

Bear Creek Oaks Deed Restriction Amendment Feedback

July-August 2022

What type of restrictions, if any would you like to see addressed?

Insights:

20% respondents said “None”*

Folks are curious to know “what parts of our restrictions are outdated, and bring them up to date with current laws and legislation”

**Unless a respondent added additional information, those “none” responses have been removed from the chart for clarity*

<ol style="list-style-type: none"> 1. Clarify/strengthen wording that development is for personal or recreational use and not for a developer to somehow make something like a mixed commercial/residential dwelling. 2. Recent world events have brought multi-generational families back, so we should be able to have more structures for personal use for multi-generations in accordance with these changes (ex: ADU for elderly care, etc.). ADUs should be able to be under 1000 sq feet. Basically, seeking a way for a genuine need of a resident to have multiple dwellings for family needs that may not be in the traditional "one roof" home. 3. I'm in favor of allowing a small airBnB on property when there is one owner of the piece of land. How is the impact different from having a renter (it's just a more frequent lease renewal). 4. The wording of the attached proposed amendments are TOO broad and too subjective to whoever is on the HOA board. I am NOT in favor of the wording of the proposed amendments as they are listed at: https://drive.google.com/file/d/1hO_h21aHKpGTneolJFM6pf3yf__qdPwV/view
I only want to see a restriction on roads from outside the village having any sort of access to ours within. Additionally I would like a "no condo regime" amendment.
Bring current restrictions/documentation up to TX state code for POAs - separate architectural committee, etc. other than that, I think the current restrictions are acceptable.
To be effective, the BCOPOA needs "universal" authority. If we simply add a restriction that only affects one property, after development has been announced, we will lose in a court jury trial. "Restrict him but not me" will not succeed, and could bankrupt the BCOPOA.
None. Only keeping the peace and living kindly.
None. I haven't had any issues with any of my neighbors or their decisions for/on their property. They do their thing and I do mine — it's why we moved here.
We have sufficient restrictions, leave well enough alone.
Beautification of the neighborhood. Cut down all cedar trees in the road rightaway/easement to the fence line. I think 90% of the cedar trees should go. Plant other native trees for beautification. Cedar trees consume too much water.
No lot used as a thru road. People keep talking about condo's a multi-use in our neighborhood, but that is already addressed in our current restrictions. Single family properties. Also, I would like to know what parts of our restrictions are out dated and bring them up to date with current laws and legislation.
Keep base restrictions we have, but make them enforceable with any necessary updates to do so. Not interested in level of restrictions imposed by attorney draft. Wise to have ACC independent from POA Board both for enforcement and for legal compliance with new HOA rules from the State.
Egress and Ingress from non Bear Creek properties
Structures built too close to the property lines
Only the specific language to address the proposed outside development that we heard about back in May. Not sure how this became a conversation about changing HOA restrictions beyond that....
Would like to see restrictions prohibiting Multi-family and also minimum square footage for homes and possibly even some external materials required.
Access to roads limited to driveways for single residences.
<ol style="list-style-type: none"> 1. Limit multiple homes on each property. 2. Review of impact of change to hard surfaces on neighboring property (i.e. concrete changing water flow). We ended up with a huge expense as water flow changed due to concrete drive on other side of road addition.
Multi family, condo, duplex prohibited
Ideally the HOA would limit building roads, condos, and multi-family units.
I like the current set of restrictions. Build Distance from property line and minimum lot size / sqft provisions
<ul style="list-style-type: none"> - The removal of language regarding plantings and landscaping. Those improvements should not need to be reviewed by a separate body. - the phrase "...and are in harmony of external design" (Section 3.D) seems like a vague, and therefore easily exploitable, term that the ACC can use to refuse improvements.
Restrictions that would maintain today's standard for a community of eclectic residential single family homes.
I am assuming we will need to address the "current restrictions not in compliance with Texas Law," and the "code," referenced above [bring (the restrictions) up to code]. Along with Texas Senate Bill 1588 if necessary [effective September 1st].
New restrictions should be limited to the prevention of multi family units on any property within VOBC.

The HOA must be empowered to enforce the restrictions. Today, the deed specifies that a letter be served to the 'offender'. What, if any, would you like to see changed about this process?

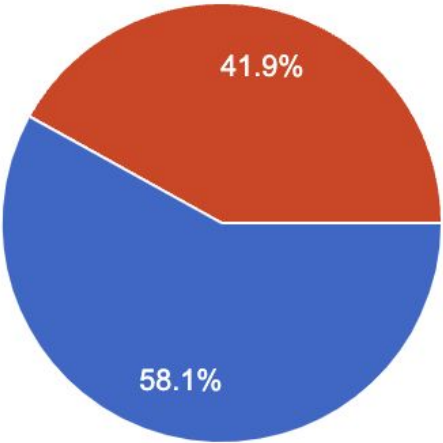
Insights:

Make it clear to folks “ what penalties exist if an offender does not comply.”

In order to be empowered to enforce restrictions, you first need clear, **objective** restrictions against which to enforce restrictions. Then, you need funding. It's not viable with our current HOA fees. Also, before something comes to the HOA, neighbor to neighbor talks should occur when possible.
Litigation
I don't know. I thought a lien could be placed on the property.
I see not problem with being required to write a "cure" letter. If we do, though, we need to be prepared to go to the next step when it is ignored. Idle threats are counter-productive.
It is fine
Whatever it states in the old, original bylaws is how this process should be handled
HOA needs authority
We have no financial backing to enforce anything. I can ask my neighbors to no break the rules which so many of us are, but there isn't a way to enforce a resister legally. I say increase fees below to have funds to protect if needed. But I like everyone keeping on their side of the street and keeping their side of the street clean. If you can see your junk from the street - clean it up.
Have appropriate fines levied.
Please do not weaken the existing standard.
I would like to know what penalties exist if an offender does not comply.
The ability to raise ad hoc money (through a vote) to to empower the HOA to obtain legal services to backup the letter
I would like to see there be a fine imposed and the ability for the POA to file a suite if needed

Should we increase our HOA fees?

31 responses

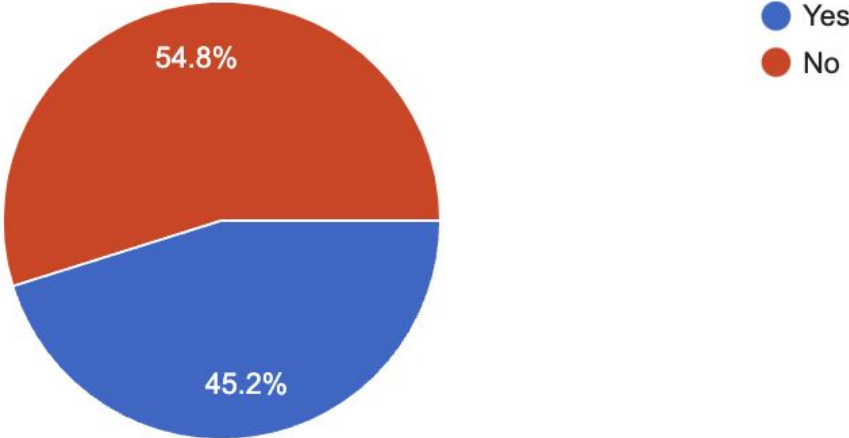


- Yes
- No

Should we form an Architectural Control Committee to provide review and approvals?



31 responses



What concerns, if any, do you have about an ACC?

Insights:

10% respondents said “None”;
these responses have been removed from the chart for clarity

Many people don’t seem to understand how this is different than what we do today

Many respondents don’t understand why we might want to separate an ACC from the HOA Board members

Wise to have ACC independent from POA Board both for enforcement and for legal compliance with new HOA rules from the State.
I'd want to know what is driving this decision Do we need an ACC? It's hard to tell b/c there are no POA meeting minutes posted since 2020. If it ain't broke, don't fix it. Or, is the existing process "broken"? How is it broken? For instance, overburden to BoD/HOA? Legal violations? Other? How will having an ACC improve any existing "broken" processes or make things better for our Village?
We are a rural subdivision that does not require approval other than existing setback. No committee should dictate beyond current rules. This is not Circle C/Belterra. Any change will lower value and restrict personal property rights. For those that want these new restrictions they should move to such subdivisions.
Such a committee would be made up of people who may have no knowledge, experience or other qualifications to make such judgements other than the fact that they volunteer to serve on the committee. I dont want anyone limiting what i can do based on their personal bias. I also feel it's wrong to impose such restrictions on long time residents of VOBC who purchased their property and have abided by the existing restrictions for many, many years. Some of us live on acreage and nobody can see what improvements we've made. This is not a typical urban subdivision that every house is setback 20' from the street and the HOA needs that level of oversight.
They have no right to tell me what I can and cannot do on my property behind the current deed restrictions.
They need specific guidelines of what may be approved or denied so their own personal opinions don't affect the decisions.
That responsible owners will deign to serve, leaving it the hands of aggressive members.
This takes away our creativity and our freedom to live here, and the reason we've all moved here in the first place. To be left alone. This is a huge concern, they want to dictate. Absolutely against this committee.
We moved to this neighborhood for the freedom/to not be in Circle C or Belterra. I enjoy being able to do house or yard work without needing permission. The previously proposed amendment was way overstepping. We appreciate the diversity in this neighborhood and want it to stay this way.
Overbearing members
Too much power in the hands of a few people who may be misguided
I like the separation from the board. Keep the restrictions as they are - other than not approving a thru road only on a property. The ACC can use the current rules (updated as legally required).
As long as restrictions are geared to prevent major issues already included in our restrictions (such as size, building materials), no issue. There would need to be a clear and enforceable process to prevent major items from being violated. Approvals would need to be timely and not withheld without reason and enforcement would need to be handled before illegal items are constructed.
That the controls will become overly detailed. Broad guidelines should be the standard.
We don't live in Bear Creek to operate under the review of an ACC. If we wanted that we would live elsewhere.
They should have VERY specific restrictions to enforce
Do NOT want an HOA that lawyers have given way too much power/control to and added expensive dues! Address the issue that is community concern without adding a bunch of nonsense! Lived here since 1978—not unhappy about anything except an owner able to open up our roads to outside traffic! Fix that!
New construction of house, barn, storage, well house. Not paint colors or fence approval
We want to avoid excessive aesthetic regulation.
I don't want to control what my neighbors plant in their front yard or the color of their house. I am unconcerned about their bad taste affecting my property value.

What specific concerns, if any, do you have about a multi-family or condo regime being built in our community?

Insights:

Folks question why the current by-laws aren't enough to prevent the condos.

<p>My concern is on accountability for a condo regime on property issues primarily. If there is not a single ownership of land, how do you get accountability, votes, collect taxes, etc.? Secondly, expansion to a high number of condo units could bring other unanticipated issues (traffic, well water, noise, etc.). I'd want a single, clear land ownership to be able to hold a party ultimately accountable for development or issues on a piece of property. At the same time, with COVID and other recent world events, I would want to be able to have multi-family homes for multi-generational needs, such as taking care of elderly parents, or other relatives living with you. I would like that not all units have to be attached and that there can be "ADUs" (for multi-generational family needs, for instance), of less than 1000 sq. ft. I also support having a small airBnB type of unit on the property where there is still single ownership of land involved.</p>
<p>I think the lawyer is pushing an issue that has little to no practical concern. I think we are already single family. Simpler the better.</p>
<p>Multi-family or condo regimes typically increases density beyond what our roads can handle, traffic safety issues, especially at the VOBC entrances. Doesn't our existing restrictions prohibit multiple residences on a lot? We were given the impression that the amendment was for the purpose of dealing with the condo issue, but now it seems you are attempting to use this as an opportunity to implement ACC control over existing residents.</p>
<p>Property values will decline.</p>
<p>The rapid increase in population and use of our roads in the main concern. But I also think people should be able to build guest houses on their property, and even rent them out if they want.</p>
<p>Whatever one calls it, they wind up being "apartments". Apartments do not fit the description of "Single Family Residences"</p>
<p>I don't mind multi family, I think it's good to have family/ village that remains respectable and quiet. I don't agree to condos at this time.</p>
<p>Clearly I would not be in favor of this, but we have the amendment in place to protect the Village's roads and therefore keep condos away. If we are concerned with condos/multi family units being built here, why are we discussing yard art and paint colors? I think protection from condos can be achieved without creating an ACC or changing the freedoms that have been in this neighborhood for decades.</p>
<p>It is prohibited to my knowledge</p>
<p>There should not be such structures. Didn't the old bylaws indicate single family residences?</p>
<p>none - our restrictions already limit to single family dwellings. Paragraph 3. Why are we even talking about this? Did I miss something?</p>
<p>We need to keep from increasing the density on our lots and any resulting overcrowding/use of streets.</p>
<p>We do not want any condominiums in Bear Creek. It would change the character of the existing development. We don't need increased traffic; just look at the current condition of our roads.</p>
<p>Would prefer no condos or multi-family homes. It might lower adjacent property values?</p>
<p>I do not think we should allow condo regimes or segmented ownership (this is becoming very popular in Real Estate currently. I also think we should limit property to being inhabited by a single family and/or extended family, but only one single family home. I also believe we should restrict what properties can be used for (short term rental, long term rental, corporate rental). I'm not saying we should prohibit these things but we should have very specific stipulations regarding them.</p>
<p>What's the problem with "restriction of only one single family residence per 2.5 acres" that's already in place? Need a restriction of connecting Roads or throughfare on an individual's lot to our village roads.</p>
<p>I have no problem with an in-law dwelling or single guest cottage not to be used as a rental, but do not wish to see duplexes, MF or condo construction permitted in the neighborhood.</p>

How do you prefer to stay updated with community events and changes?



30 responses

