



Lifestyle Accessories Construction Application

The purpose of this application is for the Owner/applicant to be able to submit for a Regulated Modification to be reviewed by the ACC. A Regulated Modification is any new construction, modification, addition, remodeling of exterior exposure or demolition of a building or structure. A Regulated Modification typically occurs after the initial construction & sale of a new home and is applied for by a resident Owner.

All Lifestyle Accessories Construction Applications and supporting materials must be sent to the **Community Manager's** (SBB Management, Inc.) **submittal e-mail** at **Harpers-ARC@sbbmanagement.com**. *Community Manager* will use reasonable efforts to ensure that the application has been submitted by the Owner/applicant as a **single, consolidated application package transmittal**. *Community Manager* shall submit to the ACC those applications that the *Community Manager* believes to be substantially completed to warrant submittal to the ACC for further review and evaluation by the ACC commencing on the Review Commencement Date as defined below. The final determination as to whether an application has been properly completed is at the sole discretion of the ACC. Neither the *Community Manager* nor the ACC shall be responsible for collecting and consolidating information not transmitted as a single and complete application package.

IMPORTANT NOTE: The Owner/applicant must review a copy of the Architectural Guidelines for the Harper's Preserve Village (West Village, East Village or South Village) where the property is located. A copy of the Architectural Guidelines may be found by visiting harperspreserve.com and Owner/applicant is responsible for providing a copy of the Architectural Guidelines to any contractor or installer prior to making this application. Failure of the Owner/applicant (and/or their contractor and/or installer) to correctly and completely fill out this form, check appropriate boxes, sign the form, provide the required information with the form, pay the applicable deposit and/or fees (if required), submit the completed application with all materials attached to the *Community Manager* and/or comply with the requirements of the Governing Standards may result in an automatic denial of the application.

LIFESTYLE ACCESSORIES CONSTRUCTION APPLICATION AND VARIANCE APPLICATION: These forms are available on the website at harperspreserve.com. Owner/applicant may also request them directly from the *Community Manager* (contact information provided below).

REVIEW COMMENCEMENT DATE: The ACC shall commence review of all completed Lifestyle Accessories Construction Application forms that were submitted by the *Community Manager* to the ACC on or before **the second Wednesday of the month** (the "Review Commencement Date", as defined in the Architectural Guidelines) which shall also be the deemed receipt date of the application by the ACC. Any Lifestyle Accessories Construction Application form that is submitted after the particular month's Review Commencement Date will be deemed received as of the following month's Review Commencement Date. The ACC may take up to thirty (30) days to review and provide a response. The ACC may not commence the review of any application package that is deemed incomplete.

COMMUNITY MANAGER: The Harper's Preserve Community Association, through the Board, hired SBB Management, Inc. to provide a full array of services to the Harper's Preserve community. The *Community Manager* may change from time to time without notice. Contact information:

Customer service:	281.857.6027
Client Support Manager e-mail:	harpers-csm@sbbmanagement.com
Community Manager ARC submittal e-mail:	Harpers-ARC@sbbmanagement.com
Website:	www.harperspreserve.com
SBB Management, Inc. Address:	6630 Cypresswood Dr #100 Spring, TX 77379

Application Submittal Date: _____

Resubmittal: *(check one box only)*

☐ NO

☐ YES Re-submittal #: _____

Date: _____

Reason for Re-submittal: _____

I. TYPE OF IMPROVEMENT – DEFINITION

Owner’s/applicant’s material requirements and/or deposit will be based on the type of Improvement being proposed by Owner/applicant. **Schedule 1** (attached) provides information about the ranking of the Regulated Modifications into their respective tier number. The descriptions below describe the nature of the ranking by Tier category based on the work that is anticipated to be performed in the review and the nature of the improvement being proposed by the Applicant:

A. Tier 1 Improvement:

This type of improvement is generally (but not always) pre-manufactured, a replacement for an existing improvement and/or easier to move and/or adjust, and typically does not require intensive technical review and has reduced submittal requirements for the Applicant (See **Schedule 1 & 2** attached).

B. Tier 2 Improvement:

This type of Improvement is more permanent; may require detailed construction plans; requires more submittal materials by the Applicant and more time/effort to review; may require consultation with a third-party consultant; may impact building setbacks and/or drainage; and it is typically (but not always) a new Improvement (see **Schedule 1 & 2** attached).

C. Tier 3 Improvement:

This type of Improvement is considered permanent; may change the slab footprint of the home; requires more precision and/or details in plans; has a more dramatic impact on the public view; may impact drainage and building setbacks; it will require detailed material submission, plans, and surveys; and requires more extensive submittal of materials as well as a more intensive review by the reviewer and/or may require consultation with a third-party consultant for the review of laws and regulations governing same. (See **Schedule 1 & 2** attached).

II. VARIANCE

Per Section II.4 of the Architectural Guidelines **“the need for a variance constitutes an acknowledgement by the Owner/applicant that the desired Regulated Modification will not comply with the standards set forth by the Architectural Guidelines and/or the Covenant”**. As such, **a variance application shall not be provided an appeal hearing** as it not an appealable matter.

Should Owner/applicant require a variance for the proposed Regulated Modification, Owner/applicant must fill out the Variance Application and submit with the supporting materials in writing as part of the original Lifestyle Accessories Construction Application. Otherwise, a variance will not be considered by the ACC. Owner/applicant’s financial circumstances do not constitute a reason for the granting of a variance by the ACC.

The ACC will review variances and provide a response at its sole discretion. Variances cannot be appealed.

A variance application may be either requested from the Community Manager or found on the website at harperspreserve.com.

Check the box that applies:

- YES, Owner/applicant is submitting a Variance Application with this Lifestyle Accessories Construction Application
- NO, Owner/applicant is not submitting a Variance Application

III. OWNER/APPLICANT INFORMATION

- A. **Owner/applicant Information** (check all boxes that may apply):
Owner/applicant hereby confirms having read the Architectural Guidelines before submitting this application.

Owner’s Name: _____

Harper’s Preserve Village (must check one box only):	WEST	EAST	SOUTH
LOT: _____	BLOCK: _____	SECTION: _____	
Property Address: _____			
Contact Phone: _____	E-mail: _____		

B. Contractor (Installer) Information (required only if Owner/applicant is not the installer - check box as acknowledgement that the Architectural Guidelines were provided to contractor/installer and fill out):

Owner/applicant hereby confirms having provided the Architectural Guidelines to any proposed contractor and/or proposed installer (if any) before applying.

Contractor Name: _____ Address: _____
Contact Phone: _____ E-mail: _____
Website _____

C. Deposit Information: Please refer to **Schedule 1** (attached) to correctly mark the boxes below.

Regulated Modification Tiers (Check boxes that apply) Tier 1 Tier 2 Tier 3
Required Deposit (NO, if none) YES NO
DEPOSIT DUE: (insert \$0 if none) _____

Please submit a check or money order as follows:

CHECK/MONEY ORDER FOR DEPOSIT (IF APPLICABLE):

CHECKS/MONEY ORDER FOR DEPOSIT MADE OUT TO:	HARPER'S PRESERVE COMMUNITY ASSOCIATION
CHECK OR MONEY ORDER'S MEMO LINE TO NOTE:	"OWNER'S LAST NAME – LIFESTYLE ACCESSORIES CONSTRUCTION APP DEPOSIT"
THE CHECK ALONG WITH A PRINTED COPY OF THE COMPLETED APPLICATION (WITHOUT ACCOMPANYING MATERIALS) TO BE <u>MAILED</u> TO:	HARPER'S PRESERVE COMMUNITY ASSOCIATION C/O SBB MANAGEMENT 6630 Cypresswod Dr #100 Spring, Tx 77379

IV. SUBMISSION INFORMATION: Refer to the Architectural Guidelines to review the descriptions of Regulated Modifications included in the categories below. Please check only the boxes for the most applicable category of improvements included in this Application based on the categories provided as follows:

A. Type of modification/improvement:

<input type="checkbox"/>	Address numerals
<input type="checkbox"/>	Antennas & Satellite dishes
<input type="checkbox"/>	Artificial turf
<input type="checkbox"/>	Basketball goal
<input type="checkbox"/>	Doors
<input type="checkbox"/>	Fireplaces & chimneys
<input type="checkbox"/>	Flags
<input type="checkbox"/>	Garage conversion
<input type="checkbox"/>	Hedges
<input type="checkbox"/>	Irrigation requirements
<input type="checkbox"/>	Landscape modifications
<input type="checkbox"/>	Playscape – swing sets (?)
<input type="checkbox"/>	Religious displays
<input type="checkbox"/>	Replacement fences / walls
<input type="checkbox"/>	Roofing
<input type="checkbox"/>	Security device
<input type="checkbox"/>	Shutters
<input type="checkbox"/>	Signs, religious displays, school spirit displays

<input type="checkbox"/>	Solar screens
<input type="checkbox"/>	Storm doors
<input type="checkbox"/>	Trampolines
<input type="checkbox"/>	Window, patio, porch, terrace, burglar bars and deck accents and coverings
<input type="checkbox"/>	Yard ornaments
<input type="checkbox"/>	Decks
<input type="checkbox"/>	Driveway & driveway extensions
<input type="checkbox"/>	Front yard modification
<input type="checkbox"/>	Generator
<input type="checkbox"/>	HVAC (heating and/or AC) location
<input type="checkbox"/>	New fences and walls
<input type="checkbox"/>	Outbuilding
<input type="checkbox"/>	Patio covers
<input type="checkbox"/>	Rainwater harvesting system
<input type="checkbox"/>	Storage shed
<input type="checkbox"/>	Tanks
<input type="checkbox"/>	Temporary structures
<input type="checkbox"/>	Carports, detached garages
<input type="checkbox"/>	Patio extensions
<input type="checkbox"/>	Perimeter security fences (require deposit)
<input type="checkbox"/>	Room additions
<input type="checkbox"/>	Solar energy devices
<input type="checkbox"/>	Swimming pools and spas
<input type="checkbox"/>	Carports, detached garages
<input type="checkbox"/>	Other (as described in letter B below):

B. Briefly describe the modification and/or improvement being proposed:

C. Proposed Start Date: _____

D. Proposed Completion Date: _____

E. Estimated time for completion of the construction of the modification: _____ -

F. Location of Regulated Modification (check applicable boxes):

Side of House	Front Home	Back of House	Roof of House	Patio	Garage
Side Yard	Front Yard	Back Yard	Driveway		
Other – Describe: _____					

G. Identify section(s) of the Architectural Guidelines that applies to the proposed Regulated Modification:

H. Construction of Regulated Modification was started without mandatory ACC approval (check boxes below):

NO Regulated Modification **has not been started**. Fill out D through F below.

YES If YES, check one of the boxes below and provide applicable date:

☐ Regulated Modification was completed by _____

☐ Regulated Modification expected to be built/installed by _____

I. Access from Adjacent Property Owner(s) – check one box only. The construction or installation of certain types of Regulated Modifications will require the Owner/applicant to request access permission from adjacent homeowner(s). If access is proposed to be through a neighboring property, a written and signed permission from neighboring property owners must be provided as part of this application.

☐ NO Access from public street only

☐ YES Access from adjacent property/properties is required **and** written permission is hereby submitted as part of this application

J. Utility Easements – Encroachment. The construction or installation of certain types of Regulated Modifications may cause encroachment into a utility easement. In the event of encroachment, Owner/applicant shall obtain a necessary written encroachment consent from the utility company and from any and all easement holders prior to construction.

☐ NO Regulated Modification is not encroaching on a utility easement encroachment

☐ YES Regulated Modification is encroaching on utility easement with the consent of the utility company.

V. INSTRUCTIONS FOR APPLICATION SUBMITTAL

- Application must be filled out in its entirety and must be accompanied by all required materials (see **Schedule 2**)
- All Lifestyle Accessories Construction Applications and supporting materials must be submitted to the *Manager* via e-mail as **one, single, consolidated transmittal**. Neither the manager nor the ACC shall be responsible for collecting and consolidating information not transmitted as a single and complete application package.
- Supporting materials to include access permission (if applicable based on required access through another property).
- Submittal to include variance application and supporting materials if applicable.
- Submittal to include utility company permit for encroachment on utility easement, if applicable.
- Regulated Modification submittal must be e-mailed to: **harpers-arc@sbbmanagement.com**.
- The subject line of the Residential Modification Application e-mail submittal must contain the following information:
Owner's last name + house number + street name (i.e.: Smith – 3115 Ringbill St.)
- Deposit per Section III.A above.
- The application must contain **all** information that the applicant wants the ACC to consider as part of the review and decision process. This includes special or unique circumstances, information, and evidence of any required special need due to a physical or other handicap.

NOTE:

In accordance with Section II.4 of the Architectural Guidelines: "Any Lifestyle Accessories Construction Application forms (including any additional information required to be provided therewith) submitted to the ACC for review that does not receive an ACC response within thirty (30) days after the later to occur of either (i) the submission date of the Lifestyle Accessories Construction Application; or (ii) the Review Commencement Date of the applicable submitted Lifestyle Accessories Construction Application forms, will be considered disapproved".

Questions:

Should you have any questions, please contact the *Community Manager* at 281-857-6027 (Community Manager's address can be found in Section II.A above)

APPLICANT'S CERTIFICATION

Liability Release

THE DECLARANT AND OR DEVELOPER AS DEFINED IN THE GOVERNING DOCUMENTS (DEFINITION PROVIDED BELOW) APPLICABLE TO OWNER'S PROPERTY, HARPER'S PRESERVE COMMUNITY ASSOCIATION, INC. (THE "ASSOCIATION"), THE COMMUNITY MANAGER OR ANY PARTNER, OFFICER, DIRECTOR, EMPLOYEE, MEMBER, AGENT MANAGER, COMMITTEE AND/OR REPRESENTATIVE OF ANY OF THE FOREGOING ("RELEASED PARTIES") SHALL NOT BE HELD LIABLE FOR SOIL CONDITIONS, DRAINAGE, SITE CONDITIONS, GENERAL SITE WORK; ANY DELAYS, ANY DEFECT IN PLANS AND SPECIFICATIONS REVISED AND/OR APPROVED HEREUNDER; OR FOR ANY INJURY, DAMAGES OR LOSS OF ANY KIND (WITHOUT LIMITATION) ARISING OUT OF THE MANNER OR QUALITY OR OTHER CIRCUMSTANCES OF APPROVED CONSTRUCTION ON AND/OR MODIFICATIONS TO ANY SITE, STRUCTURE OR IMPROVEMENT HEREUNDER.

Hold Harmless

OWNER (APPLICANT) UNDERSTANDS THAT THE RELEASED PARTIES DO NOT REVIEW PLANS FOR COMPLIANCE WITH APPLICABLE LAW AND/OR CODES AND THAT IT IS THE DUTY OF THE OWNER AND THE OWNER'S CONTRACTORS, AGENTS AND/OR CONSULTANTS TO DESIGN AND CONSTRUCT THE PROPOSED IMPROVEMENT ACCORDING TO THE APPLICABLE LAWS, CODES, SOUND PRACTICES AND ALL OF THE ARC REQUIREMENTS AND TO REPORT ANY CONFLICTS DISCOVERED TO THE ARC BEFORE CONSTRUCTION COMMENCES. OWNER HEREBY RELEASES AND AGREES TO HOLD THE RELEASED PARTIES HARMLESS FROM ANY AND ALL COST AND/OR LIABILITY ARISING OUT OF THE REVIEW AND/OR APPROVAL OF PLANS, SUBMISSION MATERIALS FOR AND CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.

Applicant Certification - Agreement of Information

By signing below the applicant (by and/or thorough it's officers, employees and/or agents) certifies to the ACC: that applicant has read, understands and shall comply with the Governing Documents (as defined in the recorded First Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Harper's Preserve), and/or any other applicable documents; that applicant understands that it is the duty of the applicant to verify that these plans and other submission materials abide by the regulatory authority requirements; that Applicant agrees to pay all fees and fines per the Governing Documents which apply to this application, review, approval and post construction inspection and/or any fees or fines issued by the Association and/or the Declarant for non-compliance. Applicant certifies that the information provided in this application is true and correct and that the Residential Modification will be constructed in accordance with the approvals (and any conditions thereto) subject to any changes which shall be submitted and approved by the ACC in advance. Applicant certifies that the information contained on this form submitted by and/or submitted on behalf of the applicant is true and correct and that any information which may be untrue or inaccurate and/or any misstatements submitted hereunder may invalidate any subsequent approval (with or without conditions) in whole or in part concerning this application and/or associated with such false or misleading information. Neither Approval nor Conditional Approval of this application constitutes a written variance from any requirements of the Governing Documents nor does it waive any additional requirements of the Architectural Guidelines unless a Variance Application is submitted with this application and approved by at least two members of the ACC. This application and any approval may not cover all aspects of the Architectural Guidelines that apply to the subject matter of this application and the applicant understands and agrees that it is applicant's responsibility to comply with all provisions of the Architectural Guidelines. Variances may only be granted on the approved Variance Application with two ACC's signatures and constitute an applicant's acknowledgement that the Regulated Modification does not meet the standards set forth in the Governing Documents.

Application Errors and Omissions

By signing below the applicant (by and/or thorough it's officers, employees and/or agents) certifies to the ACC: that the applicant is responsible for errors and omissions related to the information contained in this form and any supplemental information provided with this form. Failure to fill out the application and required supplemental materials completely, providing false and/or misleading information or providing inadequate or contradictory information is cause for the ACC to deny the application and/or to render any approval or conditional approval (on which such information the ACC relied) null and void (in the sole discretion of the ACC). In such circumstances, application fees previously paid may be forfeited and all application fees for new or revised submittals will be due and payable with any new or re-submitted applications. In the event that an error in the application is discovered after the ACC has rendered a decision, the applicant agrees to voluntarily make the ACC aware of such error in writing upon discovery.

By signing below Owner (applicant) confirms the following: (i) having read the Architectural Guidelines before filling out and/or submitting an application; (ii) having read Schedule 1 and Schedule 2 attached to the Lifestyle Accessories Construction Application; (iii) having provided a complete copy of the Architectural Guidelines to any contractor and/or installer prior to filling out and/or making this application; (iv) that the Association has advised the Owner/Applicant not to contract for any work and/or pay for any Regulated Modification before having received approval in accordance with the Governing Standards; (v) that the Owner/applicant has read this form and has truthfully and accurately represented all information presented herein; and, (vi) that the Owner/applicant has submitted all information that the owner/applicant wants the ACC to consider in the review and decision process.

Owner's/Applicant's Printed Name: _____ Date: _____

Owner's/Applicant's Signature: _____

The signing party above represents the Owner/applicant listed on this application and has the authority to sign on Owner's/Applicant's behalf for all purposes.

NOTE:

Owner/applicant must fill out all fillable fields with requested information, submit all applicable materials along with application and send payment as directed above.

SCHEDULE 1

Type of Regulated Modification by Tier

[illegible]

Deposit Refund Policy: Deposits (where required) will only be returned to Owner/applicant by the Association when the following conditions are met:

- The Lifestyle Accessories Construction Application has been Approved or Conditionally Approved.
- All Regulated Modification and/or modifications for which the Deposit was provided have been completed in compliance with the approved or conditionally approved application, the Architectural Guidelines, and the Governing Standards.
- The construction of the Regulated Modification has caused no damage, drainage obstruction, encroachment and/or violation of any law, rule and/or policy to the knowledge of the Association.

SCHEDULE 2

Materials Required to be submitted with the Application by Tier classification (See Schedule 1)

TIER 1	TIER 2	TIER 3
MATERIALS REQUIRED	MATERIALS REQUIRED	MATERIALS REQUIRED
<p>Pictures: A full color picture of the following:</p> <ul style="list-style-type: none"> The Regulated Modification itself Proposed Improvement location (house or lot) If replacing an existing improvement with an identical paint color and/or material, then a picture of existing color/material and the proposed matching new color/material is required. <p>Specifications: All manufacturer specifications information (manufacturer specification sheet) for pre-manufactured items (like a basketball goal or playscape) including:</p> <ul style="list-style-type: none"> Color & materials (including proposed finishes) Height, depth, thickness, and width Any construction, safety (fall) requirements <p>Survey Plot Plan: If an Improvement is planned to be installed or placed outside of the slab footprint of the home, a copy of a generally accurate plot plan showing the location of the home, existing lot improvements (i.e.: including but not limited to a driveway, sidewalks, fences, building setbacks, trees, home) should be provided with:</p> <ul style="list-style-type: none"> The location and dimension of the Improvement provided on the plot plan. 	<p>Pictures: A full color picture of the following:</p> <ul style="list-style-type: none"> The Improvement/Modification itself Proposed Improvement Location (house or lot) <p>Specifications & Construction Plans: All manufacturer specifications information (manufacturer specification sheet) for pre-manufactured items (like a basketball goal or playscape) including:</p> <ul style="list-style-type: none"> Color & materials (including proposed finishes), material names and supplier/manufacturers Height, depth, thickness, and width Types and styles of fixtures, lighting standards, hardware, and shingles to be used in construction Any construction requirements (i.e., concrete PSI, finish treatments & construction details) <p>Construction plans should include all information and instructions required for a contractor to construct (if it will be poured, formed and/or constructed on-site) and/or install all aspects of the improvement on site in sufficient enough detail for the Association to ensure that the plans can be compared to the completed improvement to ensure compliance</p> <p>Survey Plot Plan: If an Improvement is planned to be installed or placed outside of the slab footprint of the home, a copy of reasonably accurate (without any material deviation) plot plan showing the location of the home, existing lot improvements (i.e., including but not limited to a driveway, sidewalks, fences, building setbacks, home) should be provided with:</p> <ul style="list-style-type: none"> The location and dimension of proposed Improvements at scale 	<p>Pictures: A full color picture of the following:</p> <ul style="list-style-type: none"> The Improvement/Modification itself Proposed Improvement Location (house and/or lot) <p>Specifications & Construction Plans: All manufacturer specifications information (manufacturer specification sheet) for pre-manufactured items including:</p> <ul style="list-style-type: none"> Color & materials (including proposed finishes), material names and suppliers/manufacturers Height, depth, thickness, and width Types and styles of fixtures, doors, windows, lighting standards, hardware, shingles to be used in construction Any construction requirements (i.e., concrete PSI, finish treatments & construction details). <p>Detailed professionally sealed construction plans should include all information and instructions required for a contractor to construct and/or install all aspects of the Improvement on site in detail so the Association may ensure that the plans can be compared to the completed Improvement for compliance confirmation.</p> <p>A Current Updated Survey Plot Plan: If an Improvement is planned to be installed or placed outside of the slab footprint of the home, a <u>current</u> sealed survey plot plan showing the location of the home, existing lot improvements, existing building setbacks (i.e., including but not limited to a driveway, sidewalks, fences, street curb, trees, building setbacks, home) should be provided with:</p> <ul style="list-style-type: none"> The location and dimensions of the Improvement provided on the plot plan at scale. <p>Additional Materials: Any materials which are additionally required for such Improvements in the Residential Modification Guidelines. Note: Perimeter Security Fences may have additional requirements.</p>

The Applicant should review the Architectural Guidelines for requirements and standards before assembling materials to make sure that the proposed Regulated Modification is a permitted Regulated Modification and that the specifications of such proposed Regulated Modification meet any required criteria set forth in the Architectural Guidelines. The proposed Regulated Modification categories for each Tier above are shown on **Schedule 1** attached to the Application as well.