adopted standards are processed and approved by the management company staff as designated agents of the Design Review Committee.

B. Non-Standard Application Review

Non-standard applications (which include any modification request which does not conform with a pre-approved standard), are reviewed by the respective NAC and then by the DRC in accordance with the provisions set forth in Article VI of the Covenants and Restrictions.

C. Operating Procedures

Operating procedures established for non-standard application review are as follows:

1. The Proprietary management office will mail notice of intent of the proposed architectural modification to the four (4) affected owners of record. Those properties will be determined by the Loudoun County mapping system.
2. Monthly, each NAC shall review applications within their neighborhood. All application rulings must be submitted to the Administrative Designate within seventy-two (72) hours from the meeting date. Failure to comply shall result in waiver of the NAC's right of review. The DRC has the right to rescind any approval granted by the NAC, provided such rescission is taken within fifteen (15) days after the decision is reported by the NAC.
(Refer to Article VI, Section 3 of the Covenants and Restrictions.)
3. All NAC approval rulings are forwarded to the DRC for review and ruling action prior to notifying applicants. The DRC shall thereafter have the responsibility of notifying the applicants
4. All NAC "rulings are forwarded to the DRC for review and ruling at the next regularly scheduled DRC meeting, prior to notifying applicant. The resident may appeal a NAC ruling to the DRC as stated above, provided an appeal form is filed within 10 days of the NAC meeting. If the DRC ruling is "Approved Contingent", "Denied", "Deferred", "Tie" or "Failure to Rule", an Appeal Request Form shall be included with notification of the application ruling. The applicant has ten (10) days from notification of ruling to file the "Appeal Request form" for either a hearing in person or in writing before the Board of Directors. The appeal will be heard at the next regularly scheduled Board meeting. In the event of an appeal, the Board ruling will then be considered final with no further appeal opportunity.

However, if the DRC denies the application(s) for incompleteness or lack of required information, the application(s) shall be returned to the applicant for completion and/or more information. Once the application(s) is complete or needed information is attached to the application(s) and returned to the Proprietary office, the application(s) shall be placed on the next available DRC agenda. This shall apply to all application appeals before the Board of Directors, and shall apply to all articles and sections in this Resolution.

5. In advance of the DRC meeting, the DRC Coordinator shall distribute copies of all applications to each member for review purposes. Each member is encouraged to conduct a site inspection of all lots on which an exterior alteration is proposed. If at all possible, inspections are to be conducted from the common areas and are not to impose upon the privacy of residents.
6. In the event of the cancellation of the regularly scheduled monthly DRC meeting, the review process will proceed as follows:
 - a. All NAC “Approved” rulings will be final unless appealed within 10 days of the NAC meeting.
 - b. All NAC “Approved Contingent,” “Denied,” “Deferred,” or “Tie” rulings will be either reviewed by the DRC the following month, or, if an appeal form is filed within 10 days of the NAC meeting, the appeal will be heard at the next regularly scheduled Board meeting. In the event of an appeal, the Board ruling will then be considered final with no further appeal opportunity.
 - c. In the event there is no NAC ruling, the application will remain in the review process and be submitted to the DRC at its next regularly scheduled meeting.

III. **RULING CRITERIA**

A. **Ruling Classifications**

A majority of the total number of the members of the DRC or NAC must be present in order to convene a meeting or conduct formal voting procedures. At all times, the DRC shall consist of seven (7) members and the NAC shall consist of five (5) members. A majority of the members of the DRC shall be four (4) and a majority of the members of the NAC shall be three (3). Once a meeting is convened, the affirmative vote of a majority of the members present is required in order to adopt or promulgate any rule or regulation, or to make any finding, determination, ruling or order, or to issue any permit, consent, authorization, approval or the like.

Rulings on all applications shall take one of the following forms:

1. **APPROVED:** An affirmative decision of a majority of the members present.
2. **APPROVED/CONTINGENT:** An affirmative decision by a majority of the members present subject to conditions or restrictions. This ruling may be necessary if an application is lacking minor information, or in the event the NAC/DRC has a conditional requirement for the proposed modification. If the application is in response to a violation notice, the applicant will be allowed thirty (30) days to comply with the DRC contingency unless otherwise specified. If the applicant does not comply, violation proceedings may be instituted.

3. DENIED: A negative decision by a majority of the members present. A ruling of denial requires additional supporting documentation which should be included under "Ruling Comments." These comments must state the basic rationale for denial action. It is encouraged, but not required, that the reviewing body cite specific language from the Covenants and Restrictions and the Architectural Guidelines which will substantiate a ruling of this nature. If the application is in response to a violation notice, the applicant will be allowed thirty (30) days to comply with the DRC ruling unless otherwise specified. If the applicant does not comply, violation proceedings shall be instituted.
4. TABLED (DRC ONLY): A decision by a majority of the members present which is based upon insufficient application information. Every effort shall be made to request that the applicant submit additional information as noted in order to remove the tabled status of an application prior to the next regular meeting.
5. DEFERRED (NAC ONLY): Only NACs may pass a ruling of deferral on an application. Such ruling is generally discouraged and should have supporting documentation which explains the necessity for such decision.
6. TIE: Tie votes, not constituting an affirmative vote pursuant to the Covenants and Restrictions, shall constitute a denial.
7. OTHER VOTES: In the event a vote is taken and a majority VOTE cannot be obtained, the vote shall constitute a denial.
8. FAILURE TO VOTE: Failure of the DRC or its designated representative to vote on an application within sixty (60) days after a completed application has been submitted into the design review process shall constitute an approval.

B. Ruling Guidelines

Critical to the architectural ruling process is a thorough working knowledge by all voting committee members of the governing documents and adopted resolutions governing review policies and procedures. Based upon the established architectural guidelines, rulings should include, but not necessarily limited to, the following review considerations:

1. Any exterior addition or alteration to an existing building shall be compatible with the design character, architectural style and exterior color of the materials of the original parent structure.
2. Every effort should be made to judge the validity of any proposed modification within the overall context of its relationship to the open space concept and aesthetic integrity of the community.
3. Dimensions of the proposed modification shall be considered in relationship to the existing building, lot configuration and its relationship to the adjacent lots and/or common areas.

4. If the DRC or its designated representative fails to vote on an application within sixty (60) days from the time the completed application was submitted into the design review process, the application shall be considered to have been approved.
5. Any information on the application or accompanying material found to be false will result in the application being deemed "Null and Void", even if discovery occurs after approval.
6. Any approval is given with the assumption the improvement/modification is done within the boundaries of the applicant's property.