



**NEWS  
AROUND  
THE  
NEIGHBORHOOD**

*June 2013*

**2013 Board of Directors**

***Steve Probst, President  
Dave DeYoung, Vice President  
Denise Warren, Secretary***

***Joe Arias, Treasurer  
Ralph Flens, Director***

**1<sup>st</sup> American Management**

If you have a question or need to report a problem, please contact Peter Bylen first. He will contact a board member, if necessary. He can be reached at 219-464-3536, ext. 310, or toll free at 800-990-3536. The after-hours number is 219-465-3956. You can also reach Peter by email at [pbylen@1stpropertymanagers.com](mailto:pbylen@1stpropertymanagers.com). More information can be found in the Management page on our Website:  
<http://www.briarcovehomeownersassociation.com/index.php/en/management>

**Board Meeting Dates**

Board meetings are generally held on the third Thursday of the month. All meetings will be held at the Dyer-Schererville Public Library, 1001 West Lincoln Highway, at 6:30 p.m. Please check the Website for any last-minute changes. Here is the schedule to date:

June 20	September 19
July (to be determined)	October 17
August 15	November 15 (annual meeting)

Please try to attend a board meeting and learn how your community works. If you can't attend, be sure to read the minutes on our Website in the "Meeting Minutes" section.

**Architectural Review Committee**

The Architectural Review Committee would like to welcome its newest member, Nick Delaurentis. Nick has already attended several meetings. A big thank you to Nick for volunteering his time!

(over)

## **Exterior Modification Guidelines**

The Architectural Review Committee has proposed, and the Board has approved, guidelines for various exterior projects. The following guidelines have been approved and are attached to the newsletter. You can also find them on our Website in the "Guidelines" section.

Retractable Awnings\*  
Dumpsters\*  
Portable Storage/Moving Containers\*  
Electric/Electronic Fences  
Mailboxes  
Screen/Storm Doors  
Sitting Walls  
Storage Bins/Cabinets  
Lighting Fixtures (Exterior)

A waiver is necessary for the items with an asterisk(\*).

Now when you have an outdoor project, you can check out the guidelines before submitting your Exterior Modification Request to the Architectural Review Committee. Please note that **ARC approval is still necessary for these items.**

If you don't see a guideline for a project, don't assume that it isn't allowed or won't be considered. Feel free to submit your request to Peter Bylen, who will pass it along to the ARC for consideration.

A big thank you also goes to Susan DeYoung who has been helping the ARC prepare the guidelines. She is also posting them on the Website as they are approved. Thank you, Susan!

## **New Rules/Rule Changes**

In order to adopt the guidelines, some of the rules needed to be changed and a few new rules had to be added to refer to the new guidelines. The rules were unanimously approved at the April board meeting. A copy of the updated Rules and Regulations, Exhibit D, is attached.

## **Board Openings**

It's not for another six months, but there will be two positions open on the Board in November. Please consider running for a position.

## **Window Seal Warranty**

Peter has received inquiries on the warranty information on our windows. If you have a question about the warranty, please check the manual your received from Olthof Homes when you purchased your home or call Becki at Olthof Homes at 558-8080, extension 316.

## **Lawn Care Program Update**

In the fall of 2012 we undertook a rather comprehensive program to rejuvenate our lawns. We invited three lawn vendors to review and offer their recommendations to improve our lawns. You can view the Lawn Care program details on our Website under the "Lawn Care Program" section under the Main Menu. The service of a lawn consultant was brought in to implement a customized lawn program to suit Briar Cove lawns. The calendar cycle of our program runs from early fall of 2012 through the summer of 2013. With the information gathered from the three lawn vendors and our consultant, a program was developed to focus on the three major issues affecting our lawns. Below is a brief summary of last year's start-up:

- 1) The lawn mowing practice. We were encouraged to mulch when possible to return the nutrients into the soil. The mowing pattern during spring (tall grass) has the first mower cutting without bagging, the second mower following shortly to bag where necessary.
- 2) Proper irrigation patterns are needed. "Apply only enough water to meet the plan needs, applying too much water (over-watering) promotes shallow roots, increased disease incidence." Irrigation heads that are partially blocked by shrubs will be addressed.
- 3) Our fertilizations needs. A custom blend of fertilizing that is Eco-friendly and emphasizes "gentle, steady, even feeding which is essential to promote sturdier, healthier lawns."

We have completed our 2012 early fall, mid-fall, late-fall and we have now entered into our 2013 spring phase.

New mowing practices are in place, the irrigation overhauls will be an ongoing task, and the custom fertilizing treatment is well underway. Aeration of the lawns was implemented last year and again this spring, providing a multitude of benefits that will improve our lawns over time.

Early on all the vendors and the consultant stressed that improving the lawns will take a number of years, due to many factors beyond our control (soils that consist of clay, sand, and fill, proximity to the wet-lands, drainage, and the over seeding of the lawns with improper or poor quality seeds). We also recognize that some lawns may not respond to this program, the overall program may not achieve the same level of progress throughout the community. At the end of this year's cycle, the program will be evaluated and adjusted to suit the changing needs. ("It does not assume the same needs for subsequent years"). There will be adjustments along the way.

To review the entire Lawn Care Program information you can visit our Website to read all of the vendor's and our consultant's comments in the "Lawn Care Program" section under the Main Menu.

### **Walking Path**

A homeowner on Ludington asked that we remind everyone that the walking path hours are 8:00 a.m.-6:00 p.m., and as the sign says, "please, no pets."

### **Waterfall/Pond**

Last year's project of cleaning the sludge from the waterfall pond was postponed (budget constraints) to the spring of this year was realized early this year. The build-up of sludge in the pond over the last ten years was tackled by an outside contractor. They removed about 4-8 inches of sludge, re-leveled the stone bed in the pond, and power washed the waterfall rocks. The inlet pipe that feeds the waterfall was cleaned and will be periodically cleaned as needed at the start-up of the waterfalls in spring.

### **Driveway Resealing**

The second phase of driveway resealing is complete. And it's complete ahead of schedule thanks to the work of board members Ralph Flens and Joe Arias.

### **Mulch**

Mulch will be turned in the spring and fall this year. New mulch will be distributed next year. If you are adding/replacing your own mulch, cedar is the accepted mulch.

### **Garage Sale**

Briar Cove's annual garage sale will be on Saturday, August 24, 8:00 a.m. – 2:00 p.m.

Peter Bylen 1<sup>st</sup> American 219-464-3536 Ext 310 / 800-990-3536  
pbylen@1stpropertymangers.com

**[www.briarcovehomeownersassociation.com](http://www.briarcovehomeownersassociation.com)**

## EXHIBIT D

### RULES AND REGULATIONS

1. ARCHITECTURAL STANDARDS. No change in the exterior appearance of a Residential Unit, or the quality of the construction of a Residential Unit can be changed in any way whatsoever without the prior approval of the Architectural Review Committee (hereinafter the "ARC") in accordance with the provisions of Article X of the Declaration of Covenants, Conditions, Restrictions and Easements for Briar Cove Paired Cottages Association, Inc. (hereinafter the "Declaration"). The prohibition of this provision shall include, but not be limited to, the following:
  - a. The construction of any exterior addition to any Residential Unit, or the construction of any temporary or permanent improvement of building on the lot on which the Residential Unit is located.
  - b. The reconfiguration of any existing structure of a Residential Unit in any manner whatsoever.
  - c. The use of any material on the exterior of any Residential Unit or associated structures which is not identical to that which was provided as a part of the original construction, both in quality, color and other appearances. Exceptions to this rule may be made by the ARC, so long as the ARC shall make an affirmative determination that such shall be and remain visually compatible with and in harmony with the appearance of the other Residential Units.
  - d. The installation of awning, except retractable awning in the rear of the building over the patio in accordance with written approval from the ARC.
  - e. The erection aerials, antennas, or other similar items or devices, except in the rear of the building in such a manner that they are not visible from the interior roads and sidewalks of Property or in such other location approved by the ARC in writing to comply with FCC Regulations.
  - f. Storm doors shall not be added to a Residential Unit, except in accordance with written Association guidelines.
  - g. Replacement windows and patio doors shall not be added to a Residential Unit, without prior approval of the ARC.
  - h. The erection or maintenance of any fences or other types of barricades, except for those which are part of the original construction or in accordance with written Association guidelines.
  - i. The use of window coverings which are not white or beige or show a white or beige appearance when viewed from the exterior of the Residential Unit.
  - j. The use of mailboxes not in conformity with the quality and style and location requirements of the ARC.
  - k. The construction of swimming pools or hot tubs.
  - l. The construction or placement of structures to house or restrain pets.



- m. The use of portable storage/moving containers shall not be allowed, except in accordance with written Association guidelines.
- n. The use of a dumpster/waste container/roll off box shall not be allowed, except in accordance with written Association guidelines.
- o. The use of storage bins/cabinets shall not be allowed, except in accordance with written Association guidelines.

In addition to the foregoing prohibitions, each owner shall have an affirmative obligation to maintain and repair his and/or her Residential Unit in such a manner as to maintain at all times the uniformity of appearance of such Residential Unit with all others in the community.

- 2. MAINTENANCE AND REPAIR OF RESIDENTIAL UNITS. Except as provided in Article IV, of the Declaration, it is the Owners sole and exclusive responsibility to maintain and repair his and/or her Residential Unit. The Association's responsibility shall include not only routine maintenance and care of these lawns and landscaped areas, but also the replacement of grass, sod trees and shrubbery which were part of the original landscaping. It shall also be the responsibility of the Association to provide water for lawns and repair the lawn irrigation system as needed. Furthermore, it shall be the Association's responsibility to repair or replace any grass, sodding, or landscaping which has been damaged or destroyed by the actions or omissions of any Owner but it shall be the responsibility of the responsible owner to pay all costs associated therewith.
- 3. INSURANCE. As of the adoption of these Rules and Regulations by the Association, the Association has elected not to obtain casualty insurance on Residential Units in accordance with the provisions of Article V, Section 1 of the Declaration. Accordingly, it is the sole and exclusive responsibility of each Owner of a Residential Unit to provide casualty insurance in accordance with the provisions of the Declaration. It is, therefore, the Owner's responsibility to be familiar with and comply with Article V of the Declaration in every aspect. This obligations shall include, but not be limited to, the requirements that all causality insurance be for the full replacement value, that the proceeds thereof be payable to the Insurance Trustee, and that all liability insurance policies show the Association and all Residential Unit Owners as named insured.
- 4. SIGNS. Only temporary but tasteful "For Sale" signs are permitted. Two (2) standard size political signage not to exceed 28 inches by 22 inches shall be permitted only on a homeowner's property. Political signs may be displayed for a period not to exceed thirty (30) days preceding each election for which the sign is installed. The owner of the property upon which such signs are displayed is liable for the removal of the signs within five (5) days after the election of which it refers. Political signs shall not be placed in common areas or easements. A political sign shall be defined as any sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition.
- 5. VEHICLES. Motor homes, campers, trailers, boats, will be allowed to be parked on the Resident Unit's driveway for loading/unloading purposes only; this period shall not exceed twenty-four (24) hours. Trucks in excess of 3/4-ton are not allowed to be parked on the Resident Unit's driveway at any time. There is no prohibition for any of the referenced vehicles from being parked in the Resident Unit's closed garage in a manner that shall allow the garage door to be closed entirely. On street parking is governed by the ordinances of the Towns of Schererville or Dyer, depending on which town the Resident Unit is located.



6. LEASING RESTRICTIONS. Intentionally Deleted.
7. MINIMUM HEAT. The minimum heat in every Residential Unit shall not be less than sixty (60) degrees Fahrenheit for the period of time from November 1 to April 15 each year.
8. NOISE. Loud music or television or any other sound which may be objectionable to any other Owner or Occupant is prohibited at all times.
9. CAR WASHING. No car or other vehicle washing is permitted on any of the Residential Units in any manner which would allow soaps, detergents, or other chemical liquids or compounds to damage any lawn or landscaped area.
10. PETS. In accordance with Article XI, Section 6 of the Declaration, no animals, livestock or poultry or any kind shall be raised, bred or kept on any Residential Unit; provided, however, dogs, cats or other household pets may be kept, not to exceed a total of two (2) such animals, provided they are not kept, bred or maintained for any commercial purposes. Notwithstanding the foregoing, the following shall apply with regard to any pet which is allowed to be kept in or on a Residential Unit:
- a. Owners of a cat or dog shall be required to keep same on chain or leash at all times when pets are outside the home. All Owners must control their pets at all times, whether or not such Owner is present, in a manner that will prevent any pet from endangering the health or safety of other Owners, their families, guests or invitees or creating fear in other Owners as to the safety of themselves, their families, guests or invitees. An Owner with a buried electric fence intended to confine a pet within the yard is exempt from this rule only while the pet remains within the confines of enclosure. Electric fence installation is not permitted without prior ARC approval; devices previously approved by the ARC are required to register with the Association.
  - b. Owners of a cat or dog shall be required to immediately remove all forms of fecal matter or other solid waste of such pets from the Property, including but not limited to, lawns driveways, and parking areas, and such pets shall not be allowed to deposit fecal matter in any manner, or in any place, that would in any manner change or deface the Property, including any alteration in the uniformity of appearance of the lawn or landscaped area. An Owner's failure to immediately remove fecal matter or other solid waste left in any area by an animal owned by an occupant of such Owner's Residential Unit (or their guest or invitees) shall be conclusively deemed to be a nuisance, and shall subject the Owner to such reasonable penalties as may be determined by the Association.
  - c. No pet will be allowed which creates noise, emits noxious odors or creates unsafe or unhealthy living conditions, or other disturbances of any kind, whether on a continuous or intermittent basis, and regardless of the time of day or night.
  - d. Under no circumstances whatsoever shall any dogs be allowed on the property which are a breed known to bite people, such as pit bulls, Doberman Pinschers, German Shepherds, Rottweiler, etc.
  - e. Any Owner of a pet allowed hereunder, who is the subject of three (3) or more justifiable complaints of violation of this rule, shall forthwith permanently remove the pet from his or her Residential Unit, upon notice of same from the Board of Directors, and said, Owner shall not be allowed to have any pets within the Residential Unit at any time thereafter, except with the express prior written consent of the Board of Directors



- f. The Board of Directors shall have the authority to make regular Assessments against any and all Owners with pets for purposes of paying any additional costs which may be involved in maintaining and/or repairing the Property as a direct or indirect result of the housing of pets within the subdivision. These Assessments may consist of a regular monthly or other periodic Assessment against all Owners housing pets, to be paid in the same manner and at the same time as the General Assessment for Common Expense, and such as an Assessment may be based upon an estimate of the cost of maintaining and/or repairing the Property necessitated by the housing of pets within the Residential Units. The failure of any Owner housing a pet to pay such Assessments shall automatically result in the immediate and permanent removal of such in such Owner's Residential Unit at any time thereafter, and the Association and the individual members shall have law for violation of these Rules and Regulations.
11. GARBAGE. All garbage receptacles shall be located and stored in such a place as to be not visible from any ground level location in the subdivision, excepting only on those days of garbage collection, in which case such garbage containers, when empty, shall be immediately relocated to a place as described above.
12. RESPONSIBILITY FOR ASSESSMENTS AND COMPLAINTS WITH DECLARATION. The Owner is always responsible for Association Assessments, insurance deductibles or any other charge the Board of Directors may direct to the Residential Units, and compliance by all Occupants (including tenants and subtenants) with the provisions of the Declaration, regardless of whether the Residential Unit is occupied by the Owner or by an Occupant, and regardless of any agreement which such Owner may have with any such Occupant, tenant or subtenant.
13. OWNERS OBLIGATION TO PROVIDE INFORMATION TO THE ASSOCIATION. All Owners shall advise the Association in writing of names, residence addresses (if different from that of the Resident Unit owned) and telephone numbers of all Owners, Occupants and all tenants, subtenants and other occupants; and the names, business address and telephone numbers of all Mortgagees of record on the Residential Unit owned, and all such information provided in accordance herewith shall be updated in writing by each Owner within fifteen (15) days upon request of the Board of Directors.
14. OUTDOOR ITEMS. The following items may be installed;
- a. an address sign placed within the mulched landscape bed;
  - b. landscaping lights may be placed within the mulched landscape bed;
  - c. one shepherd's hook with a hanging flower pot;
  - d. plants, plant stands and flower pots in the mulched landscape bed or on the front porch;
  - e. a bench or chairs may be placed on the front porch;
  - f. one (1) American flag attached to the Residential Unit may be displayed;
  - g. a wreath may be displayed on the front door;
  - h. holiday decorations may be installed one week before and after a holiday, with the exception of Christmas from the week of Thanksgiving to end of January;
  - i. bird bath or bird feeder limited to one (1) in rear of home;
  - j. decorative animals or figurines limited to two (2) 24 inches or smaller placed in mulched landscape bed or patio;
  - k. miniature water fountains allowed in back of home on patio or mulched landscape bed;
  - l. boulders 24 inches or smaller are permitted in the mulched landscape bed only;
  - m. hanging flower bags allowed to hang on garage carriage light fixtures, with a limit of two (2) bags;
  - n. sun globes limited to one (1) allowed in mulched landscape bed only;
  - o. thermometers in allowed in back of home only;



- p. wishing wells allowed in rear of house 24 inches or smaller on patio or mulch area only;
- q. decorative flags not to exceed 18 inches by 24 inches.

The following items may be installed but are subject to ARC approval: (1) flower boxes allowed, attached to rear of home under window; (2) pavers as to edge the mulched landscape bed.


Placement of above items must be in a manner not to obstruct lawn maintenance. No other permanent flag poles, decorative iron works, additional fencing, landscaped lights attached to a structure, name plates, plaques, storage sheds on lawns, thermometers, wind chimes, or any other general decoration items and landscaping shall be permitted unless they receive prior written approval of the ARC.

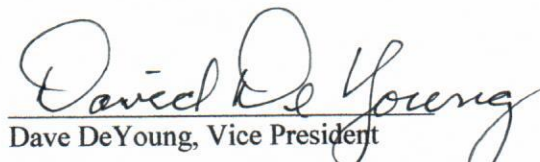
IN WITNESS WHEREOF, the Association has executed these Rules and Regulations to be executed on the date herein set forth, as 18 April 2013.


BRIAR COVE PAIRED COTTAGES ASSOCIATION, INC.

For

Against

  
Stephen Probst, President

  
Dave DeYoung, Vice President

  
Denise Warren, Secretary

\_\_\_\_\_  
Joe Arias, Treasurer

\_\_\_\_\_  
Ralph Flens

This Instrument Prepared by: Peter Bylen, 1st American Management Company, Inc., 3408 Enterprise Avenue, Valparaiso, Indiana 46383; Telephone: (219) 464-3536.

## **AWNING, RETRACTABLE GUIDELINES**

- Awnings require ARC approval.
- A retractable awning may be installed over the patio only.
- Awning colors must be in harmony with the home's exterior colors, and match the siding as closely as possible.
- Accent colors in the form of stripes or other patterns (if selected) must be in harmony with the color of the shutters, and be approved by the ARC.
- The retractable awning should be professionally installed.
- The homeowner must provide a waiver of liability with the request.

## **Dumpster Guidelines** (also known as waste containers, roll off boxes, etc.)

- Owners/title holders must inform the managing agent of the intent to use a dumpster.
- Owners/ title holders must sign a waiver of liability, provided by the managing agent, and submit it to the managing agent prior to delivery of the dumpster.
- The dumpster is limited to 15 yards, and must not block the public sidewalk.
- Owners/title holders are responsible for being aware of and following municipal, state, and federal code.
- Owners/title holders are required to put down  $\frac{3}{4}$  inch plywood under the dumpster.
- The dumpster contents must not emit chemical/biological/foul odors. The Owners/title holders are responsible for the control of odor.
- Any dumpster that gives off such offensive odors must be removed immediately at the Owners/title holder's expense.
- Owners/title holders are responsible for all damage to the driveway, lawns, sidewalks, curbs, and or sprinkler system.
- The dumpster must be removed within seven (7) days of delivery. If more time is needed, contact the managing agent.



## **PORTABLE STORAGE/MOVING CONTAINER GUIDELINES**

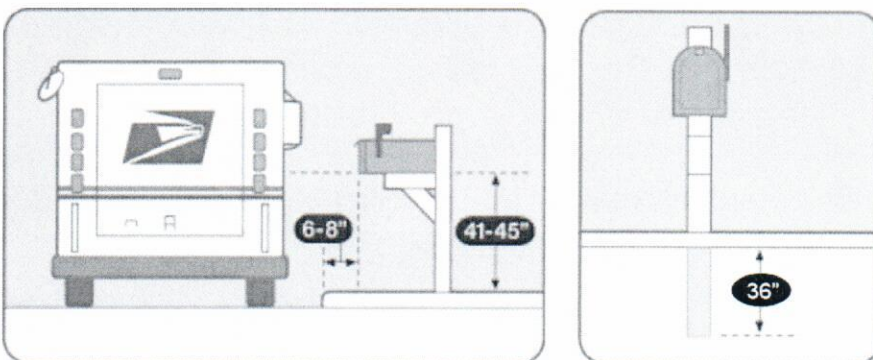
- Owners/title holders must inform the managing agent of the intent to use a portable storage/moving container.
- Owners/ title holders must sign a waiver of liability, provided by the managing agent, and submit it to the managing agent prior to delivery.
- Owners/title holders are responsible for being aware of and following municipal, state, and federal code.
- Owners/title holders are required to put  $\frac{3}{4}$  inch plywood down under the portable storage/moving container to protect the driveway from damage.
- Owners/title holders are responsible for all damage to the driveway, lawns, sidewalks, curbs, and or sprinkler system.
- The portable storage/moving container should not block the public sidewalk.
- The portable storage/moving container must be removed within seven (7) days of delivery. If more time is needed, contact the managing agent.

## **ELECTRIC/ELECTRONIC FENCE GUIDELINES**

- All electric/electronic fences require ARC approval.
- A diagram must be submitted with the request.
- All buried electric/electronic fences should be registered with the Association.
- A town permit is not needed, but the town of Schererville does require that the installer be registered with the town.
- All buried electric/electronic fences should be inside owner's property, and a minimum of five (5) feet from sidewalks, adjacent property, or other public walkways.
- Batteries must be checked on a regular basis.
- Owners are responsible for adequate training and animal restraint for this type of fencing.
- Based on Schererville Animal Control ordinance.

## Mailbox Guidelines

- Mailbox repair/replacement is the responsibility of the homeowner.
- Materials used in the repair/replacement must comply with the original construction and conform to community standards.
- The mailbox post must be painted to match the color of the cedar on the residence.
- The face of the mailbox must be behind the back of the curb by a minimum of 3 and a maximum of 6 inches – or 6 to 8 inches from the front of the curb. (See picture below.)
- There must be a minimum of 41 and a maximum of 45 inches of clearance between the top of the curb and the bottom of the mailbox. (See picture below.)
- The mailbox post alignment must be vertically plumb.
- Bury your post 36 inches deep. (See picture below –depth changed to reflect frost line.)
- If the post is being replaced, the rubber sleeve on the existing mailbox post must be transferred to the new post or replaced.



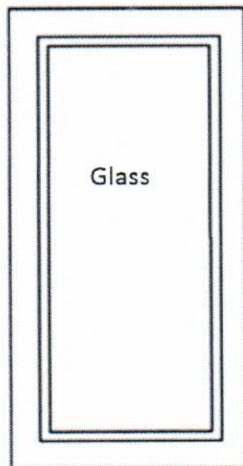
Pictures courtesy of the USPS online.



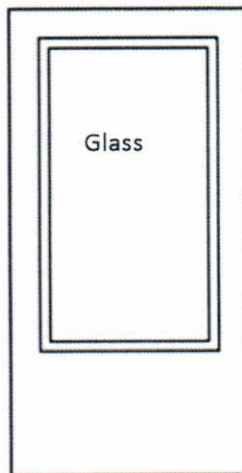
## Screen/Storm Door Guidelines

- Screen/storm doors must be one of the 3 styles shown below.
- No cross buck screen/storm doors will be allowed.
- Screen/storm doors must be white.
- Screen/storm door hardware must be gold toned.

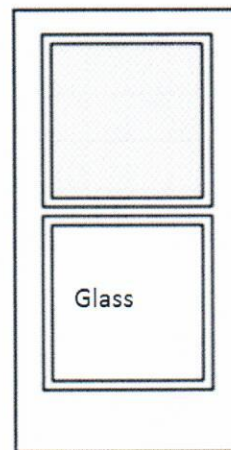
Full View



$\frac{3}{4}$  View



Self Storing  
Screen



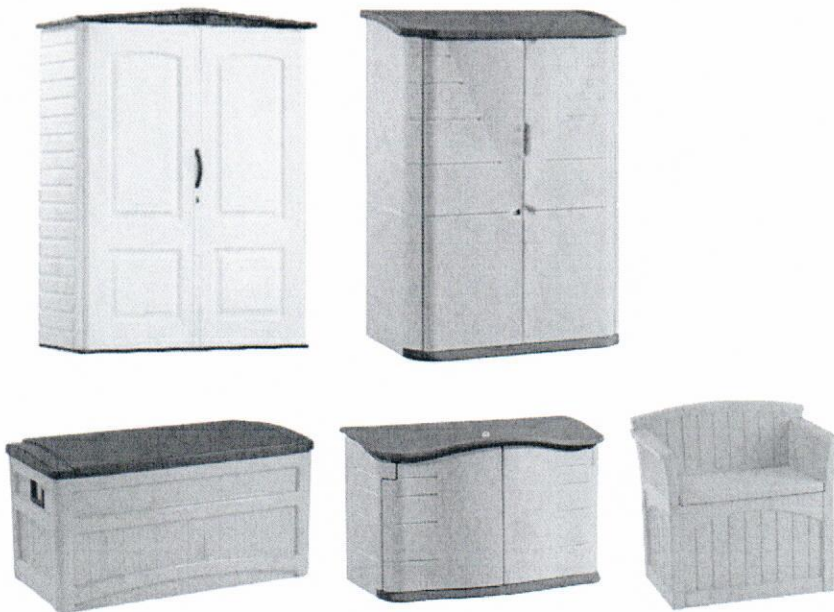
## **SITTING WALL GUIDELINES**

- Sitting walls will only be permitted around the perimeter of a patio (original or expanded by the homeowner with ARC approval).
- Sitting walls must be constructed on a six (6) to eight (8) inch compacted gravel or concrete footing adjacent to the patio - not on the patio.
- Sitting walls must be constructed of interlocking blocks that are meant for creating walls.
- Sitting walls must not touch the siding of the home.
- Sitting walls are limited to twenty-four (24) inches in height from the patio surface.
- Pillars are permitted at the ends and/or corners of the sitting wall, provided the materials used match the sitting wall materials. Pillars are limited in size to thirty (30) inches square by thirty-six (36) inches tall, as measured from the patio surface.
- Sitting walls must have at least one thirty-six (36) inch wide walkway or gate.

## Storage Bin/Cabinet Guidelines

- No prior approval is required for a patio storage bin/cabinet if it meets the following specifications:
- The storage bin/cabinet must sit completely on the patio, and cannot sit in the lawn.
- Vertical storage cabinets must be no taller than 80 inches, no wider than 55 inches, and no deeper than 30 inches.
- Horizontal storage bins must be no taller than 35 inches, no wider than 55 inches, and no deeper than 30 inches.
- The storage bin/cabinet must be made of durable weather resistant, maintenance free, UV resistant plastic or poly vinyl.
- There is a limit of 2 storage bins/cabinets on the patio.
- Examples of companies that make such storage bins/cabinets would be Rubbermaid and Suncoast.

### Examples:





## LIGHTING FIXTURES (EXTERIOR) GUIDELINES

Front entrance, garage/patio fixtures must be the same as, or match as closely as possible, the original style, black outdoor wall fixtures.

### GARAGE & FRONT DOOR



Galaxy 15-3/8-in Black Outdoor Wall Light

Item #: 432335 | Model #: 301021BK

### PATIO



Portfolio 8-1/4-in Black Outdoor Wall Light

Item #: 338648 | Model #: FY05-030