

Final

# Grandview Estates P.O.A.

## NEW HOME POLICY

As defined in the Deed Restrictions "Improvement" shall mean and refer to any dwelling, garage, carport, swimming pool, boat slip, fence and any other object placed on, in or under the Properties<sup>1</sup>.

No improvement shall be erected, placed or altered on any Lot until the construction plans and specifications and a plot plan showing the location of the improvement thereon have been approved by the Architectural Control Committee with respect to harmony with existing structures, design, color, location with respect to topography and finished grade elevation and compliance with minimum construction standards more fully provided for herein. The Committee is authorized to grant variances if the variance is reasonable and if the structure is not inconsistent with the general scheme and harmony of the development. The builder must be approved in order to ensure that the structure will be built according to the plans and specifications. The Architectural Control Committee reserves the right to approve the builder selected by Lot owner.<sup>2</sup>

There is a five-foot (5') building line and utility/drainage easement along all side lot lines unless otherwise shown [on the survey plats].<sup>3</sup> No main residence, garage or carport or any other out building or object placed on, in or under Properties and any part thereof, shall be located nearer than 5 feet to any interior side Lot line.<sup>4</sup> All easements within the perimeter of a Lot must be kept functional to allow water to flow according to the Final Plat of the subdivision Moyer Surveying, Section One, File #2005-07948, Section Two File #2006-029446, Town and Country Land Surveying, Section 3 File #2007-035227

Declarant hereby reserves the right to grant upon, across and over each Lot an easement and license along the perimeter boundaries of each Lot to the width of five feet measured from each boundary of each Lot, protruding from each boundary into the interior portion of each Lot, for the purpose of erection, construction, maintenance, repairs, and the continuous placement of an electrical lighting system throughout the Property. . . . Each owner, by acceptance of a Deed to a Lot in the Grandview Estate Properties, does acknowledge the existence of this reserved right and the rights hereunder created, such right being for the expressed benefit of each other Lot in the Properties.<sup>5</sup>

<sup>1</sup> **ARTICLE I, Section 16.** All references to **ARTICLES** in this document are from the Declaration of Covenants, Conditions, and Restrictions of Grandview.

<sup>2</sup> **ARTICLE III. Section 3.**

<sup>3</sup> Moyer Surveying, Section One, File #2005-074928, Note 8, File #2005-074928, Note 6; Section Two, File No: 2006-029446, Note 5; Town and Country Land Surveying, Section 3, File #2007-035227, Note 8.

<sup>4</sup> **ARTICLE III. Section 6.**

<sup>5</sup> **ARTICLE III. Section 14.**

The property owners' association may not amend a dedicatory instrument to grant the property owners' association an easement through or over an owner's lot without the consent of the owner. Texas law does not prohibit owners' associations from adopting or enforcing a restriction in the dedicatory instrument that allows the property owners' association to access an owner's lot to remedy a violation of the dedicatory instrument.<sup>6</sup>

No improvement, alteration, addition, or modification to a Lot will be approved if there is known or found to be an existing violation of the Restrictions applying to the subdivision or the By-laws or P.O.A. Policies and Rules of the Association. Any unapproved improvement, alteration, addition, or modification made to a Lot, if unresolved at the time a Lot is being offered for sale, will be provided on any and all current or future "Resale Certificates" to clearly state that the property is in violation of the Restrictions applying to the subdivision, or the Bylaws, or Policies and Rules of the Association. Further, the Board shall give notice to and require the current owner of a previously owned or occupied property that the previous owner made an unapproved improvement, alteration, addition, or modification and that they have purchased a property which is in violation of the Restrictions, Bylaws, or Policies and Rules for which the current owner is responsible to correct.<sup>1</sup>

### **New Home Location Specifications**

1. All new homes are subject to all **drainage** and utility easements and building lot lines as shown on the plat for each section and recorded in the County of Montgomery.<sup>7</sup>
2. All applications for new home construction must include a Lot survey with an original stamped seal of the surveyor and a plat that specifies all easements and building lot lines.
3. All applications for new home construction must show on the Lot survey the exact location of the proposed new home construction, including the scale that was used to depict the location of the proposed home.
4. The Architectural Control Committee reserves the right to deny the proposed location of a proposed home if it is not in harmony with the location of other homes in the Community.<sup>8</sup>

### **New Home Building Specifications**

1. No structure shall be erected, altered, placed or permitted to be built or remain on any Lot other than one single family dwelling.
2. All homes must be single family dwellings with an attached fully enclosed **garage** for not less than two (2) nor more than four (4) cars.
3. **Garages** may be used for the parking of cars only, constructed at the same time as the dwelling and act as an integral part of the residential structure with the same design, color, and materials as the residence. No garage may be open to the rear of a Waterfront Lot and garages placed on corner Lots may face the side street with ACC approval.

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<sup>6</sup> Texas Property Code, Title II Restrictive Covenants, Chapter 202, Construction and Enforcement of Restrictive Covenants, Sec. 209.012 (a), (b).

<sup>7</sup> See the Grandview Estates P.O.A. Drainage Policy.

<sup>8</sup> **ARTICLE III, Section 6.**

4. Interior Lots may have a **detachable garage** for no less than two (2) nor more than four (4) cars<sup>9</sup> if there is a fully enclosed garage for not less than two (2) nor more than four (4) cars.
5. The **height** of the residential dwelling may not exceed thirty-five (35) feet, measured from where the highest point on natural grade of the Lot abuts the structure unless the slab must be elevated above the natural grade to achieve minimum slab elevation.
6. No manufactured or mobile homes are allowed on any Lot.<sup>10</sup>
7. **Carports** are acceptable, but cannot substitute for a two-car garage, and must be an integral part of the residential structure, including design, color, and materials.<sup>11</sup>
8. The minimum **living area** of a one (1) story residential structure must be 2,500 square feet.
9. The minimum **living area** of a one and one half (1 ½) story residential structure must be 2,500 square feet with the first story being no less than 1,750 square feet.
10. The minimum **living area** of a two (2) or two and one-half (2 ½) story residential structure must be 2,750 square feet with the first story being no less than 1,750 square feet.<sup>12</sup>
11. Residences, garages, carports, and any other structure built on a Lot must be 80 percent **masonry construction**. Stucco is considered masonry; hardy plank is not. If stucco is the masonry used, at least one-third (1/3) to one-half (1/2) of the front elevation must be stonework. If brick is the masonry used, at least one-third (1/3) to one-half (1/2) of the front elevation must be stonework.
12. External **roofing** material, subject to ACC approval, may be wood shingles, wood shake, slate, tile, metal, built up roof composition. Roofing material may be used that is designed to provide solar generation capabilities, if when installed, it resembles the shingles used and authorized by the Grandview subdivision in the Deed Restrictions and matches the aesthetics of the property surrounding the owner's property.
13. **Roof vents**, vent stacks, galvanized roof valleys and other roof items must be painted to match the roof materials. Roof items that appear on cedar shingle roofs must be painted in such a manner that the color matches a weathered cedar shingle. Galvanized roof valleys must be primed before painting to insure the prevention of peeling.
14. **Roof ventilation** shall be located to the rear of the roof ridge and not be visible from the street.<sup>13</sup>
15. **Landscaping** layout and plans must be submitted with new home applications. The front yard of all homes must be landscaped; the front and side yard of homes built on a side street must be landscaped; and the front and rear yards of all Waterfront lots must be landscaped. All **landscaping** must be completed within three (3) months of occupancy.<sup>14</sup>

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<sup>9</sup> ARTICLE III, Section 8.

<sup>10</sup> ARTICLE III, Section 1.

<sup>11</sup> ARTICLE III, Section 2.

<sup>12</sup> ARTICLE III, Section 4.

<sup>13</sup> ARTICLE III, Section 5.

<sup>14</sup> ARTICLE III, Section 20.

16. All building **foundations** shall consist of a concrete **slab**, except as noted here<sup>15</sup>, and be a minimum of eight (8) inches above finished grade of the Lot at the foundation perimeter. The finished slab elevation of all structures on Waterfront Lots must be above 207 elevation as established by the San Jacinto River Authority and above the 100-year flood plain. The slab design must have a structural engineer's original seal and signature.<sup>16</sup>
17. No window or wall type **air conditioners** are permitted to be used, erected, placed or maintained on any building in any part of the Properties.
18. Each kitchen in each dwelling or living quarters situated on any Lot must be equipped with a **garbage disposal** unit.<sup>17</sup> Garbage disposals must be manufacturer approved to be used with aerobic septic systems.
19. **Aerobic septic systems** must be installed according to manufacturer's specifications, San Jacinto River Authority approved design, and TCEQ requirements.<sup>18</sup> Installation must be by a Texas licensed sanitarian. A copy of the system maintenance contract must be presented prior to occupancy.
20. Thirty (30) amp **Pool Equipment Electrical Circuit** must be installed at the rear of the house to accommodate swimming pool equipment.
21. All homes must be designed to the most current edition of the **International Residential Code** for One and Two Family Dwellings.
22. **Driveways** may be constructed and maintained across the utility/drainage easement along the front of the Lot and/or along the side of corner lots adjacent to street to right-of-ways to gain access to the Lot.<sup>19</sup>
23. **Driveways** may be built of concrete or other materials approved by the ACC. Concrete driveways must be constructed with 3,000 psi concrete with #4 rebar 18" O.C.E.W and constructed sixteen- (16) inch center.
24. **Driveways** shall be a minimum of ten (10) feet.<sup>20</sup>
25. If more than one **driveway** is constructed on a common Property, such **driveways** must be separated by a minimum distance of twenty (20) feet and constructed so as to prevent normal street flooding from entering upon the adjoining Property accessed by the **driveway**.<sup>21</sup>
26. An expansion joint must be installed at the property line and at the connection where the **driveway** meets the street.<sup>22</sup>
27. **Mailboxes** must be constructed with the property street number address clearly and neatly affixed to the front of the mailbox. Mailboxes are important to the aesthetic appearance of the community. The mailbox must match the masonry (stucco, brick, and stonework), trim, color, and design of the main residence.

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<sup>15</sup> The Architectural Control Committee may approve a different type of foundation when circumstances, such as topography of the Lot, make it impractical to use a concrete slab on all or any portion of the foundation of the building improvement.

<sup>16</sup> **ARTICLE III, Section 7.**

<sup>17</sup> **ARTICLE III, Section 5.**

<sup>18</sup> See Aerobic System Regulations and Requirements in the P.O.A. Construction Standards, Regulations, Specifications and Requirements.

<sup>19</sup> **ARTICLE II, Section 7.**

<sup>20</sup> **ARTICLE III, Section 28.**

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

28. Any owner who seeks approval of **Outbuildings**,<sup>23</sup> **Fences**,<sup>24</sup> or **Swimming Pools**,<sup>25</sup> at the time of New Home application should refer to the respective Grandview Estates policy.
29. **Gutters and Downspouts**, if utilized, must be of galvanized metal and painted to match the color of the main residence. No gutter or downspout may drain onto neighboring Lots or interfere with the established drainage pattern from adjoining Lots or other Lots in the subdivision. Underground pipes leading from downspouts must not extend onto neighboring Lots or into the five-(5) foot drainage easement.<sup>26</sup>

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<sup>1</sup> Improvements, alterations, additions, or modifications that were **approved** by the Architectural Control Committee prior to September 2012 are grandfathered. Improvements, alterations, additions, or modifications that were **approved** by the ACC prior to September 2012 shall not serve as precedent for the approval of any improvement, alteration, addition, or modification in the subdivision thereafter.

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<sup>23</sup> See Grandview P.O.A. Outbuilding Policy.

<sup>24</sup> See Grandview P.O.A. Fence Policy.

<sup>25</sup> See Grandview P.O.A. Swimming Pool Policy.

<sup>26</sup> **ARTICLE III, Section 26.**