

SCENIC OAKS RESIDENTIAL CONSTRUCTION PROJECT APPLICATION AND PERMIT

This form can be printed and completed by hand or you may complete and print it with your computer. Project Definition(s) can be checked (√) using the MOUSE.

No request will be considered if the property owner is delinquent on association dues or assessments!

PLAN SUBMITTAL: With this application, submit two complete sets of construction plans, each with a plot plan. The plot plan shall show the location of items of construction to be included in the project, as shown below, and setback distances.

PROJECT DEFINITION: The entire project for which approval is sought consists only of the following items:

Check all that apply:

___ Primary residence ___ Aux. residence ___ **Garage (___ attached ___ detached) ___ Septic ___ Mailbox
___ Addition to residence ___ Driveway (___ concrete ___ asphalt) ___ Culvert and headwall ___ Patio
___ Swimming pool ___ Fence ___ Walkway ___ Roof ___ Solar Panels ___ Water Reclamation Tanks
___ Other (specify)_____. **** Your garage must accommodate two vehicles and may not be less than 480 sq.ft.** If your garage is converted to a living area, it must be replaced with a freestanding garage.

PROJECT LOCATION & OWNERSHIP: Property Owner _____

Res. Phone _____ Bus. Phone _____ Unit # _____ Block # _____ Lot # _____

Street Address _____

CONTRACTOR: _____ Phone # 1 _____ Phone # 2 _____

PLAN COMPLIANCE: All plans, construction and construction-related activity shall comply with the **MOST CURRENT PROTECTIVE COVENANTS** of the Scenic Oaks Subdivision (available at www.scenicoaks.org) and with the construction rules and regulations (CRR) attached hereto.

BUILDER'S BOND AND ROAD USAGE FEE: Full payment shall be made prior to consideration of plans and the release of the approved Application and Permit.

- Primary residence const.: Builders Bond (refundable) \$1000, Road Usage Fee (nonrefundable) \$300
- Secondary const. including pools, garages, outbuildings, rock walls: Builders Bond (refundable) \$500
- Minor const. including wood & chain link fences, storage sheds: Builders Bond (refundable) \$300

NOTICE TO OWNER/CONTRACTOR: Contact the Architectural Review Committee (ARC) Chairman (A contact name and number is available at the entry station) with questions. A member of the committee will be assigned to discuss questions you may have about your plans and their compliance with referenced requirements; also call them to request timely inspections per paragraph 7 of attached CRR. Call the ARC member assigned to you for final inspection per paragraph 11 of attached construction rules.

OWNER/CONTRACTOR AGREEMENT: By my signature (both must sign), I affirm that I have read the attached CRR and agree to abide by them. If questions arise, I will promptly contact the my ARC representative for resolution.

Owner _____ Contractor _____

*****SOPOA OFFICE USE ONLY*****SOPOA OFFICE USE ONLY*****

Date Received _____ House Size _____ sq. ft. Garage Size _____ sq. ft.

Exterior is _____ % Masonry Setback Required: Street _____ Side _____ Rear _____

Culvert Requirements: _____

Headwall Requirements: _____

Remarks: _____

APPROVAL AND NOTIFICATION PROCESS

1. Builder's Bond \$ _____ / Road Usage Fee \$ received on _____ by _____
2. Plans ___ approved/ ___ disapproved by ARC on _____ by _____
3. ___ set(s) of plans and copy of permit form returned to applicant on _____
4. ___ Permit to Restrictions Committee for information purposes on _____
5. Copy of approved permit forwarded to Treasurer on _____
6. Inspected on completion and found in compliance on _____ by _____

SCENIC OAKS PROPERTY OWNERS ASSOCIATION, INC.
27000 Hazy Hollow Drive, San Antonio, TX 78255
(210) 698-9845

CONSTRUCTION RULES AND REGULATIONS

These rules and regulations are designed to help Scenic Oaks Property Owners' Association (SOPOA) administer and enforce the restrictions of our subdivision. By ensuring that these restrictions are met before, during, and after the construction process, we can help maintain the quality of our community and the value of our property.

1. **PROTECTIVE COVENANTS**

Please read the most recent addition of the Protective Covenants posted on our website at www.sceniccoaks.org or obtain a copy at the entry station. The covenants describe the basic legal rights and obligations of property ownership within Scenic Oaks and the limits within which owners are privileged to use their property. If you have any questions pertaining to these basic governing documents, please contact the Restrictions Committee at the Property Owners' Association address above.

2. **CONSTRUCTION APPLICATION BOND AND FEE**

NOTE: No request for construction permits will be considered or approved unless the property owner of the lot in question is current with all fees, dues, and other payments owed to SOPOA.

All house plans for new construction must be submitted to the Architectural Review Committee (ARC) for approval (contact entry gate for current committee members), along with a completed construction application, a \$1000 noninterest bearing Builder's Bond which is refundable when the Restrictions Committee and ARC has determined compliance with all requirements, and a \$300 Usage Road Fee, which is nonrefundable. (For the amount of the bond and fee for construction other than the initial residence on a lot, see paragraph 4). Prior to consideration by the ARC, both the bond and the fee must be paid to the Treasurer of the Scenic Oaks Property Owners' Association, Inc. The purpose of the Builder's Bond is to indemnify the Scenic Oaks Property Owners' Association, Inc., in the event that a builder fails to comply with construction rules or recorded restrictions or causes damage to Association-owned property such as streets, bar ditches, rock work, access gates, etc. If forfeiture of this bond is insufficient to cover the Association's costs in enforcing restrictions or construction rules or in repairing damage to Association property, the builder is not relieved from liability by having made such forfeiture of the cash deposit. (Disputes over refunds will be referred to the SOPOA Board of Directors for resolution.)

3. **COMPLETENESS OF PLANS**

The plans submitted with the Construction Application shall include a detailed plot plan. These plans, collectively, shall be sufficiently complete to guide the construction of the residence and all appurtenances initially to be built, such as garages, outbuildings, fences, driveways, headwalls, mailbox enclosures, satellite dishes, etc., and to show their location on the lot, and their compliance with lot-line setback requirements.

4. **ADDITIONS TO EXISTING CONSTRUCTION**

The construction of an addition to an existing residence (or a major renovation thereof) or the construction of an outbuilding, fence, swimming pool, or other appurtenance requires, prior to initiation of construction or installation activity, the submission of plans, a Construction Application, and a Builder's Bond of a minimum of \$300, but as much as \$500 depending on the nature of the project, refundable on proper completion of the construction.

5. ARCHITECTURAL REVIEW OF PLANS

Within 30 days after the application and plans have been received by the ARC, an approved construction permit will be issued if the construction plans indicate compliance with all requirements and left for the applicant to pick up at the entry station. If not in compliance, the ARC will return a disapproved Construction Application indicating the cause for disapproval and suggesting corrective action.

6. CONSTRUCTION PERMIT

An approved Construction Application Permit must be issued by the ARC and a copy must be posted on the job site before any type of construction begins and until construction is completed. **No construction materials deliveries will be allowed by the entry station without an approved permit on file.**

7. FIRST INSPECTION

New home construction will require an inspection by the Architectural Review Committee when the foundation forms are in place and the portable toilet and dumpster are on site, but before additional work is done on the foundation. This is to ensure initial compliance with applicable requirements and setbacks. **At least 48 hours prior to need for inspection, contact the ARC member assigned to you.** Failure to pass this inspection or to obtain approval of foundation forms may be considered sufficient cause to deny passage to the job site of concrete trucks or other material suppliers or subcontractors.

8. CONSTRUCTION OVERSIGHT

Following successful passage of the first inspection, oversight of construction activity until completion will be performed by the ARC member to whom the project is assigned. This member will coordinate with the builder and/or owner to resolve questions concerning possible violations of subdivision restrictions.

9. QUALITY OF WORK

It is to the distinct advantage of each property owner and to the subdivision that all construction work be carried out in a knowledgeable and workmanlike manner resulting in neat, attractive, and safe structures and appurtenances. Toward this end, each workman performing construction or related work (e.g., electrical, plumbing, air conditioning, etc.) for which a professional or trade license is required by the State of Texas, Bexar County, and/or the City of San Antonio, shall be so licensed or shall be directly supervised by such a licensed person.

10. CONSTRUCTION TIME LIMIT

The exterior of the house must be completed within 9 months of the issuance of the construction permit and must be in compliance with subdivision restrictions. If not, the Builder's Bond will be forfeited and another equal bond will be required to be in place before construction is allowed to continue. A waiver of this deadline must be requested at least one month before the deadline with supporting and compelling reasons for noncompliance.

11. FINAL INSPECTION

Final inspection shall be requested by the builder or owner, and satisfactorily passed, before consideration will be given to the return of the refundable Builder's Bond. To warrant full return of the bond, the construction project must receive a final inspection by the ARC and must have been completed according to plans and restrictions, and the surrounding lot made presentable. Completion shall include the removal of all waste and debris, the proper disposition of all vegetation cleared from the lot, and the repair of construction related damage to streets, bar ditches, drainage ways, headwalls, and any other public or private properties. The ARC will notify the Treasurer when they consider the project to be complete. When fully ready for inspection, call the ARC member assigned to you.

12. USE OF FIRE

Before construction begins and before the use of fire for any purpose, water service to the lot, including a water meter and at least one hydrant shall be installed. Large fires are not allowed and no fires are permitted after dark. All fires must be contained and controlled. Before starting a fire, obtain permission from the Bexar County Fire Marshall (978-0300) and notify our Entry Station (698-3588). DO NOT burn petroleum-based products such as asphalt shingles, tarpaper, tires, plastics, etc. All fires must be extinguished and covered with dirt before crews leave the job site. IF FIRE CONTROL SERVICE IS NEEDED, CALL 911, PROVIDE YOUR STREET ADDRESS AND REQUEST HELP FROM THE LEON SPRINGS VOLUNTEER FIRE DEPARTMENT.

13. UTILITY SERVICE

To obtain utility services and the preconditions to be met for tapping and extending utility systems, contact City Public Service, Grey Forest Utilities, The Oaks Water Supply Corporation, Southwestern Bell, and/or the appropriate cable TV or internet company. Utilities from an adjacent home must not be used without written consent of the homeowner.

14. CONSTRUCTION SITE SANITATION

Prior to the start of construction of a residence, a portable toilet and a dumpster (of no less than 20 cubic yards) must be on site. All trash is to be contained in the dumpster, and the building site must be kept clean at all times. Instruct all workmen to deposit all lunch bags, paper, cups, bottles, etc., in the refuse containers; this and all other debris should be prevented from littering the job site and surrounding neighborhood.

15. AVOIDING ENCROACHMENT

During construction the builder shall be responsible for confining all construction-related activity to the lot involved. Damage to roads, shoulder, and bar ditches should be avoided. Cement truck operators, cement subcontractors, and masons shall not dispose of their excess material or tailings within the street easement or on lots other than the one under construction. Trespassing on any other lot, in the absence of owner permission, is prohibited and could result in legal action.

16. OTHER DESIGN AND CONSTRUCTION MATTERS

- a. **CULVERTS AND BAR DITCH IMPEDIMENTS:** Each driveway over a bar ditch shall incorporate beneath it a culvert positioned in the bar ditch in a manner to most efficiently carry all water that may flow within that ditch unless specifically waived by the ARC. Each driveway connection to the street will require decorative curbs of concrete or masonry matching the primary residence on the sides of the drive where it crosses the roadway easement. The culvert diameter and location must be approved by the ARC, and the top of the culvert must be below the bottom of the adjacent roadway paving. Bar ditches are not to be filled in either for temporary or permanent access to lots without first installing a proper culvert beneath the fill. Bar ditch flow must not be impeded by any obstruction, whether that obstruction is fill (of any type), construction materials or equipment or debris. The bar ditch shall be opened or improved as necessary by the builder to insure drainage of all water likely to be introduced into the bar ditch area during a heavy rain.

- b. **MAILBOX AND ENCLOSING STRUCTURE:** The mailbox shall comply with United States Postal Laws and Regulations. The base of the box shall be installed and approximately 38 inches above street elevation. The enclosing structure shall be aesthetically and architecturally compatible with the design of the residence, use masonry materials matching those of the residence exterior, and erected on a stable foundation. The front face of the enclosing structure shall be set back from the street edge a maximum of 10" to ensure protection of pavement edge and street base. Deviations from this setback limit may be desired in special circumstances, but will require approval of the ARC.
- c. **HEADWALLS:** Headwalls shall be constructed at the ends of each culvert to control the water flow entering and leaving and to prevent undermining the washout of the soil about the culvert.
- d. **FENCES:** Only the construction of white painted board, treated pine, redwood, cedar, brick, stone, stucco, wrought iron ornamental, or chain link fencing will be permitted. Fences permitted in front of a residence must allow a clear view of the front yard. Chain link fencing in front of a residence is not permitted. All fences must be approved by the ARC prior to construction.
- e. **ROOFING CONSIDERATIONS:** The roofing of the residence, porches, garages, carports, breezeways, servant's quarters, and guest houses will match the main residence roof in color and materials in all new or additional construction.
- f. **SITING OF RESIDENCES ON CORNER LOTS:** Generally, corner lots have two property lines abutting street easements and one side and rear line each abutting adjacent lots. The residence intended for a corner lot may be designed to front on either street or toward the intersection of the two streets. Regardless of the selected orientation, the minimum setback required of such a residence from each street side property line shall be the same 40-foot minimum required of residences on the adjacent lots and all other subdivision lots. This requirement is essential for the uniformity and harmony of development that is sought in the Protective Covenants of the subdivision.
- g. **TECHNICAL ASSISTANCE:** Before plans are approved by the ARC, a member of the committee will usually confer with the owner or builder on the variety of options available for achieving a functionally acceptable and pleasing arrangement of driveway entrance, culvert, headwall, curbing, and mailbox enclosure, based on the Committee's experience and their desire to minimize future bar ditch maintenance work for both the homeowner and the Property Owners Association. For such technical assistance, call the ARC member assigned to you. Culvert size must be approved by the committee member prior to installation.
- h. **WAIVERS:** If a waiver is needed for any requirement set by the Protective Covenants, it must be obtained from the Restrictions Committee. The ARC is not authorized to grant any waivers from the Protective Covenants. Waivers from a CRR requirement, when not required by the protective Covenants, may be requested of the ARC.

- i. WATER SYSTEM PROTECTION: Prior to final inspection, builder or owner must furnish to The Oaks Water Supply Corporation a properly completed Customer Service Inspection Certificate if any plumbing work was done which will connect to the Scenic Oaks water system, in accordance with §290.46(j) of the Uniform Plumbing Code.
- j. OAK WILT: Due to the very real threat of Oak Wilt and Oak Decline, and the dire consequences that the diseases would have on Scenic Oaks and accompanying property values, the following preventive measure **must** be met when clearing lots and during construction. **Any cuts or wounds to oak trees must be painted immediately with pruning sealant.** Chain saws and other pruning tools must be sterilized with chlorine bleach before trimming oak trees. Any stumps not properly sealed must be removed and connecting roots sealed. **Bonds will be forfeited for failure of an owner, contractor, or subcontractor to comply with this provision.**
- Timeliness is critical in painting the wounds since the first 2 hours are when the trees are most likely to be infected. Damage must be sealed at the time of the damage, not 10 minutes later! Therefore, if the above procedures are not followed, SOPOA may do so at builder's expense and the builder's bond may be forfeited. The builder and owners should take this problem very seriously.

April 12, 2012