

**Minutes of the Called Board Meeting of the  
Fonn Villas Civic Association**

**January 11, 2016**

**1. Call to Order**

- a. The called meeting of the Fonn Villas Civic Association was held on January 11, 2016 at the Pines Presbyterian Church.
- b. Board Members Present: Jim Egger, Christine Caulfield, Paul Dunne, Makeea Grainger, Karl Holub, and Joanna Rose
- c. Board Members Absent: Joe Bono, Pat Clynes, Melinda Speight
- d. President Jim Egger called the meeting of the Association to order at 6:55 pm.

**2. Review and vote to approve the proposed “Major Construction: Demolition, New Construction of Buildings, External Home Addition and Remodeling (Addendum to Guidelines for Architectural and Neighborhood Standards)” and ancillary decisions regarding fees, deposits, and forfeiture amounts – John Baugher**

- a. Jim Egger stated that the proposed addendum was distributed to and reviewed by the Board members in advance of the meeting.
- b. **Jim Egger made a motion to approve the “Major Construction: Demolition, New Construction of Buildings, External Home Addition and Remodeling (Addendum to Guidelines for Architectural and Neighborhood Standards).” Karl Holub seconded. The motion passed unanimously.**

**3. Review and vote on the Amended ASC/ACC Procedures, if #2 is approved by the Board – John Baugher**

- a. Jim Egger stated that the proposed procedures were distributed to and reviewed by the Board members in advance of the meeting.
- b. **Jim Egger made a motion to approve the amended “Procedures to be Followed by the ‘Architectural Standards Committee’ (ASC) and the ‘Architectural Control Committee’ (ACC) for the Enforcement of the ‘Fonn Villas Restrictions,’ the ‘Fonn Villas Civic Association, Inc. Guidelines for Architectural and Neighborhood Standards,’ and the ‘Major Construction: Demolition, New Construction of Buildings, External Home Addition and Remodeling (Addendum to Guidelines).” Joanna Rose seconded. The motion passed unanimously.**

**4. Review and approve budget for Landscaping and Entrances – Makeea Grainger**

- a. Makeea Grainger provided an update regarding lighting. The electrician encountered a problem at the Kimberley entrance, and Makeea discovered that the Tallowood side of Vindon needs a different set up to match the other side. She, therefore, is requesting an additional \$2,000 to complete the lighting upgrade.
- b. **Makeea Grainger motioned that the Board approve up to an additional \$2,000 to go toward improving/upgrading the lights at the entrances. Joanna Rose seconded. The motion passed unanimously.**

5. **Adjourn**

- a. **Jim Egger made a motion to adjourn the called meeting. Christine Caulfield seconded. The motion passed unanimously.**
- b. The meeting was adjourned at approximately 6:59 pm.

# Agenda for Called Board Meeting - Monday, January 11th

Sunday, December 27, 2015 at 09:06PM

Fonn Villas

There will be a called meeting of the Fonn Villas Civic Association Board on Monday, January 11th, at 6:45 p.m., at Pines Presbyterian Church.

## **Agenda**

1. Call to Order
2. Review and vote to approve the proposed "Major Construction: Demolition, New Construction of Buildings, External Home Addition and Remodeling (Addendum to Guidelines for Architectural and Neighborhood Standards)" and ancillary decisions regarding fees, deposits, & forfeiture amounts.
3. Review and vote on the Amended ASC/ACC Procedures, if #2 is approved by the Board.
4. Review and approve budget for Landscaping and Entrances – M. Grainger
5. Adjourn

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Article originally appeared on Fonn Villas (<http://www.fonnvillas.org/>).

See website for complete article licensing information.

FONN VILLAS CIVIC ASSOCIATION, INC.

**MAJOR CONSTRUCTION:**  
**DEMOLITION, NEW CONSTRUCTION OF BUILDINGS,**  
**EXTERNAL HOME ADDITION AND REMODELING**

(Addendum to Guidelines for Architectural and Neighborhood Standards)

**OVERVIEW**

Fonn Villas Restrictions (RESTRICTIONS) and Guidelines for Architectural and Neighborhood Standards (GUIDELINES) contribute to maintaining the residential character and property values of our neighborhood. The *Architectural Control Committee* (ACC), the *Architectural Standards Committee* (ASC), and the *Board of Directors* (BOD) of the Fonn Villas Civic Association, Inc. (FVCA) are charged with enforcing the requirements of these RESTRICTIONS and GUIDELINES.

NOTE: Terms in *Italics* in this Addendum to GUIDELINES are defined in the RESTRICTIONS or are references to terms used in the GUIDELINES.

The ACC's written approval is required PRIOR to the initiation of any construction project in the Fonn Villas Subdivision to ensure compliance of proposed demolition and exterior *Improvements* with the RESTRICTIONS and GUIDELINES in place at the time of submission of an Application. In addition, *Lot* and construction site maintenance in an acceptable manner are required during the pre-construction and construction phases of any demolition and construction of *Improvements*.

NO external *Improvements* of ANY type shall be permitted to commence, including the tear down/demolition of an existing *Structure*, in whole or in part, unless and until ALL required Applications, plans, specifications, materials, deposits, and fees have been submitted to and approved in writing by the ACC of FVCA: i) as to harmony of exterior design, color and size with existing *Structures* in the neighborhood, ii) as to location with respect to topography and finished ground elevation, and iii) as to compliance with the GUIDELINES and RESTRICTIONS in place at the time of submission of an Application.

Inasmuch as the neighborhood has reached an age which lends itself to a desire for existing and/or new Owner(s) to make substantial changes to an existing *Structure(s)*, or to tear down an existing *Structure(s)* and construct a new *Structure(s)*, the BOD has determined that it is in the best interest of the Owner(s) and of the neighborhood to hire the services of a professional architectural/engineering firm to consult on review, evaluation, and inspection with regard to plans for any major external *Improvement(s)*. Applications will be processed as they are received and may require as long as forty-five (45) days for the ACC/ASC and/or the Third-Party Reviewer to evaluate the sufficiency of the plans, the materials submitted, and the proposed construction plans.

## MAJOR CONSTRUCTION APPLICATION PROCEDURE

1. MAJOR CONSTRUCTION shall be defined as:
  - a) Demolition of an existing *Building*,
  - b) Construction of a new *Building(s)*,
  - c) Construction that either results in a change in the *footprint* of an existing *Building(s)* or creates additional living or storage area above an existing *Building(s)*.
  
2. Application: The ACC Application for Major Construction must be mailed to the address specified on the Application for MAJOR CONSTRUCTION form (Exhibit A) or hand-delivered to the ASC Chair. The ACC Application form for MAJOR CONSTRUCTION may be obtained from the FVCA website or the ASC Chair.
  - \* The ACC Application must be completed by the Owner(s) in its ENTIRETY. Owner(s) is required to refer to Paragraph C of the existing GUIDELINES for criteria for completion of the Application.
  - \* The Owner(s) shall submit with the Application to the ASC Chair a survey executed by a licensed professional land surveyor showing the elevation of the pre-existing *Residential Unit threshold* in the case of demolition of a *Residential Unit*. This elevation is the *benchmark* used to determine the maximum allowable height for new *Building(s)*.
  - \* The plans for the *Improvement(s)* shall show the *benchmark* and all *Structures* shall be no more than thirty-three (33) feet above the *benchmark*.
  
3. Specific Submission Requirements: Two (2) copies of the Application for MAJOR CONSTRUCTION (Exhibit A) and all required documents and/or materials in paper format and one (1) electronic copy must be submitted, together with the requisite Application Fee. Plans and materials samples submitted to Fonn Villas will not be returned and shall remain the property of the ACC.

Complete and accurately-scaled plans should include ALL items as listed on the Application for MAJOR CONSTRUCTION form. For new remodeling materials, it must state that new materials “match existing” material.
  
4. Drainage Plan: If a drainage plan is part of the overall plans submitted by the Owner(s), it must be prepared by a certified engineer and show all intake and outflow locations on the site.
  
5. Application Fee and Secondary Application Fee: A certified check for the Application Fee in the amount of the applicable Application Fee ( Schedule A) payable to “Fonn Villas Civic Association, Inc.”, shall be attached to the completed Application. Applications deemed incomplete and resubmitted for consideration by the ACC will be subject to a Secondary Application Fee. All Application Fees are non-refundable.

In cases where the original *benchmark* elevation was not measured prior to demolition of a pre-existing *Residential Unit* (a violation of the GUIDELINES), then a larger initial Application Fee is required. The Owner(s) must consult with the ASC Chair to get a determination of how a substitute *benchmark* elevation shall be calculated.

6. Application Sunset: Any approved Application or contingently approved Application shall expire if demolition/construction has not commenced after six (6) months from approval date. For any approved Application where there is a hiatus in the project of over six (6) months shall be deemed to have expired. If the Owner(s) desires to commence demolition/construction after this six (6) months period, the Owner(s) is required to submit a new Application.
7. Builder's Deposit: No construction may commence prior to receiving approval of the Application by the ACC, obtaining all necessary permits, and submitting an executed Construction Deposit Agreement (Exhibit B) together with a certified check in the amount of the applicable Construction Deposit Fee, payable to "Fonn Villas Civic Association, Inc."
8. Incomplete Application: Any incomplete Application submitted to the ASC shall be returned to the Owner(s) and marked as Disapproved. The Owner(s) may cure any defect in the Application and the required documents/materials and resubmit. Only complete Applications will be forwarded to a Third-Party Reviewer.

If, for any reason and at the sole discretion of the ASC and/or a Third-Party Reviewer, an Application is found to have any insufficiencies and therefore, has to be returned to the Owner(s) and the Application is resubmitted by the Owner(s), a new 45-day approval period, as described in the GUIDELINES and in the RESTRICTIONS, shall be started at the re-submittal date. Cumulative time for prior reviews will be automatically voided.

9. Timeline: Upon receipt of a Application for MAJOR CONSTRUCTION, together with all of the required Fee, Plans, Surveys, Materials, etc., the 45-day approval period shall commence and the Application shall be handled according to the ASC/ACC Procedures.
10. General Construction Rules: The following are minimum requirements to be observed during the course of the construction period:
  - \* During a transition period that a *Lot* is without a *Residential Unit*, the Owner(s) shall be required and obligated to properly and regularly maintain the *Lot*, and all vegetation and trees thereon.
  - \* Portable toilets must be placed as far from the street as possible while allowing for reasonable servicing requirement, and should be screened from public view to the greatest extent possible.
  - \* The construction site shall be fenced such that the lower levels of the *structure(s)* cannot be seen from the street and a silt barrier shall be placed along the street curb(s) so that silt cannot flow into the street(s).

- \* The street(s) and gutters adjoining the *Lot* shall be kept clean from all debris, including but not limited to dirt, trash, and vegetation materials. Dumpsters must be located in the driveway and may not be placed in the street.
- \* Construction hours shall be no earlier than 7:00 a.m. nor later than 6:00 p.m., Monday through Saturday. Work on public holidays is strongly discouraged.
- \* Parking of construction and worker's vehicles shall be limited to one side of the street. No vehicles shall be parked so as to block other property owner's driveways, allowing sufficient room for access to driveways, mail delivery, remote pick-up of trash barrels, and street transit of school buses, trash trucks, and emergency vehicles.
- \* Prior to commencement of any construction, Builder shall post one sign in front of the *Lot* with the following information on the sign:

In Case of Emergency  
Please Call  
(000) 111-2222

The sign shall measure no more than sixteen inches (16") by twenty-four inches (24"). The name of the Builder may also be shown on the sign. In addition, Builder must post in a location readily accessible by all employees and/or sub-contractors the rules and regulations included in the approved Application and/or this Addendum to GUIDELINES, written in both English and Spanish, including without limitation, the starting and ending work times and the parking regulations.

NOTE: By this Addendum to GUIDELINES this signage constitutes a valid temporary exception to the GUIDELINES provision 18.5.

**Signature below indicates that the Owner(s) acknowledge that it is their sole responsibility to submit a complete Application with sufficient plans and supporting materials and the acknowledgment of the GUIDELINES, including this Addendum to GUIDELINES, and RESTRICTIONS as recorded in the Official Public Records of Real Property of Harris County, Texas and that the Owner(s) agree to comply with same, together with any other requirements imposed as a result of the specific construction project being considered.**

\_\_\_\_\_  
**Signature of Applicant(s)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Printed Name of Applicant(s)**

\_\_\_\_\_  
Property Address

**Fonn Villas Civic Association, Inc.**

**SCHEDULE A**

**MAJOR CONSTRUCTION:  
DEMOLITION, NEW CONSTRUCTION OF BUILDINGS,  
EXTERNAL HOME ADDITION AND REMODELING  
Addendum to Guidelines**

**Major Construction Application Fees**

New Residential Unit Construction:

Initial Application Fee - \$750.00

Secondary Application Fee - \$250.00

New Residential Unit Construction ABSENT the pre-existing benchmark:

Initial Application Fee - \$1,500.00

Secondary Application Fee - \$250.00

Additions to existing building(s):

Initial Application Fee - \$400.00

Secondary Application Fee - \$100.00



**Fonn Villas Association, Inc.**

**EXHIBIT A**

**APPLICATION FOR MAJOR CONSTRUCTION:  
DEMOLITION, NEW CONSTRUCTION OF BUILDINGS,  
EXTERNAL HOME ADDITION AND REMODELING**

(Addendum to Guidelines for Architectural and Neighborhood Standards)

Submit To: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_  
Fonn Villas Civic Association, Inc.  
c/o *Architectural Standards Committee* Chair By \_\_\_\_\_  
P.O. Box 97007  
Houston, Texas 77279-9007  
(Or hand delivered to ASC Chair)

Two (2) copies of all forms, with initials/signatures as indicated, and other required documents and materials listed below in paper format and one (1) electronic copy must be submitted in their entirety to the address above or hand delivered to the current ASC.

**NOTE: As part of the Application, Owner(s) is required to submit a signed copy of the MAJOR CONSTRUCTION: DEMOLITION, NEW CONSTRUCTION OF BUILDINGS, EXTERNAL HOME ADDITION, AND REMODELING (Addendum to GUIDELINES).**

Every effort will be made to provide timely response to Applications. In all cases the ACC will approve or disapprove within 45 days of receipt of the Application. Please note that if any of the requested documents are missing, are deemed insufficient, or additional information is requested by the ASC, the Application will be delayed accordingly with a new start date set for the 45-day approval period upon receipt of the new Application re-submittal to the ASC. The ASC will NOT respond to verbal requests for approval or as to the status of the Application process. Once construction commences, if changes are made without prior approval of the ACC, the ACC reserves the right to stop construction and to require the Owner(s) to remove or modify any unauthorized/unapproved *Improvement*.

Lot Owner Name(s) \_\_\_\_\_

Subject/Property Address \_\_\_\_\_

Owner's Mailing Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

E-mail Address \_\_\_\_\_

Builder's Name \_\_\_\_\_

Builder's Address \_\_\_\_\_

Builder's Office Phone \_\_\_\_\_ Builder's Cell Phone \_\_\_\_\_

E-mail Address \_\_\_\_\_

## REQUIRED MATERIALS CHECK LIST

Please include two (2) paper copies and one (1) electronic copy of each of the following (check off items included):

- Application Form (3 Pages)
- Application Fee payable to *FVCA*: (\$ \_\_\_\_\_)
- Signed copy of MAJOR CONSTRUCTION: DEMOLITION, NEW CONSTRUCTION OF BUILDINGS, EXTERNAL HOME ADDITION, AND REMODELING (Addendum to GUIDELINES).
- Signed original of the CONSTRUCTION DEPOSIT AGREEMENT (Exhibit B).
- Construction Deposit payable to *FVCA*: (\$ \_\_\_\_\_)
- Survey of the *Lot* executed by a licensed professional land surveyor. The survey must include the square footage of the *Lot*, the *benchmark* elevation of the threshold of the pre-existing *Residential Unit*, all existing *Improvements*, topography and the location and size of all trees.
- Site Plan of all proposed all *Improvements* including and not limited to *building(s)*, *driveway*, *sidewalk(s)*, *patio(s)*, *decking*, *fence*, *pool*, and trees.
- Floor plans
- Elevations drawing of all sides of the proposed *Structure(s)*. The drawing must include the height of the *Building(s)* relative to the *benchmark*.
- Foundation Plan.
- Exterior lighting* plan (if any).
- Drainage plan (if any).

**GENERAL INFORMATION FROM APPLICANT(S):**

Number of stories in *Residential Unit* \_\_\_\_\_

Area Calculations:

<i>Lot size</i>	_____	SF
<i>Residential unit foot print</i>	_____	SF
<i>Related Quarters foot print</i>	_____	SF
<i>Garage foot print</i>	_____	SF
<i>Porte-co-chere foot print</i>	_____	SF
<i>Covered patios foot print</i>	_____	SF
<i>Covered porches foot print</i>	_____	SF
<i>Total foot print</i>	_____	SF
<i>Foot print / Lot size =</i>	_____	%

Number of 12-inch or greater diameter trees to be removed: \_\_\_\_\_

Color/Finish and Material Description: (Samples should be attached)

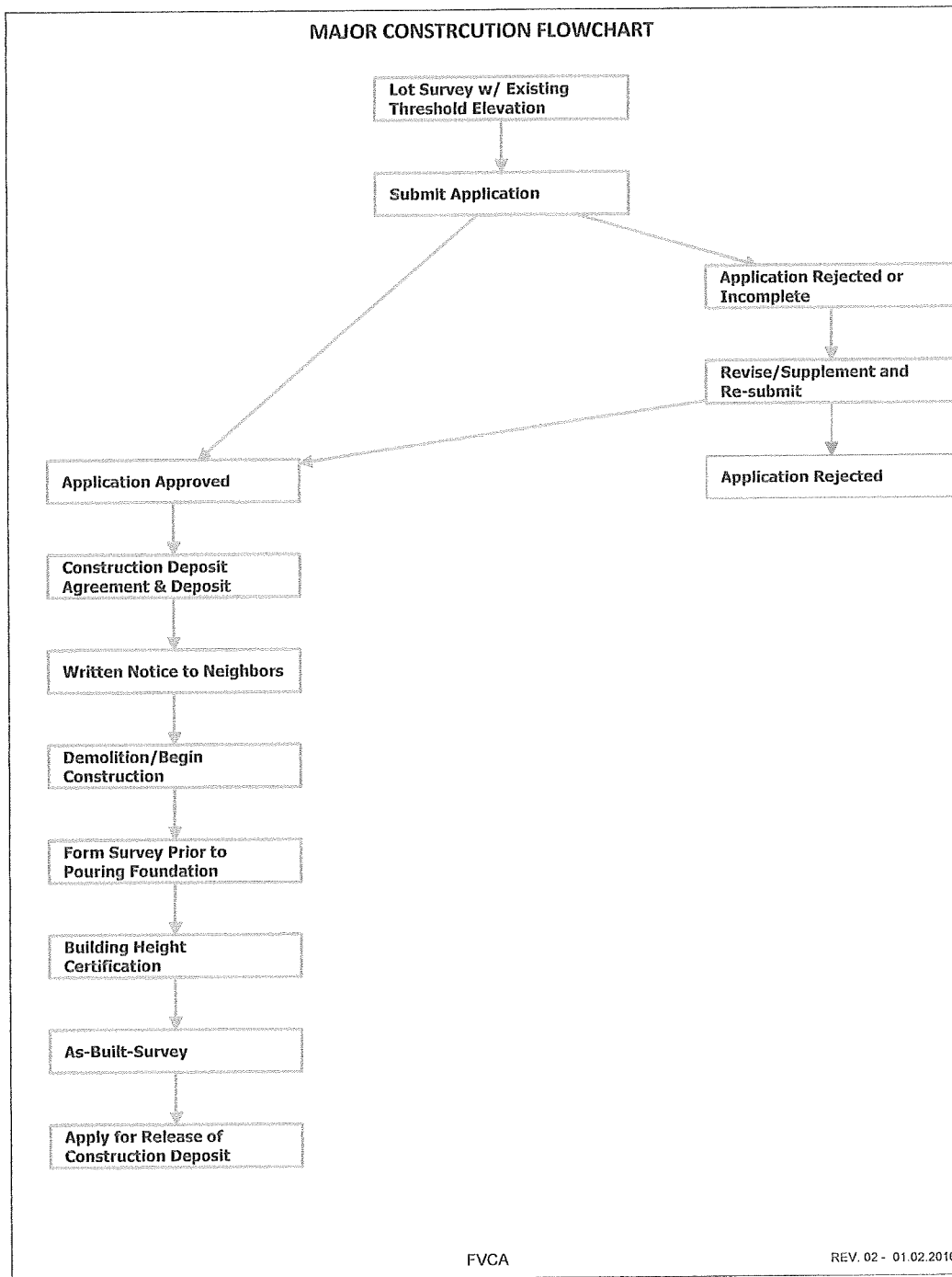
Brick/stone, etc % coverage \_\_\_\_\_

Siding - type, spec, paint color: \_\_\_\_\_

Trim, Fascia, Soffit - Type, paint color \_\_\_\_\_

Roofing - Brand specs, color: \_\_\_\_\_

Fence - height, material, color: \_\_\_\_\_



**ACKNOWLEDGEMENT**

I/we submit this Application with supporting documentation, attachments including certified check for applicable Application Fee, and agree to abide by the signed and attached **Major Construction: Demolition, New Construction of Buildings, External Home Addition and Remodeling (Addendum to GUIDELINES)** and the **Construction Deposit Agreement** (Exhibit B). I/we agree to not begin demolition and construction until after receipt of written approval from the *FVCA's* ACC and to notify the ASC Chair upon completion of 1) *foundation slab* Forms, 2) Framework of *Buildings*, and 3) final completion of all *Structures*.

**NOTE:** For the purposes of this agreement, email between designated email addresses shall serve as written notifications and communications.

Signature of Applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

Designated email address \_\_\_\_\_

Name of ASC Chair \_\_\_\_\_

Designated email address \_\_\_\_\_

Resubmission Date \_\_\_\_\_

Contingent Approval (pending receipt of an Executed Construction Deposit Agreement only)

Contingent Approval \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_

Chair of the ACC  
Fonn Villas Civic Association, Inc.

Final Approved \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_

Chair of the ACC  
Fonn Villas Civic Association, Inc.

Project: Disapproved \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_

Chair of the ACC (or ASC Chair)  
Fonn Villas Civic Association, Inc.

**APPROVAL OF THIS APPLICATION BY THE ASC, ACC, OR THE BOARD OF DIRECTORS DOES NOT CONSTITUTE A REPRESENTATION OF THE ADEQUACY OR SAFETY OF THE DESIGN OR COMPLIANCE WITH CODES OR OTHER LEGAL REQUIREMENTS AND ALL SUCH LEGAL REQUIREMENTS MUST BE COMPLIED WITH.**



2. Builder agrees to complete this construction Project in a timely manner and in accordance with the approved Application and this Agreement. Notwithstanding the approval of the Application, Builder also agrees to complete this Project in accordance with the Fonn Villas Restrictions (RESTRICTIONS) and Guidelines for Architectural and Neighborhood Standards (GUIDELINES). It is Builder's responsibility to notify the Association promptly of any conflict between the approved Application and the RESTRICTIONS or the GUIDELINES. Upon determining the existence of any such conflict, the Builder shall be required to refrain from continuing the Project until the conflict is resolved to the satisfaction of the FVCA.
3. Prior to commencement of construction, Builder must give written notice to all property owner(s) adjacent to the project *lot* and the owner(s) of property directly across the street, as well as the owner(s) of the *lots* on either side of the *lot* immediately across the street of (a) the date construction will commence, and (b) emergency telephone number(s) of the Builder and/or the Builder's superintendent in charge of construction at the site. For corner *lots*, the owners across both the main and side street must be notified. Builder must provide the FVCA's ASC Chair with copies of the notification letters to each applicable property owner(s) prior to commencing construction. Builder should obtain from the FVCA the names and addresses of all owners to be notified. Builder and Owner(s) shall rely on the information provided by the FVCA and shall not be required to make an independent investigation of Deed Records or other information as to actual Owner(s) of such *lots*.
4. Upon completion of the *foundation slab* forms and before pouring the *foundation slab*, Builder shall provide the ASC Chair with a "Form Survey" executed by a licensed professional land surveyor showing the location of *the Improvements* to be constructed for the Project prior to proceeding with pouring the *foundation slab*. The ASC Chair shall have five (5) business days from the date of receipt of a "Form Survey" to object in writing to the location or height of the *foundation slab*. If the "Form Survey" shows that the *foundation slab* would not be in compliance with the approved Application and RESTRICTIONS, Owner(s) agrees to have the Builder modify the *foundation slab* forms such that the *foundation slab* will be in compliance with the approved Application and RESTRICTIONS. After modification, Builder shall provide a new "Form Survey" to the ASC Chair for approval.
5. Once the framing of the roof is completed, Builder shall provide the ASC Chair a written "Height Certification" issued by a licensed professional land surveyor, architect or engineer verifying compliance with the height limitation of the approved Application and GUIDELINES. All measurements shall be from the *benchmark* elevation, as required by the GUIDELINES, and as provided to the ASC Chair upon the submission of the Application. The ASC Chair shall have five (5) business days from the date of receipt of a "Height Certification" to object in writing to the height of the *Structure(s)*. If the height of a *Structure(s)* exceeds the height limitation of the approved Application and GUIDELINES, Owner(s) agrees to have the Builder modify the *structure(s)* to comply with the height limitation of the approved Application and GUIDELINES prior to proceeding with further construction. Upon completing the necessary modification, Builder shall provide a new "Height Certification" to the ASC Chair for approval.
6. Upon completion of all of the *Structure(s)*, Builder shall submit to the ASC Chair an "As-Built Survey". ASC Chair shall have five (5) business days from the date of receipt of a "As-Built Survey" to object in writing to any non-compliance issues. Owner(s) and Builder shall take action to remedy all *Improvements* deemed by the ACC, in its sole discretion, to be out of compliance with the approved Application, the GUIDELINES, or RESTRICTIONS. Upon completion of any necessary remediation, Builder shall provide a new "As-Built Survey" to the ASC Chair for approval.

Variations cannot be granted by the ACC in order to accomplish this compliance. Variations can only be granted SUBSEQUENT to filing an Application and PRIOR to the initiation of any demolition and/or construction as set out in the GUIDELINES.

7. The Deposit shall be held by the Association to assure compliance with this Agreement. Builder acknowledges that the RESTRICTIONS and GUIDELINES include rules and regulations relating to construction including, by way of example and not in limitation, employee/subcontractor vehicle parking, starting and ending times for construction work, and maintenance of the construction site. A violation of any of the rules or regulations set forth in either the RESTRICTIONS or the GUIDELINES may result in a written notice to Builder. Any violation of the same rules or regulations after written notice is given to Builder may result in the forfeiture of a portion of the Deposit as set out in "Failure to Follow Rules and Regulations" (Schedule A, Section 2) attached to this Agreement.
8. All or any portion of the Deposit may be forfeited by Builder for violations of this Agreement, or other violations of the RESTRICTIONS and/or GUIDELINES than those addressed in paragraph 7 above. A schedule of the forfeitures for the other types of violations is set forth in "Forfeiture Schedule" (Schedule A, Section 1). No prior notice is required for a forfeiture resulting from a violation set forth in "Forfeiture Schedule".
9. The Deposit shall be refunded to Builder as follows:
  - a. In the case of a new *Residential Unit* construction, within thirty (30) days of the date of receipt by the FVCA of a written notice by the Builder that the Project is substantially complete. For purposes of this subparagraph, the date of substantial completion of a new *Residential Unit* shall be the date on which the new *Residential Unit* may be occupied.
  - b. In the case of a major addition to an existing *Building*, within thirty (30) days of the date of receipt by the FVCA of a written notice from the Builder that the addition has been substantially completed. For purposes of this subparagraph the date of substantial completion of any addition shall be the date on which the addition may be used for its intended purpose.
  - c. The date the FVCA receives written notice from the Builder shall not initiate the timetable for issuing a refund if, within thirty (30) days of the date of receipt of the written notice, the FVCA, acting reasonably and in good faith, determines that the *Building(s)* cannot be occupied or used for its intended purpose. In that event, the Builder shall be required to issue a new written notice of substantial completion.
  - d. If the FVCA determines that there are deviations from the approved Application or non-compliance with the RESTRICTIONS or GUIDELINES, the Deposit shall not be refunded until all deviations are brought into compliance with the approved Application, the RESTRICTIONS, and GUIDELINES.
10. Builder acknowledges that the Deposit is required to be paid in an effort to assure compliance with the provisions of this Agreement, the RESTRICTIONS and the GUIDELINES, but that the forfeiture of all or any portion of the Deposit shall be in addition to, not in lieu of, all other remedies available to the Association for violations of this Agreement, the RESTRICTIONS and/or the GUIDELINES. The FVCA expressly reserves all remedies for non-compliance with the provisions of this Agreement, the RESTRICTIONS and/or the GUIDELINES, whether or not all or any portion of the Deposit is forfeited.
11. The parties agree that all disputes, claims or controversies arising out of or relating to this Agreement shall first be mediated by a mediator who is a member of the Association of Attorney-Mediators.



Notwithstanding the foregoing, the provisions of this paragraph shall not be applicable to a suit for injunctive relief initiated by the FVCA based upon the contention that the construction of an *Improvement* is proceeding in violation of this Agreement, the RESTRICTIONS, and/or the GUIDELINES.

**NOTE:** For the purposes of this agreement, email between designated email addresses shall serve as written notifications and communications.

EXECUTED on the date(s) set forth below; to be effective when executed by both parties.

FONN VILLAS CIVIC ASSOCIATION, INC.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Designated email address: \_\_\_\_\_

BUILDER

Date: \_\_\_\_\_ Name: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Designated email address: \_\_\_\_\_

OWNER

Date: \_\_\_\_\_ Name: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Designated email address: \_\_\_\_\_

**FOR THE ASSOCIATION'S USE ONLY**

**Deposit:**

Received on \_\_\_\_\_ by \_\_\_\_\_

Received from (Name and, if applicable, company name) \_\_\_\_\_

Certified Check \_\_\_\_ (Check No.)

Amount: \_\_\_\_\_

Refund:

Amount: \_\_\_\_\_

Check No. \_\_\_\_\_

Delivered to \_\_\_\_\_ on \_\_\_\_\_

or Mailed to \_\_\_\_\_ on \_\_\_\_\_ **Fonn Villas  
Civic Association, Inc.**

**SCHEDULE A**  
**Construction Deposit Agreement**

**Section 1**

**Forfeiture Schedule**

**Failure to Obtain Approval and/or Deviating from Approved Plans**

Improvements not in approved location with no encroachments	\$1,000 each occurrence
Improvements not in approved location and with encroachments (including height violation)	\$2,500 each occurrence
Failure to provide <i>benchmark</i> elevation prior to commencing construction	\$1,000
Failure to submit "Form Survey" prior to pouring <i>foundation slab</i>	\$2,000
Failure to submit "Height Certification" at the completion of framing	\$2,000
Failure to complete construction within twelve (12) month period unless approval is granted in writing to extend construction period	\$400 for each additional month
Failure to provide the "As-Built Survey"	\$2,000
Failure to notify all adjoining property owners as stipulated	\$500

**Fonn Villas Civic Association, Inc.**

**Schedule A**

**Construction Deposit Agreement**

**Section 2**

**Failure to follow rules and regulations**

One written warning will be given for failure to observe each of the following rules and regulations. After the first warning is given, Builder will forfeit an amount equal to \$300 for the second violation, \$400 for the third violation, \$500 for the fourth violation, increasing by \$100 for each subsequent violation for each written notice given for failure to observe any of the rules and regulations listed below.

- Failure to observe starting and ending times for project work.
- Failure to observe stipulated parking requirement for all vehicles.
- Failure to maintain clean work site, which includes keeping grass and weeds cut.
- Failure to keep streets and gutters clean from all debris.
- Failure to service portable toilet facility and to locate it in designated areas.
- Failure to screen portable toilet facility.
- Failure to locate dumpster in driveway.
- Failure to maintain required screening fence and silt barrier.
- Failure to display in an unobstructed location at the front of the property a "in case of emergency" sign in the standardized format or the improper posting of more than one sign.
- Failure to post the rules and regulations stipulated in the approval letter, in both English and Spanish, in a place that every employee/sub-contractor will see, including, but not limited to, the prescribed starting and ending times for construction activity and the requirement to park on one side of the street.

PROCEDURES TO BE FOLLOWED BY  
THE "ARCHITECTURAL STANDARDS COMMITTEE" (ASC)  
  
AND  
  
THE "ARCHITECTURAL CONTROL COMMITTEE" (ACC)  
  
FOR THE ENFORCEMENT OF  
  
THE "FONN VILLAS RESTRICTIONS", THE "FONN VILLAS CIVIC  
ASSOCIATION, INC. GUIDELINES FOR ARCHITECTURAL AND  
NEIGHBORHOOD STANDARDS", & THE "MAJOR CONSTRUCTION:  
DEMOLITION, NEW CONSTRUCTION OF BUILDINGS, EXTERNAL HOME  
ADDITIONS AND REMODELING (ADDENDUM TO GUIDELINES)  
  
February 1, 2010, with addendum of March 1, 2010,  
  
as amended on March 5, 2012 & January, 2016

DEFINITIONS

The FONN VILLAS RESTRICTIONS will henceforth be referred to as RESTRICTIONS in these procedures.

The FONN VILLAS CIVIC ASSOCIATION, INC. GUIDELINES FOR ARCHITECTURAL AND NEIGHBORHOOD STANDARDS will henceforth be referred to as the GUIDELINES in these procedures.

The MAJOR CONSTRUCTION: DEMOLITION, NEW CONSTRUCTION OF BUILDINGS, EXTERNAL HOME ADDITION AND REMODELING (ADDENDUM TO GUIDELINES) will henceforth be referred to as ADDENDUM TO GUIDELINES in these procedures.

Any APPLICATION to the ARCHITECTURAL STANDARDS COMMITTEE will henceforth be referred to as APPLICATION in these procedures.

The APPLICATION FOR MAJOR CONSTRUCTION: DEMOLITION, NEW CONSTRUCTION OF BUILDINGS, EXTERNAL HOME ADDITION AND REMODELING will henceforth be referred to as APPLICATION in these procedures.

Non-compliance with the RESTRICTIONS and/or GUIDELINES will henceforth be referred to as VIOLATION(S) in these procedures.

Compliance with the RESTRICTIONS and/or GUIDELINES will henceforth be referred to as COMPLIANCE in these procedures.

Any homeowner(s) or property owner(s) in the FONN VILLAS SUBDIVISION, as defined in the BY-LAWS of the FONN VILLAS CIVIC ASSOCIATION, INC., ARTICLE 2.1, will henceforth be referred to as OWNER in these procedures.

If, for any reason, there appears to be a conflict between these procedures and the RESTRICTION and/or GUIDELINES, the RESTRICTIONS and/or GUIDELINES shall govern.

#### PURPOSE AND OBJECTIVES

The purpose of these procedures is to provide a tool for the ASC & ACC in handling all Applications and in dealing with Violations in order to endeavor that all properties are in Compliance and that FVCA handles all such matters in a consistent and uniform manner over the years.

#### GENERAL

- 1) The Architectural Control Committee (ACC) is composed of the Officers of the Fonn Villas Civic Association: President, Vice-President, Treasurer, Secretary, Sergeant-at-Arms, Parliamentarian, and the Chair-person of the Architectural Standards Committee (ASC) (see Restrictions Definitions 1 & Guidelines paragraph B.)

- 2) The Chair-person of the ACC is the President of the FVCA (see Restrictions Definition 1 & Guidelines paragraph B.).
- 3) The ASC will be composed of a Chair-person and other members as the ACC deems appropriate from time to time (see Restrictions Definition 2 & Guidelines paragraph B.).
- 4) All members of the ASC & the ACC must be very familiar with the Restrictions, the Guidelines, and these procedures.
- 5) All of the actions called for in these procedures are intended to be in keeping with the Guidelines, paragraphs A - J.
- 6) Information that is discovered regarding the change of ownership of any Fonn Villas property should be passed on to the Secretary.

#### APPLICATIONS

- 1) The Application process is fully described in the Guidelines, paragraph C. and the Addendum to Guidelines for Major Construction.
- 2) All Applications must be submitted to the ASC on the prescribed applicable Application Forms which are available from the Chairperson of the ASC, the FVCA web site ([www.FonnVillas.org](http://www.FonnVillas.org)), and the Guidelines that are duly recorded in Harris County, Texas.
- 3) The ASC & ACC must always be cognizant of the 45-day clock for approval or disapproval of any correctly completed Application as prescribed in paragraph b. of the Restrictions and amplified in paragraph C. 4. & E. of the Guidelines.
- 4) All documents and materials sent and received by the ASC and/or ACC shall be dated as to when sent and when received so as to correctly monitor the 45-day approval/disapproval period and in order to track modifications made to Applications and accompanying documents.
- 5) Applications for routine modifications and alterations to the exterior of improvements on a property shall be reviewed and approved/disapproved by the ASC. However, if the ASC feels that the ACC needs to review a specific situation, the matter shall be forwarded to the ACC.

- 6) All new construction, either additions, partial rebuilds, or demolitions and total rebuilds shall be submitted to the ASC and handled according to the Addendum to Guidelines for Major Construction.
- 7) All Applications are to be completed and submitted ONLY by the Owner of the property. In no event will an Application be accepted that has been completed by a contractor, tenant, or other individual residing in the property. An Owner is permitted to attach any and all relevant contractor documents to the Application as may be deemed necessary to describe the proposed work. In the event that an Application is received having been completed or submitted by someone other than the Owner, a letter should immediately be sent to the Owner advising that the Application is DENIED, and inviting the Owner to resubmit the Application in order for it to be reconsidered.
- 8) The Owner of any incomplete Application should have that Application returned as conditionally disapproved as soon as practical after receipt and preliminary review reveals that it is deficient in any manner, advising the Owner of the deficiency, and requesting the submission of the missing information or documents in order to complete the proper review of the Application. The 45-day period for approval shall not begin to run until after all requisite documents and information has been submitted by the Owner.
- 9) At no time will it be appropriate for any member of the ACC or ASC to discuss the content of and/or decisions regarding any Application with any contractor or agent of the Owner unless a meeting has been scheduled, at which meeting shall be present the Owner, contractor and/or agent of the Owner, and at least two members of the ASC and/or ACC.
- 10) Any modification to any original Application must be resubmitted by the Owner to the ASC, in writing, with the 45-day review process starting over upon the date of receipt of resubmission.
- 11) Any change to any originally approved Application proposal by the Owner requires that the Owner submit an additional Application covering the changes proposed and the 45-day review process shall start again.

- 12) The ASC/ACC should ascertain that the construction, modifications, etc. performed by the Owner following approval of an Application has been done in Compliance with the approved Application, Restrictions, and Guidelines. If not, then the Owner is in Violation.
- 13) It should be noted from paragraph E. of the Guidelines that only the ACC and/or the Board of Directors has the power to grant a variance and variances can only be granted to the Guidelines. A variance can never be granted to the Restrictions. Procedures for seeking a variance are covered in paragraph F. of the Guidelines.
- 14) Suggested Timeline for the review of Major Construction Applications:
- \* The ASC shall keep all members of the ACC informed as to the status of each active Major Construction Application along with status with regards to the 45-day approval period:
    - 1) Application received,
    - 2) Application sent to Third-Party Reviewer,
    - 3) Application returned from Third-Party Reviewer & their assessment,
    - 4) Application ready for ACC review with recommendation for approval or disapproval,
    - 5) Receipt of the Form Survey,
    - 6) Receipt of the Height Certification,
    - 7) Receipt of the As-Built Survey, and
    - 8) Any violations of the Construction Deposit Agreement that would result any in forfeiture.
  - \* Upon receipt of a Major Construction Application being Day 1, by about the end of Day 4 the ASC shall conduct a preliminary check to determine if the Application is complete, and if not, return it to the



Owner(s) to rectify said Application. If the Application is complete, the ASC will determine whether the proposed construction is of such degree so as to be outsourced to a Third-Party Reviewer and forward accordingly or, in the event that the proposed construction does not require outsourcing, the ASC shall determine that the Application is to be reviewed by the ACC, provided that the proposed construction complies with the Guidelines and the Restrictions in place at the time of submission of an Application.

- \* In the event that the Application is referred to a Third-Party Reviewer, by about Day 7 the ASC shall deliver the completed Application with all supporting materials to the Third-Party Reviewer.
- \* By about Day 9 Third-Party Reviewer shall confirm that the Application and all required documents, materials, etc. have been submitted in order to permit its acceptance by them to initiate the detailed review and notify the ASC of such acceptance in writing;
  - \* In the event that the Application is deficient in any manner, Third-Party Reviewer shall immediately notify the ASC with specific details of insufficiency;
  - \* By about Day 15 the ASC shall issue written notice to Owner(s) of all insufficiencies from Third-Party Reviewer and inform Owner(s) that the 45-day approval period has terminated;
  - \* In the event an Application is disapproved, Owner(s) shall be permitted to either resubmit new document(s) to cure any insufficiency and/or to supplement any existing documents as recommended by Third-Party Reviewer. Upon re-submittal by the Owner(s), a new 45-day approval period will begin at Day 1;

- \* By about Day 29 or as soon as is practical, and to the extent that Third-Party Reviewer is in receipt with the original submission of all required documents and materials to complete its review, Third-Party Reviewer shall render their final assessment of the Application to the ASC;
- \* By about Day 36 the ASC shall convene a meeting of the ACC to review the final assessment of the Third-Party Reviewer and the chair of the ACC shall sign the approved Application or the disapproved Application.
- \* By about Day 40 the ASC will return the approved or disapproved Application to the Owner(s).

## REPORTS

- 1) The ASC should submit a monthly written status report to the Chairperson of the ACC on all new Applications and known active or unresolved Violations.
- 2) Oral presentations to the regular monthly meetings of the Board of Directors should only be of a general statistical nature.
- 3) THERE SHOULD BE ABSOLUTELY NO DISCUSSION OF SPECIFIC PROPERTIES THAT ARE DEEMED TO BE IN VIOLATION OF THE RESTRICTIONS OR GUIDELINES AT THE REGULAR OPEN MEETINGS OF THE BOARD OF DIRECTORS. This type of property specific reporting shall be confined to the meetings of the ACC or to Executive Sessions of the Board of Directors, and if appropriate, with the Owner having been placed on the agenda of the ACC or Executive Session in advance. All information relating to the specific property must be treated as CONFIDENTIAL by all ACC and/or Board members.
- 4) When a specific case is completed, all hard copy documents and materials relating to the business of that case should be placed in the Fonn Villas Civic Association Historical Property Records that should be maintained by the ASC.
- 5) The hard copy of each case (application or violation) shall be converted to computerized form (i.e. scanned into PDF format) and, therefore, be

available to the ASC and ACC (i.e. through Flash Drive transfer), with the exception of large plats and plans that will only be maintained in hard copy.

6) The computer organization hierarchy is as follows:

Folder (ASC)

Folder (street, i.e. Taylorcrest)

Folder (address, i.e. Taylorcrest 12719)

Folder (ACC Applications)

Folder (Violations)

This should provide easy access to any specific property with all documents relating to that property filed in date order.

#### PROCEDURES FOR HANDLING VIOLATIONS

- 1) Compliance/Non-Compliance is covered in paragraph D. of the Guidelines. Enforcement of the Restrictions and Guidelines is covered in paragraph H. of the Guidelines.
- 2) The Fonn Villas neighborhood should routinely be inspected by the ASC at least once a quarter for Violations. A note of any Violations should be made along with any pertinent digital photographs with the automatic “date stamp” on the photo image to document the Violation.
- 3) An initial friendly Violation Notice letter (see form letter attached) should be sent to the Owner by the ASC and, when possible, accompanied by a personal communication with the Owner:
  - a) Describe the problem causing the property to be in Violation, including digital photos with “date stamp” illustrating the Violation, if necessary.
  - b) Quote the specific provisions of the Restrictions and/or Guidelines that are being violated. Always cite the Restriction that is violated first if both Restrictions and Guidelines are involved.
  - c) State whether or not an Application needs to be sent to the ASC seeking approval from the ASC/ACC for the work needed to bring the property into Compliance.

- d) This letter should request that the Owner bring the property into Compliance within 15 days, respond to the ASC within that timeframe with a schedule for completing the required work to bring the property into Compliance, or respond to the ASC stating why additional time is necessary for the Owner to comply.
- e) All violation notices should be issued in compliance with the applicable statutory requirements effective at that time.
- 4) Absent Compliance or a response within the 15 days, the chairperson of the ACC should send a more strongly worded Second Violation Notice letter to the Owner detailing the Violation and curative measures necessary to bring the property into Compliance. This Violation Second Notice letter shall give the Owner another 15 days to bring the property into Compliance or respond, as outlined above, to the ACC.
- 5) Given no satisfactory response to the Second Violation Notice letter, the Chairperson of the ASC shall prepare for the Chairperson of the ACC or to whomever the ACC designates, a "Property Code" letter to be sent by certified mail, return receipt requested and also by regular mail. Said "Property Code" letter shall afford the Owner a 30-day period within which to bring the property into Compliance or to request a hearing before the ACC.
- 6) Absent any response to the "Property Code" Letter or the property being brought into Compliance by the Owner within this 30-day period, ACC will turn the matter over to the FVCA Attorney for further action.
- 7) On a case by case basis, the ACC and the FVCA Attorney will decide what further action(s) is/ are appropriate, which may include, but not necessarily be limited to:
- a. Prepare and record a Notice of Non-Compliance;
  - b. Forward a special letter to the offending Owner together with a copy of the recorded Notice of Non-Compliance;
  - c. Prepare and record a Release of Notice of Non-Compliance (upon confirmation that the Violation(s) has/have been cured and Owner

has reimbursed FVCA for the cost of all charges related to the Notice and Release);

- d. Prepare and file suit in Justice Court alleging a breach of contract; or
- e. Prepare and file suit for injunctive relief (suit would seek to recover an injunction against the Owner as well as attorney's fees, court costs, and civil damages).