

ARCHITECTURAL CONTROL COMMITTEE

Guidelines for Property Owners

In Regard to the Architectural Control Committee Application and Approval Process

The information in this document is based on the Deed Restrictions of the *Springs at Rebecca Creek* and historical experience of the committee, and is meant to assist property owners in their endeavor to complete the application process.

The ACC is an elected three-member committee comprised of property owners in the *Springs at Rebecca Creek*. The powers and responsibilities of the Architectural Control Committee (ACC) are set forth in the Deed Restrictions of the *Springs at Rebecca Creek* – Sections 1, 2, 2A, 3 and 3A. The responsibility for review and approval of all construction within the subdivision falls under the authority of the ACC.

The ACC must approve the design, location and construction materials of all structures. In addition to the main residence, other structures requiring ACC approval are: guest quarters, detached garages, workshops, storage buildings, well houses and barns. Owners understand and agree that these structures (as underlined) cannot be used for residential purposes prior to completion of the main structure.

Owners must complete the “Application for Architectural Review and Approval” found on the association website at www.springsownerscom under the sub-heading of “Documents/Forms”, or obtain a copy from the ACC chairperson.

The failure of an owner to provide the necessary information prior to commencement of construction is a violation of the Deed Restrictions and could result in unnecessary and potentially expensive costs to the owner.

The ACC has identified “commencement” of construction as the day that foundation forms are set on the property. From that day, the owner/contractor has six months to complete the exterior of the construction project.

The ACC does not have a set meeting date/time. When plans are received, committee members are notified by the chairman and details of the plan are often discussed on the phone or via email prior to approval. In most cases, plans are approved within two weeks. An approval letter, signed by at least two of the ACC members, will be mailed to the address shown on the application.

Setback requirements are based on lot size and are identified in Paragraph “C” of the Deed Restrictions, which also dictates that all homes must be 100 feet from any public roadway. There is no mention of a corner lot having any unique position with respect to any of the restrictive covenants; therefore, ACC has ruled that a corner lot has two public road boundaries and must adhere to the 100 foot setback on both public roads. Upon written request from the owner, ACC may, in its sole discretion, waive or alter any setback line if in the ACC deems such waiver or alteration is necessary to permit effective utilization of a tract.

Variations have been routinely granted for the extension of the six-month requirement for completion of the exterior finish and appearance of the construction project. There are no provisions for leniency for owners who build their own homes. Owners acting as their own builder will be held to the same standards as owners who contract for the construction of their home. A nominal fee is charged to process variations and file with the county clerk. Check with the committee chairman to determine the current amount.

Although not required, the ACC recommends that plans for portable buildings be submitted for approval. All portable buildings must meet setback requirements.

ACC approval is not required for the construction of fences, gates or driveways; however, owners are encouraged to have a survey to assure proper placement so as to avoid encroachment on another property or interference with utility easements. Owners should contact Comal County Road Department to obtain a driveway to public road connection permit.

The powers vested in the ACC are considerable and the members of the ACC must exercise these powers to protect the owners within the subdivision. Failure on the part of the ACC to fulfill their obligation to enforce the Deed Restrictions as written and previously interpreted will result in creating an environment where enforcement is not possible.

I/We, (owner(s)) acknowledge that we have read and agree to the aforementioned terms.

Owner

Co-Owner

Date