

BENDERS LANDING PROPERTY OWNER'S ASSOCIATION

ARCHITECTURAL CONTROL COMMITTEE

New Home Construction Application & New Buildings or Additions to existing Dwelling on property

Graham Management
2825 Wilcrest Dr. Suite 600
Houston, Texas 77042
Phone: 713.334.8000
Fax: 713.334.5055

Plan and application requirements:

1. This application must be filled out completely.
2. Submit one (1) full sized set original blueprints.
3. Submit three (3) additional copies of the application and plans (plans minimum size 11" X 17") for ACC review.
4. An electronic copy of all of the application and plans are required to be emailed to ARC@grahammanagementhouston.com

The ACC meets the 1st Monday of each month (except holidays). Completed applications and fees must be submitted by the 3rd Thursday of each month at the Benders Landing Board Meetings to the property manager, or delivered directly to GMC Office, or mailed/dropped off at the BL POA mailbox at Postal Annex At Birnham Woods, 4057 RileyFuzzel Rd., Ste. 500-143. (143 is the box number)

Include cashier's check or money order for \$3,700 payable to BL POA for the New Home Build Application Deposit. This amount includes a damage deposit, inspections, compliance, and processing fees. See Page 9 of this packet.

Or

Include cashier's check or money order for \$1,900 payable to BL POA for the Existing Home Addition Application Deposit. This amount includes a damage deposit, inspections, compliance, and processing fees. See Page 10 of this packet.

During construction of Dwelling, use the **Home Improvement Request Application** for any improvements/construction other than the dwelling. Examples of items that should be submitted separately on the Home Improvement Application include swimming pools, fences, lighting (other than lighting on Dwelling), etc. All changes or modifications to the site or building construction or alterations or additions thereto require prior approval in writing from the Association's Architectural Control Committee ("ACC") prior to construction. All changes from plans approved by the ACC must be approved by the ACC. (See Declaration of Covenants, Conditions and Restrictions (CCRs) for your Section). These can be found on benderslanding.org or provided by the management company.

Revised 11/20/24

APPLICANT INFORMATION

DO NOT LEAVE BLANK

A. Owner	_____	Phone (H) _____	(Cell) _____
B. Current Mailing Address:	_____		
Email Address:	_____		
C. Address for new home	_____		
D. Legal Description	Section _____	Block _____	Lot _____
	Composite Lot? Yes _____ No _____		
E. Builder Name	_____		Phone _____
Builder Address	_____		Contact name: _____
F. Special Permits: (County Building/Septic Permit)	_____		

NEW HOME CONSTRUCTION INFORMATION

- G. Start Date _____ Projected Completion Date _____
 - H. Total Sq. Ft. _____ Square footage on 1st floor _____ (Also complete Living Area Check sheet on Page 4 of this packet.)
 - I. For additions: Total Sq Ft. of existing Home _____ Total Sq. Ft. of addition _____
 - J. Number of Stories _____ % coverage with brick, stone, or stucco _____
 - K. Number of Garage Bays (2 – 5) _____ Is the garage attached or detached? _____
 - L. Is this a Parkfront or Lakefront Lot? _____ If so, is the house/garage rear elevation more than 50% brick, stone, or stucco?
 - M. List the building set back lines (B.L.) that affect your Lot: (Typical minimum setbacks are 75' Front and 20" Side and Rear. Lots adjoining Common Areas, Lake, or Park typically have a 75' rear setback. See the Plat of your Section of Benders Landing.)
Right Side _____ ft. Left Side _____ ft.
Front _____ ft. Back _____ ft.
 - N. List easements that affect the Lot and indicate the width of the easement in feet
Utility (UE) _____ ft. Circle all that apply: Right side -- Left side – Front -- Back
Drainage (DE) _____ ft. Circle all that apply: Right side -- Left side – Front -- Back
Other Easements _____ ft. Circle all that apply: Right side -- Left side – Front -- Back
- WILL THIS REQUIRE A VARIANCE? _____

DRIVEWAY/CULVERT INFORMATION

- O. Does the driveway meet minimum COUNTY requirements? _____ Driveway Material? _____
- P. Culvert Size _____ Material _____ Do the culvert and headwalls meet COUNTY requirements? _____
- Q. How will the driveway be reinforced? _____

EXTERIOR MATERIALS AND COLORS

- (Except for paint samples, include only a color picture of the sample, not the sample itself.)
- Type/ Color of Siding (include Picture) _____
 - Type /Color of Brick (include picture) _____
 - Type/Color of Stone (include picture) _____
 - Type/Color of Stucco (include picture) _____
 - Type/Color of Paint (include sample) _____
 - Type/Color of Trim Paint (include sample) _____
 - Type/Color of Roof Material (include picture) _____
 - Type/Color of Chimney exterior (Chimney must be of masonry construction: no Hardiplank) _____
 - All proposed roof vents are located on the back of the home? Yes _____ No _____ Other _____
 - Picture and Color of Shutters _____
 - Picture and Color of Garage Doors _____
 - Picture and Color of all Exterior Doors (Except Front Door) _____
 - Picture and Color of Exterior Lighting Fixtures _____
 - Picture of Front Door Design and Color _____

ADDITIONAL INFORMATION/COMMENTS (Briefly describe any elements or construction details that may assist in plan review.)

OWNER CERTIFIES THAT

1. The information presented here and included with this application is true and complete.
2. The improvements will be completed in accordance with the approved plans and CCRs. Any changes or modifications to this plan must be approved in writing by the ACC prior to construction. (See CCRs for more details.)
3. The Foundation Drawings submitted with this application comply with the requirements of Article III, Sec. 3.04 of the CCRs and are site specific, including having the address of the property imprinted as blueprints are drawn.
4. The improvements will not affect existing surface water flows at the Lot boundaries.

Owner

Date

NOTICE TO OWNER/BUILDER

By signing below, the applicant authorizes the ACC or its agents to enter upon and inspect the Lot and structures thereon during regular business hours for the purpose of ascertaining whether said Lot and structures thereon are in compliance with the Declaration and the approved plans and specifications. Neither the ACC nor its agents will be deemed to have committed a trespass by reason of such entry or inspection.

The owner agrees and understands that approval of plans and specifications by the ACC will not be relied upon by any person or entity as to the sufficiency, suitability, fitness, workmanship or quality of the design or construction of the improvements. The owner further agrees and understands that any related inspections performed by the ACC or its agents are for its own purposes in determining compliance with the CCRs and the approved plans and will not be relied upon by any person or entity as to the sufficiency, suitability, fitness, workmanship or quality of the design or construction of the improvements or plans. The disclaimers set forth in the CCRs, including but not limited to Sections 3.04, 3.23(b), 4.01(a) and 4.08 are incorporated herein by reference.

Neither the ACC, Property Owner Association, Graham Management, nor any of their respective members, officers, directors, shareholders, employees, or agents will be liable because of the approval or non-approval of any improvement.

Other permits or approvals may be required from, County, or other governmental entities. It is the responsibility of the owner to obtain all required approvals. A copy of the Montgomery County Building Permit and Septic Permit must accompany this application.

Owners' signature: _____

Date: _____

Builders' signature: _____

Date: _____

**BENDER'S LANDING CHECK SHEET FOR
EXTERIOR MATERIALS AND
MINIMUM/MAXIMUM SQUARE FOOTAGE LIVING AREA REQUIREMENTS**

Section	Min. Sq. Ft. Living Area Required in Total	Total Sq. Ft. Living Area Proposed	Min. Sq. Ft. Living Area Required on 1st Floor	Total Sq. Ft. Living Area Proposed on 1st Floor	% Brick, stone, stucco required at rear of dwelling	% Brick, stone, stucco, proposed for rear of dwelling
Section 1 (All except Parkfront Lots and Lakefront Lots)	2,400 sq. ft.		1,600 sq. ft.		N/A	
Parkfront and Lakefront Lots	2,800 sq. ft.		2,000 sq. ft.		50%	
Section 2 (All except Detention Lakefront Lots)	2,400 sq. ft.		1,600 sq. ft.		N/A	
All Detention Lakefront Lots other than Lots 55 through 71, Block 4.	2,800 sq. ft.		2,000 sq. ft.		50%	
Detention Lake Front Lots 55 through 71, Block 4	4,000 sq. ft.		2,400 sq. ft.		50%	
Section 3 (All Lots)	2,400 sq. ft.		1,600 sq. ft.		N/A	

ALL PAGES OF THIS APPLICATION MUST BE SUBMITTED WITH YOUR PLANS

APPLICATION REQUIREMENTS

All plans and specifications should be drawn in a professional manner. An architect or designer is not required but recommended for generally better design results. Foundation Plans must be signed, sealed, and dated by a licensed registered engineer. Floor plans, elevation drawings, and the foundation plans should be drafted at an architectural scale of $\frac{1}{4}'' = 1'$. The original plus three copies of the application form, plans, and related information are required. One (1) full sized set of the plans must be submitted in Hard Copy form, and no smaller than 11"x17"paper.

The following information is required:

1. **PLAN(S)** – Site plans to show the dimensions of Lot and distance from house to all four (4) Lot lines and the distance from the structure to the building setback lines. Show on the plans the areas (designated areas not individual trees) where trees will be removed, **“Clear Cutting” of Lot is not allowed**. **Note: deed restrictions, Section 4.01, requires approval of plans by the Architectural Control Committee prior to commencing construction including destruction or demolition (i.e., tree removal)/deed restriction 3.16,e.** Scale for drawings shall be ($\frac{1}{4}'' = 1'0''$).
2. **BUILDING/SEPTIC PERMIT** – A copy of the Building/Septic Permit from the County. **FOR ADDITIONS, PLEASE SUBMIT A SEPTIC PERMIT (IF REQUIRED) OR SEPTIC DESIGN ON FILE WITH MONTGOMERY COUNTY AND A BUILDING PERMIT(IF ADDITION IS OVER 500SQFT). Septic Designs can be obtained by emailing mc.maint@mctx.org**
3. **FLOOR PLAN (S)** – Floor plans to show the dimensions and location of all rooms, patios, balconies, garages, curb cuts, driveways, septic tank drain fields, if any, walks, fences and structures at each level are required. Window sizes, electrical, gas and plumbing fixtures must also be shown. ($\frac{1}{4}'' = 1'0''$). All exterior dimensions must be shown.
4. **ELEVATIONS** – Elevation drawings showing each side (4) are required to show exterior materials, floor and slab heights and roof slopes are required. Draft at an architectural scale of $\frac{1}{4}'' = 1'0''$.
5. **FOUNDATION PLAN** – Site-specific foundation plans, one original and three copies, designed for the Lot being built on and which comply with Article III, Sec. 3.04 of the CCRs are required. List all specifications relating to slab design. All foundations are required to be engineered and designed by a licensed, registered engineer based upon appropriate soils information taken from the specific Lot in question as recommended by such engineer. All foundation plans must indicate the specific address for which they were designed, and must be signed, sealed and dated by the engineer designing said foundation plans.
6. **DRAINAGE PLAN(S)** – Drainage plans for the Lot, which must include the following:
 - A. The drainage plan shall comply with “Section 3.23 Drainage.” of the CCRs.
 - B. The plan shall show the boundary of the entire Lot on a single sheet and include the location of the house, garage, and driveway.
 - C. Where practical, the drainage of the Lot shall be established from the rear and sides of the Lot to the road side drainage ditches provided adjacent to the Lot.
 - D. If drainage easements and/or lakes are established adjacent to the Lot, these may also be utilized to accept and transfer surface runoff away from the house site.
 - E. To determine if the Lot has a natural slope to accommodate storm runoff, the Builder shall include on the Drainage Plan natural ground elevations at the front and rear Lot corners along with additional natural ground elevations between these points as necessary. True elevations above mean sea level are not required, but the elevations must be referenced to some “established point” near the proposed home such as an edge of street pavement adjacent to the Lot.
 - F. Upstream and downstream elevations (referenced to the same “established point” in item E above) of the roadside drainage ditches and drainage easements adjacent to the Lot shall be shown on the Drainage Plan.
 - G. Small arrows indicating the direction of surface runoff from the rear, sides and front of the Lot shall be shown on the Drainage Plan.
 - H. If natural ground elevations at the rear, front or along the sides of the Lot are going to be raised or lowered to establish drainage off of the Lot, this must be shown on the Drainage Plan. The new elevations must be shown on the plan and referenced to the “established point” in item E above.”
 - I. If underground pipes with area inlets are going to be installed to drain the Lot, these must be shown on the Drainage Plan with elevations for the inlets and outfall pipes.
 - J. In some instances, it may be beneficial to have two pages to the Drainage Plan, one (1) for existing conditions and the second (2nd) for proposed elevations and drainage details.

7. **ADDITIONAL INFORMATION:** - Information concerning the structural framing design & materials, quality of exterior materials, and culvert material and size must be included.

8. **SAMPLES:** The following pictures are required:

Roofing material

Brick

Siding

Stone

Stucco

Paint-Trim Color, Shutter Color, Garage Door, Exterior Doors (Except front door) , Siding Color

Brochure/Picture of Exterior Lighting and Garage Door

Brochure/Picture of Front Door noting stain color

Brochure/Picture of all additional exterior decorative appurtenance

9. **BASIS OF APPROVAL** – Approval of plans and specifications will be based, among other things, on adequacy of site dimensions, structural design, conformity and harmony with external design of location with neighboring structures and sites and conformity to both the specific and general intent of the restrictions. All plans will be reviewed in a timely manner (within 45 days after submission of a completed electronic application uploaded to review system) and a letter of the Committee's decision will be sent to the applicant.

OWNER/CONTRACTOR REQUIREMENTS:

1. All plans with a copy of the county building/septic permit will be submitted to the ACC. All Building and septic permits must be in effect at the time of construction. If construction is not completed after plans have been approved within one (1) year, an extension will need to be obtained, provided no changes have been made to the original design. If changes have been made to the originally approved plan, a revised application must be submitted to the ACC for review. Building/Septic permit must not be allowed to expire prior to completion of project. Said Permit is to be posted on the construction site.
2. The ACC has 45 days from submittal of a complete uploaded application packet, including all required plans, information, brochures, and samples, to approve the plans and authorize commencement of construction.
3. All outstanding maintenance assessments and any other fees for the Lot in question must be paid in full before approval will be given.
4. **NO BURNING.** No burning is permitted on the Lot.
5. The work site needs to be kept clean. The contractor is to provide a dumpster or other suitable trash receptacle, when framing begins if not before, to ensure that trash and debris is contained during construction.
6. Contractors are responsible for keeping mud, dirt, etc. off the roadway. Owners/Contractors will be responsible for repair to any road shoulders or ditches damaged during construction.
7. One portable toilet is required when clearing is complete and foundation forms are set. No construction may be started without a portable toilet. Placement of the portable toilet is not allowed in the road right of way or ditch.
8. Construction fencing required: All lots are required to have silt fencing. The silt fencing requirements: fencing to be placed along the ditch and culvert adjacent to construction site and **ALL** runoff areas, if any, to prevent erosion. Owner/Contractor shall determine slope of property and establish a silt fence to retain runoff, marking plat map/survey as such, when submitting ACC application.
9. Design of roadside drainage ditches must not be altered. Please call County for the minimum size of the culvert. The inside bottom of the culvert must be even with or slightly below the level of the ditch. The culvert must be installed and properly covered before site preparation and construction begins. It is recommended Montgomery County install the culvert.
10. Care should be taken to minimize the impact of all aspects of construction on neighboring properties. **LOUD MUSIC AND UNLEASHED ANIMALS CONSTITUTE A NUISANCE.**
11. Acceptable construction hours are from 7 a.m. to 8 p.m.

INSPECTION PROCESS – BUILDING SITE

1. A minimum of five (5) site inspections are required, though others may be performed as needed.
 - A. FORM INSPECTION: This inspection is for the purpose of determining that the foundation is being laid out in accordance with the approved plan and that it meets all setback and location requirements on the approved site plan. Top of Form/Top of Slab shall be measured for 12” minimum height above crown of road (see CCRs, 3.04)
 - B. BUILDING SITE INSPECTION: This inspection is for the purpose of determining that there is a portable toilet, dumpster or other suitable trash receptacle on site and that trash is contained, county building/septic permits are posted, silt fencing is in place, and culverts are installed.
 - C. TRIM STAGE INSPECTION: This inspection is called for when the interior of the home is at trim stage (interior doors, baseboards, etc.). Inspection will compare elevations, as well as siding and roof material to approved submissions. Any deviations will be noted.
 - D. DRAINAGE INSPECTION: This inspection is for the purpose of determining if the drainage pattern for the Lot has been established and/or maintained in accordance with the drainage plans
 - E. FINAL BUILDING INSPECTION: This inspection is for the purpose of determining that the home has been completed according to the approved plan, including the driveway, patios, decks, fences, etc. and that the approved materials and colors have been used and that no additional elements have been added to the property without the approval of the ACC. The builder/owner must ensure that the improvements are located in accordance with the CCRs and the approved plans and that encroachments will not occur. The inspector will also verify that the site has been properly cleared of all construction materials, that the silt fencing and the portable toilet have been removed, the dumpsters or other trash receptacles have been removed, all waste concrete has been removed, the site is otherwise clean, landscaping is complete, and the final survey has been sent to Graham Management.
2. PERIODIC INSPECTION: Other inspections may be performed as needed by the ACC or its agents to verify that all improvements are being constructed in accordance with the CCRs and the approved plans.

NON-COMPLIANCE:

IF FOR ANY REASON A PROPERTY IS FOUND TO BE IN NON-COMPLIANCE WITH THE APPROVED PLANS OR THE DECLARATION, CONSTRUCTION MUST STOP. A “STOP WORK” NOTICE OF NONCOMPLIANCE WILL BE LEFT AT THE SITE AND CONSTRUCTION MUST NOT CONTINUE UNTIL THE PROPERTY HAS BEEN BROUGHT INTO COMPLIANCE AND NOTICE TO THAT EFFECT HAS BEEN RECEIVED FROM THE ACC. FAILURE TO COMPLY WITH THE REQUIRED INSPECTIONS OR THE STOP WORK ORDER MAY RESULT IN LEGAL ACTION.

NOTE THAT THE ASSOCIATION MAY IMMEDIATELY INITIATE LEGAL ACTION TO STOP CONSTRUCTION ON THE PROPERTY IF CONSTRUCTION BEGINS OR CONTINUES IN VIOLATION OF THE DECLARATION OR A STOP WORK ORDER AS NOTED ABOVE. THE COST OF ANY LEGAL ACTION NECESSARY TO ENSURE COMPLIANCE WITH THE DECLARATION IS TO BE BORNE BY THE OWNER OF THE PROPERTY AS SET FORTH IN THE DECLARATION.

Note: as provided in Section 3.04 of the CCRs: The granting of approvals of foundation plans and the Dwelling and garage slab elevation shall in no way serve as warranty as to the quality of the plans and specifications and/or that Dwelling shall be free from flood damage from rising or wind driven water or the flow of surface water from other locations within the Subdivision and in no event shall the Developer, the Committee or the Association have any liability as a result of the Committee’s approval or disapproval of the resulting improvement.

OWNER INSTRUCTIONS FOR COMPLIANCE INSPECTIONS

As part of the successful completion of your homebuilding project, five compliance inspections are required.

It is the responsibility of the owner (or the agent for the owner) to call the inspector to inspect the project for Inspections A, C, D, and E below at the appropriate time during the building process. Failure to request the required inspections within 13 months of plan approval will result in forfeiture of the entire deposit. The inspector is Brown's Inspection Service, and the daytime phone # is (281) 364-0736. Inspection B is performed periodically by the management company and does not need to be scheduled. If the inspector finds that the construction is not substantially in compliance with the approved plans, **Stop Work Order will be issued.** If a **Stop Work Order** is issued, construction must stop immediately, and no work may continue until the project is brought into compliance. If construction continues, the Association's Board of Directors has authorized their attorney to proceed with a **"Cease and Desist Order"** to assure compliance with the CCRs.

INSPECTION A – FORM INSPECTION

Foundation is laid out in accordance with the approved plans.
Foundation meets all setback, height and location requirements.

INSPECTION B – BUILDING SITE INSPECTION

Portable toilet is on site and positioned within the Lot.
Dumpster or other suitable trash receptacle on site and trash contained.
Current County Building/Septic Permit is posted.
Silt fencing is in place and functioning properly.
Culverts are installed.

INSPECTION C – TRIM STAGE INSPECTION

Exterior of home is sealed to the weather, masonry, exterior trim, and roof is complete.
Interior has baseboards, doors hung, and doorways trimmed.

INSPECTION D – DRAINAGE INSPECTION

Drainage plan has been completed according to the approved drainage plan.

INSPECTION E – FINAL INSPECTION

Home has been completed according to the approved plan.
Driveways, decks, fences, have been completed according to the approved plan.
Approved materials and colors have been used.
No additional improvements have been constructed that are not on the approved plans.
Portable toilet has been removed.
Dumpster or other trash receptacle has been removed and site is clean.
All waste concrete has been removed.
All signs of construction debris are gone, and yard is clean.
All builder /contractor signs have been removed.

The return of the refundable portion of the compliance deposit, less the sums deducted for additional inspections, legal, non-compliance, or other required fees, will be reviewed at the next ACC meeting held after Graham Management is in receipt of all of the following items:

- 1. Owner submission of Deposit Refund Application. Form available from Graham.**
- 2. Final Survey of the property showing the location of all improvements on the Lot.**
- 3. The Final Drainage Inspection report.**
- 4. The Final Inspection report. (Must be requested within 13 months of original approval by ACC)**
- 5. County approval of the configuration of the ditch and culverts installed for the property.**

BENDERS LANDING RECEIPT FOR NEW HOME BUILD INSPECTION DEPOSIT FEES

OWNER _____ BUILDER _____

PROPERTY ADDRESS _____

\$25 NON-REFUNDABLE REVIEW/PROCESSING/OVERSIGHT

All inspection fees are NON-REFUNDABLE-(If a re-inspection is required, the owner is responsible for those fees.)

Costs for preparation, filing, and oversight of Cease and Desist Letters, if necessary, are NON-REFUNDABLE.

Costs for non-compliance or damage to common areas, roads, etc. are NON-REFUNDABLE.

\$3,700 Deposits must be certified funds (e.g., cashier's check or money order)

The Owner/Builder agrees that the sum of \$3,700 (or some portion thereof) will be forfeited to the Association if the new home construction project at the above address is not constructed or maintained in accordance with the approved plans and the applicable Declaration. Any unused portion of the deposit will be refunded upon successful final inspection. Failure to request the required inspections within 13 months of plan approval will result in forfeiture of the entire deposit. Deposit Refund Request Application shall be submitted within 12 months of completion of build.

I understand that the ACC will act on this request as quickly as possible and the management company will contact me in writing regarding their decision. I understand no interim updates and status will be given on my application. I agree not to begin property improvement(s) until the management company notifies me of the ACC's decision. As owner of lot and all improvements on the property, I attest that all POA fees are current. I have completed, signed and attached the NHC/Addition checklist.

Owner Signature

Builder Signature/Agent for Owner
(I certify that I am signing this form with the authority of and as agent for Owner.)

Date Received: _____ Check# _____ By _____
Management Company/ARC Dept.

BENDERS LANDING RECEIPT FOR EXISTING HOME ADDITION INSPECTION DEPOSIT FEES

OWNER _____ CONTRACTOR _____

PROPERTY ADDRESS _____

\$25 NON-REFUNDABLE REVIEW/PROCESSING/OVERSIGHT

All inspection fees are NON-REFUNDABLE-(If a re-inspection is required, the owner is responsible for those fees.)

Costs for preparation, filing, and oversight of Cease and Desist Letters, if necessary, are NON-REFUNDABLE.

Costs for non-compliance or damage to common areas, roads, etc. are NON-REFUNDABLE.

\$1,900 Deposits must be certified funds (e.g., cashier's check or money order)

The Owner/Contractor agrees that the sum of \$1,900 (or some portion thereof) will be forfeited to the Association if the new home construction project at the above address is not constructed or maintained in accordance with the approved plans and the applicable Declaration. Any unused portion of the deposit will be refunded upon successful final inspection. Failure to request the required inspections within 13 months of plan approval will result in forfeiture of the entire deposit. Deposit Refund Request Application shall be submitted within 12 months of completion of build.

I understand that the ACC will act on this request as quickly as possible and the management company will contact me in writing regarding their decision. I understand no Interim updates and status will be given on my application. I agree not to begin property improvement(s) until the management company notifies me of the ACC's decision. As owner of lot and all improvements on the property, I attest that all POA fees are current.

Owner Signature

Builder Signature/Agent for Owner
(I certify that I am signing this form with the authority of and as agent for Owner)

Date Received: _____ Check # _____ By: _____
Management Company/ARC Dept