

# CONSTRUCTION REVIEW APPLICATION

## OAK POINT POA

Revised 4/20/13, 2/5/16

### Purpose of Application and Fees

The purpose of the Construction Review process is to make sure that construction projects abide by the Oak Point Property Owners Association (the **POA**) conditions, covenants, and restrictions (the **CCRs**). Many construction projects need to meet minimum square feet requirements, material requirements, and not be located within easements. The **CCRs** are for the protection of everyone's property value. The purpose of the **Application Fee** is to cover the costs, if any, of reviewing the Construction Review Applications (the **Application**) submitted by Lot Owners. The purpose of the **Concrete Fee** is to provide funds to cover the additional wear and tear that construction vehicles place on the roads.

### What Kind of Project Needs an Application?

Effective March 21, 2010 the following guidelines clarified the previous requirement that all new construction meeting the following criteria at Oak Point be reviewed by Excel Association Management or their designated review agent (collectively **Excel**) via a Construction Review Application process:

- If the construction project costs less than \$2,000 no **Application** will be required.
- If the construction costs more than \$2,000 to complete and includes the installation of concrete, an **Application** must be submitted.
- If the construction costs more than \$4,000 to complete (regardless of whether concrete is used in the project) an **Application** must be submitted.

Projects that should have plans submitted for review include but are not limited to:

- New home construction
- Fence installation
- Garage or storage building construction
- Home Addition that adds square footage
- Concrete Pad for driveway, RV or any other use
- Significant Siding Replacement/Re-facing
- Driveway installation
- Landscaping or hardscaping projects that 1) exceed \$2,000; or 2) affect drainage; or 3) are located within any easement. Most lots have a 20' front yard easement and 10' side and rear yard easements.

### Application Fee and Concrete Fee Details

An **Application Fee** of \$100 is required with each **Application** and must be submitted in full before the **Application** will be considered for review. If the **Application** is acceptable an approval will be issued contingent on payment of the **Concrete Fee**. The **Concrete Fee** shall be calculated as follows: \$.35 per square foot for any of the following installed on a lot: concrete slab, stone, and gravel. Any surface under any roof including sheds, arbors, carports, and garages will be counted toward the square foot of concrete installed on the lot. Areas included will consist of house slabs, patios, porches, garages, driveways, sidewalks, steps and any other horizontal surface of concrete regardless of depth. If a subsequent building **Application** is required on the same lot by the same owner the \$100 fee will be waived but the concrete rate will still apply.

## Steps in Construction Review Process

1. Failure to submit an Application prior to construction or beginning construction after an Application has been denied may subject the lot owner to a \$25/day fine, penalties, or liens.
2. Contact Excel Association Management at (972) 881-7488 for the **Application** form and to answer any questions you might have about submitting the **Application**.
3. Have **legible** plans drawn that include:
  - a. Site plan of your lot showing the property line and location of the proposed improvements with distances to property line indicated
  - b. Building or improvement footprint showing the exterior dimensions and the square feet of building or improvement.
  - c. Include the square feet of all concrete house or RV slabs, patios, porches, garages, driveways, sidewalks, steps and any other horizontal surface of concrete regardless of depth. The total square feet of all horizontal concrete surfaces needs to be included on the plans.
  - d. Elevation drawing showing the façade of the improvements and denoting the construction materials to be used
4. Submit plans, the **Application** and **Application Fee** of \$100 payable to “Oak Point POA” to

**Oak Point Construction Review Application**  
**Excel Association Management**  
**PO Box 941169**  
**Plano, TX 75094**

4. Excel will review and approve or deny the plans within 30 days of receipt of a COMPLETED Application. Incomplete Applications may require more time and will not be approved unless completed. No Application will be approved unless the Applicant is fully paid on his association dues.
5. Upon complete review of the **Application** the Lot Owner will be notified of the amount due for the **Concrete Fee** and any other contingencies or conditions that need to be satisfied for Final Approval. Upon payment of the **Concrete Fee** to **Excel** and removal of the remaining contingencies or conditions a written Final Approval will be issued to the Lot Owner.
6. A Lot Owner who has been denied can appeal the decision to the Board of Directors in writing.
7. Lot Owners must have a dumpster and portable toilet present on their lot BEFORE work begins unless a waiver is approved. Failure to maintain these items on site during construction will subject the lot owner to a \$25/day fine for non compliance.
9. Lot Owners who start construction without approval or without prior placement of a dumpster and portable toilet may be subject to increased fees, penalties, and liens from the **POA**.
10. No dumping of construction material or littering is permitted on site. A fine of \$250 plus cost to remove dumped material may be assessed to lot owner. Continued non compliance may subject the lot owner to a \$25/day fine, penalties, or liens.
11. No Application will be approved unless the Applicant is fully paid on his association dues.

## Notice, Penalties, and Liens for Constructing without Approval

If construction is in progress and no **Application** and **Application Fee** for construction of a house, garage, or other structure has been received and approved by **Excel**:

- 1) A letter will be issued by **Excel** to the Lot Owner demanding that construction cease and desist immediately. The **Application Fee** and **Concrete Fee** required to obtain a construction approval currently owed will be doubled. A completed **Application** and **Application Fee** must be submitted within 30 days of the date of the letter. **Excel** will have 30 days to review. No construction may continue until the final approval is granted and the **Concrete Fee** is paid.
- 2) If construction continues after the delivery of the demand letter or if no **Application** and **Application Fee** has been submitted after 30 days of the date of the demand letter then a lien will be filed against the lot for an amount equal to the increased **Application** and **Concrete Fees**, legal and court costs associated with filing the lien, and a penalty of \$2,000. The Lot Owner's account may be assessed additional amounts including late fees, other administrative expenses, and costs related to the enforcement of these rules.

If construction has already been completed but no **Application** and **Application Fee** has been submitted and approved:

- 1) A letter will be issued by **Excel** to the Lot Owner requesting a submission of an **Application** and **Application Fee** to **Excel**. The **Application Fee** and **Concrete Fee** required to obtain a construction approval currently owed will be tripled. Calculations for the square feet of concrete will be based on Brown County Appraisal District evaluations or field measured concrete whichever is greater.
- 3) If no **Application** is received within 30 days of the date of the demand letter then a lien will be filed against the lot for an amount equal to the increased **Application** and **Concrete Fees**, legal and court costs associated with filing the lien, and a penalty of \$3,000. The Lot Owner's account may be assessed additional amounts including late fees, other administrative expenses, and costs related to the enforcement of these rules. The Lot Owner will also be at risk of further action on the part of the **POA** to enforce any architectural guidelines or deed restrictions that may have been violated.

## From ARCHITECTURAL STANDARDS BULLETIN 1

Recorded 3-27-11  
Revisions for clarity 2/6/16

1. Excel Association Management or their designated architectural review agent (collectively “**Excel**”) will not consider an **Application** from any Lot Owner when that Lot Owner has one or more unresolved non-compliance issues pending. No approval for a plan will be given to a Lot Owner that has any unpaid dues or fines regardless of whether the dues or fines are owed on the lot the improvements are planned for.
  
2. Individual Detached Garage (“ID Garages”) Building Requirements:
  - a. ID Garages may be built on lots other than RV lots without a house already existing on the lot. These garages will be known as ID Garages to distinguish them from detached garages built on a lot with a house on it.
  - b. ID Garages plans must be submitted and approved prior to construction by **Excel**. A plot plan clearly depicting structure placement on the lot, to include distance from property lines, must be included with the **Application**. Drawings indicating the composition of the Garage façade must be included in the **Application**.
  - c. ID Garage dimensions will not exceed 2,500 square feet includes overhangs, with no exterior dimension exceeding 60 feet in length. Concrete will not exceed 4,000 square feet to include garage slab, parking and drive way. ID Garages may not significantly obstruct the view of the lake for neighboring lots unless approved by **Excel**.
  - d. A pitched or sloping roof is required on ID Garages. The roof peak will not exceed 24 feet from the ground. Roof material may be metal or twenty-year composition shingle (minimum) type roof.
  - e. The ID Garage Corrugated metal (non architectural) is not allowed as an exterior or roofing material unless approved by **Excel**.
  - f. The ID Garage must be a new pre-fabricated building or built on site with all construction of new material. The ID Garage must have an overhead door or other opening large enough for a car to be driven through.
  - g. Inclusion of plumbing and HVAC is allowed within an ID Garage. No kitchen facilities are permitted. ID Garages are not to be used as a permanent or temporary residence or sleeping quarters. No commercial or business activity may take place in a garage.
  - h. ID Garages must adhere to the building restriction easements in place for houses.
  
3. Storage Building Requirements:
  - a. Storage Buildings may be built, not to exceed 80 square feet on an RV lot and 800 square feet on other lots, with no exterior dimension exceeding 30 feet in length. Concrete will not exceed 2,000 square feet to include slab, parking and drive way.
  - b. Storage Buildings built on other than an RV lot must have an existing house on the lot. The construction of Storage Buildings must be in accordance with the Restrictions of Article III paragraphs 8, 9 and 17. No commercial activity may take place in a storage building.

- c. Inclusion of plumbing and HVAC is not allowed within a storage building. Storage Buildings are not to be used as a residence.
- d. The Storage Building must be a new pre-fabricated building or built on site with all construction of new material. Storage Building must adhere to the building restriction easements in place for houses.
- e. Storage Buildings must be no taller than 15 feet.

#### 4. RV Lot Construction Requirements:

- a. In order to install a concrete slab or RV cover on an RV lot the Lot Owner must submit a construction **Application** to **Excel** describing the nature and location of the improvements. A plot plan clearly depicting structure placement on the lot, to include distance from property lines, must be included with the **Application**.
- b. On RV lots no improvements including concrete slabs or RV covers or their support structures will be permitted within 5 feet of the side yard property line, 10 feet of the front yard property line, or 10 feet of the rear yard property line.
- c. RV covers shall be no taller than 16ft unless approved.

From ARCHITECTURAL STANDARDS BULLETIN 2

Recorded Dec 31, 2015

I. Manufactured Housing Lots

1. For the purposes of this ASB 2 the following Definitions are established:

- a) **Manufactured Home (or House):** A Manufactured Home is a home built to the Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards and displays a HUD red certification label and data plate on the exterior of each transportable section.
- b) **Mobile Home:** A Manufactured Home built before the HUD code was implemented in June 1976.
- c) **Modular or Industrial Housing:** A residential structure constructed in one or more modules built at a location other than the permanent site and are installed on a permanent foundation. They are not certified by HUD but the modular sections that make up an industrialized house will each bear a certification decal with the following *"This label certifies that this module has been manufactured in accordance with the requirements of Chapter 1202 of the Occupations Code and the Texas Industrialized Building Code Council"*.

2. For the purpose of making it easier for lot owners to establish homes within the subdivision and to increase the utility of the lots, this ASB 2 will extend the designation of Manufactured Housing Lots (MHL) to the following lots:

Phase 2	567	thru	572
	918	-	920
	963	-	1036
	1090	-	1126
	1131	-	1164
	1169	-	1195
	1198	-	1208
Phase 3	1571	-	1573
	1576	-	1581
	1586	-	1591
	1593	-	1780

3. Restrictions and Clarifications

- a) **Manufactured Housing Lots** have been designated previously within the Section III, Paragraph 2 of the Second Amended Declaration of Covenants, Conditions and Restrictions for Oak Point (the "Declaration") as follows and remain unchanged:

Phase 1	2	-	46
	82	-	86
	111	-	130
	133	-	144
	161	-	192
	327	-	347
	446	-	454

- b) Modular or Industrial Housing has been and continues to be allowed on all lots designated for single family residential purposes provided that they meet the definition above.
- c) The MHL designation allows for the placement of a manufactured home on that lot. The additional restrictions for the placement of Manufactured Housing on the newly designated MHL in Phase 2 and Phase 3 is as follows:
  - i. All manufactured homes are to be under skirted with matching or complimentary material, within sixty (60) days of the date that the manufactured home is placed on a Lot. All manufactured homes are to be blocked, leveled, and anchored pursuant to industry-standard and manufacturer's specifications. Roofing materials will be limited to pitched and gabled metal or composition-type roofs. The Architectural Committee or their agent may require a physical inspection of the manufactured home before approving it for placement on a Lot. All manufactured homes shall be and remain in good repair, and the exteriors hereof shall not be permitted to deteriorate.
  - ii. Must be 4 years old or newer as of the date of installation
  - iii. Must display a HUD red certification label and data plate on the exterior of each transportable section
- d) All Manufactured Housing in Phase 2 and Phase 3 must be double wide manufactured homes. All Manufactured housing in Phase 2 and Phase 3 shall have a minimum of 1,200 square feet except for lots 1569 - 1602 and 1682 - 1688 which will have a minimum of 1,300 square feet.
- e) It is permissible to place a Modular House or site constructed home on any Lot designated as MHL but an RV may not be placed on the lot.
- f) Prior to placing a Manufactured or Modular home on a lot a Member must submit a Construction Review Application to the POA for approval. Construction fees will be assessed at the prevailing rate and applied to the square foot of the manufactured or modular home regardless of its foundation type.

**II. Garage Lots Revisions and Designations**

- 1. Many lot owners would like to build larger stand alone Individual Detached Garages ("ID Garages" as described in ASB 1) to house recreational vehicles and other purposes. For the purpose of making it easier for lot owners to establish homes within the subdivision and to increase the utility of the lots this ASB 2 will increase the allowable size of a ID Garage on the following lots to 5,000 SF including covered awnings:

- a) 1561 - 1627, 1102 - 1113, 1144 - 1147

## 2. Restrictions and Clarifications

- a) Buildings must meet the existing requirements for facade and landscaping already applicable to ID Garages identified in ASB 1. All metal buildings will be considered provided the facade is architecturally pleasing in the sole discretion of the Construction Review Application Review Committee.
- b) Prior to placing a Garage on a lot a Member must submit a Construction Review Application to the POA for approval.

**Other restrictions:**

**Homes on lots 1209-1230 must:**

- Contain at least 1,800 sq-ft of heated/cooled floor space
- Have at least 40% of the exterior walls covered with brick, masonry, hardy plank, or native stone
- Have a roof pitch not less than 6:12

**Homes on lots 1561-1583 must:**

- Contain at least 1,300 sq-ft of heated/cooled floor space
- Have at least 20% of the exterior walls covered with brick, masonry, hardy plank, or native stone
- Have a roof pitch not less than 6:12

**Homes on all other Single Family Lots must:**

- Contain at least 960 sq-ft of heated/cooled floor space

**\*\*Please note that all square footage requirements exclude porches, patios, carports, garages and breezeways**



**Fee Waiver Request**

Send to: Oak Point Construction Review Application  
Excel Association Management  
PO Box 941169, Plano, TX 75094

”

Owner's Name: \_\_\_\_\_ Lot #: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

I would like to request a waiver of the following (check all that apply):

\$100 Fee

I have paid this fee on a previous project Date Paid: \_\_\_\_\_

Other Reason: \_\_\_\_\_

Dumpster Requirement

Please attach a signed statement from yourself or your contractor indicating where the debris will go. POA dumpsters are for household trash only and may not be used for construction debris, brush, stone, concrete, appliances or any other non-household refuse.

Portable Toilet Requirement

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Committee Use Only**

Reviewing Lot Owner: \_\_\_\_\_

Recommendation:	Fee -	Waived	Waiver Denied
	Dumpster-	Waived	Waiver Denied
	Portable Toilet-	Waived	Waiver Denied

Reason for Denial: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_