

# **Benders Landing Architectural Control Committee Frequently Asked Questions**

## **General:**

Generally speaking, improvements to your home should not negatively impact those who live around you and the rest of the community. The rules of the neighborhood and the judgements of the Architectural Control Committee (ACC) are based on that basic value. Keeping Bender's Landing (BL) an enjoyable and safe place to live and protecting the values of the homes in the neighborhood is the goal of the ACC. Benders Landing is divided into three sections with slightly different Deed Restrictions for the three sections.

## **What is the Architectural Control Committee (ACC)?**

The ACC committee is a volunteer committee made up of 7-9 fellow Benders Landing property owners, nominated and appointed by the Board of Directors, operating in conjunction with the POA's elected board of directors, whose responsibility is to review plans for improvements to BL property and ensure the proposed improvements comply with the covenants. ACC decisions of approving or not approving are based on a) Deed Restrictions, b) how improvements affect neighbors, c) general esthetics of the community and d) an established set of standard improvement guidelines that will be consistent with the Deed Restrictions.

## **When and how often does the ACC meet?**

The ACC COMMITTEE meets on the 2nd Monday of every month, (subject to holidays and scheduling conflicts). All applications will be due the Wednesday before the scheduled meeting so the management company has adequate time to upload and prepare all documents for review.

## **How does a property owner contact the ACC if they have a question?**

Through the management company. They will forward questions to the committee and route the answers back to the property owner. Property owners cannot attend ACC meetings to ask questions. Our management company interfaces with the ACC on behalf of property owners and no application or application fee is required to ask questions. No single ACC member can provide an official answer to any question as the committee acts as a whole.

## **How do I get an application for a New Home Construction-Addition (NHC-Addition) or Home Improvement Request (HIR)?**

The NHC-Addition application form and the HIR application form along with their required corresponding checklist can be found under the "documents" on the Benders Landing website or you can contact the management company to have an application sent to you. The original application, corresponding checklist and required supporting documents must be signed by the homeowner. Three copies of all submitted documents must be included with the originals and sent to PMG for ACC review. NHC submissions must include at least 1 set of full sized drawings.

## **How do I know which form to use? NHC-Addition or HIR?**

Generally, if you are adding square footage to your property or any structure over 500 sq ft, you will need to complete a NHC-Addition application. For minor improvements including but not limited to, maintenance, generators, roofs, tree removal, drainage, fences, pools, spas and other improvements, you will need to complete a HIR application.

## **Why do I need to gain approval for home improvements when I own the property?**

Hopefully, part of the reason you chose Bender's Landing for your home was that you appreciated the overall environment of the neighborhood. To maintain that atmosphere, certain restrictions (covenants or deed restrictions) were put in place to protect the neighborhood and enhance the enjoyment and values of our homes, and all people who purchase property in BL contractually agree to those terms at closing. It is the POA's responsibility to enforce those covenants on behalf of all property owners and therefore we require property owners to get plans for changes to the property approved in advance by the ACC.

## **What sort of improvements must be approved?**

*Virtually any improvements on the lot or outside of the residential structure must be approved.* This includes but is not limited to paint or stain, addition of fences, decks, garages, play-sets, widening of driveways, gutters, mailboxes, flag poles, pools, spas, outdoor kitchens, gazebos, patios, patio covers, awnings, basketball goals, sheds, rain barrels, room additions, generators, statuary, fountains, roof work, solar energy, etc. If any home improvement falls into a state of disrepair, it must be removed or repaired at owners expense.

## **What happens if I make an improvement without approval?**

The Board of Directors of the POA has the legal power and responsibility to enforce the covenants / deed restrictions. If a property owner breaks their contract with their neighbors by not adhering to the covenants, then the POA will require the improvement to be removed or corrected at the homeowner's expense. It is easier and far less expensive to make application and to adhere to the agreements each of us made when we bought our property. Just because one has observed something within the community that one feels fits their scenario, it still must be reviewed and approved by the ACC. The observed installation may not have been approved by the ACC and there could be discussions underway to correct deficiencies. In short, just because something exists within the community does not mean that it has been approved by the ACC – submit your improvement before doing the work.

## **What happens when your request is approved or denied?**

If the committee approves or declines your request, you will receive a written notice from the management company informing you of the decision. If your request is denied, you may resubmit your request with required or missing documentation/changes and/or statement of why you think it should be approved. If your request is denied again, you may appeal to the Board of Directors.

## **Pools:**

### **Are pools allowed?**

Yes. Pools are allowed as long as they meet the neighborhood's construction standards and are approved in advance by the ACC.

### **Are above ground pools allowed?**

No.

### **Do I need to apply to the POA to build a pool?**

Yes. Plans for the addition of a pool must be submitted to the ACC for approval. Use the Home Improvement Request form to apply for a swimming pool.

### **What are the key issues the ACC looks for when approving an application for a pool?**

- 1) Location of the pool with particular attention given to respecting the immediate neighbors' peaceful enjoyment of their property and the impact to public areas like lakes and parks.
- 2) Proper drainage from the pool equipment pad to the drainage ditch.
- 3) Placement of the pool equipment on the property with consideration given to noise for neighbors and the view from the street or neighbors. Pool equipment must be placed within the property build lines.
- 4) Encroachment of building setbacks and utility easements.

All four of these issues must be clearly identified on an official survey of the property.

### **My contractor says I don't need a drain line since my filter does not require backwashing. Do I need to meet the requirement of a drain from my equipment to the drainage ditch?**

Yes. While your filter may not require backwashing, there will be times when the level of the pool must be dropped for maintenance. To protect your neighbors, we cannot allow dumping that much water anywhere but the primary drainage for your house.

### **Is a drain direct from the pool good enough to meet standards?**

There are two types of drains. Most pool owners have a drain in the pool at the water level designed to keep the pool from overflowing during rainstorms. This excess water is typically tied into the drains for the decking around the pool and is often run to the nearest point of relief away from the pool. The second type of drain is one that is used to drain the pool dry. This drain is tied to the pumps and runs between the pump and the bottom of the pool. It is the latter which is the point of our drainage requirements. You must be able to drain your pool without encroaching upon your neighbor's property and to do that a drain **MUST** run from the pool pump(s) to the main drainage ditch for your home.

### **Where can I place my pool equipment?**

There is no specific place that equipment is required to go for the ACC. That said, in order to control cost and create ease of maintenance, your pool contractor will most likely want to place the

equipment near your electrical and gas service to minimize the length of the run of utilities to operate your pool. Most of the time that is fine with the ACC. The ACC's only issues are the noise and esthetics for the neighborhood. If your pool equipment is out of sight, you will probably be fine with the ACC. Many homeowners plan landscaping or fencing to hide pool equipment and soften the impact of noise for themselves as much as the neighborhood as a whole. Just be sure to clearly indicate where the pool equipment will be placed in your application and that it is within your build lines.

## **Garages:**

### **I need more garage space. Can I build a detached garage?**

Yes. There are no rules against a second garage, however, there are limitations. All garages and guest houses must be applied for on a NHC-Addition application with all required documents/permits.

- 1) A detached garage must meet and match the quality and construction materials of your home. In other words, if your house is brick with a shingle roof then the detached garage must be brick and shingle as well. If your house is stucco with a tile roof, the detached garage must be the same, etc.
- 2) Garages must be built for at least 2 vehicles and no more than 5 vehicles.
- 3) The additional garage must be within building setbacks.
- 4) Engineered slab is required for most structures.

When applying for ACC approval, be certain to include a copy of the original property survey and show where the garage will be located and how it is to be constructed. Include color photo of existing structures.

## **Generators:**

### **Can I add a back-up generator to my home?**

Yes. We allow generators but thought must be given to type and placement. Some generators are quite noisy while others can be fairly quiet. They are also large and not particularly attractive. So, placement of the generator must be in a manner that it is not a disturbance to neighbors visually or audibly. It must be placed within build lines. To apply for the addition of a generator be sure to:

- 1) Include a copy of the original property survey, showing your home and property indicating where the generator will be located. Typically it MUST be situated directly adjacent to your electrical supply.
- 2) Provide a spec sheet or brochure for the generator you are considering with photos, size of unit, and electrical output of unit and sound level of unit.
- 3) If the unit will be visible from the street or from your neighbor's property, explain how you intend to maintain the esthetic view of your property from the street or your neighbor's home.
- 4) As required on the application, be sure to submit color photos of impacted area.

## **Fences:**

### **I want to fence my property. What are the requirements?**

There are several considerations for fencing. First and foremost is what is the purpose? If it is to create privacy, then a solid fence of wood or vinyl or other material (if approved by the ACC) is needed but these are only allowed on certain lots and must be approved by the ACC. If the fence is for esthetics or to restrain pets then other materials are more appropriate and most typically are made of ornamental iron. When requesting approval for a fence, keep these things in mind.

- 1) There are only two heights for a fence allowable anywhere in Bender's Landing, 4 foot and 6 foot. No other height will be approved.
- 2) Privacy (solid) fences of any material are NOT allowed on lots adjoining lakes or parks.
- 3) 4 foot ornamental metal fences are allowable virtually anywhere but still require proper approval.
- 4) Chain link is NOT allowed anywhere in BL other than as a dog run and only if out of sight and approved in advance.
- 5) The six foot limitation on fences is for TOTAL height and is inclusive of anything that might be added to the top or bottom of the fence. Total fence height from the ground is 6' maximum.
- 6) Privacy fences can go no closer to the street than half the distance from the front of the house to the back of the house.
- 7) When applying for wood privacy fences be sure to include a sample of the color of the stain you intend to use.
- 8) If a fence impedes upon a utility easement and access is needed, the fence must be removed at the owner's expense.

## **Recreational Outdoor Equipment:**

Any recreational outdoor equipment including, but not limited to, non-portable basketball goals, play structures, sport structures, sport courts, play houses and treehouses must be approved by the ACC and must meet the following criteria. Particular consideration must be given to the privacy and peace of the environment for neighbors. Outdoor recreational equipment must be removed by owner if in a state of disrepair.

- 1) Must be located on a property survey.
- 2) Location on property must be within build lines. Height should not infringe on neighbors privacy.
- 3) It is recommended that any use of color or any construction aspect that might draw extra attention be avoided. Treehouses and other equipment must be painted the same as the house and blend into the environment.
- 4) No outbuildings nor detached structures of any kind may be constructed on Park or Lake lots.

- 5) Particular consideration must be given to the privacy and peace of the environment for neighbors. (i.e. lighting, loud music, noise, visibility, frequency of games, etc.)
- 6) Survey must also show any additional outdoor lighting.
- 7) Must be removed by owner if in a state of disrepair.

## **Flag Poles:**

### **I want to add a flag pole. Are they allowed?**

Yes, flag poles are allowed but like any other outdoor improvement they must be approved by the ACC and must meet the following criteria.

- 1) No more than one flagpole per lot is permitted.
- 2) Flagpoles cannot exceed 20 feet in height if free standing or 6 feet in length if attached to a building.
- 3) Flag poles must be made of permanent long lasting materials.
- 4) It cannot encroach upon an easement.
- 5) Free standing flag poles must be at least 25 feet from the street.
- 6) Flag poles may be illuminated so long as the lights do not shine towards an adjacent lot.
- 7) Flag pole lanyards must be secured so as not to be moved by the wind or clang against the pole and disturb the peace of the neighborhood.
- 8) Flags are to be maintained in good condition.

## **Driveway Expansion:**

### **I want to widen my driveway. Is that possible?**

Yes, if approved by the ACC. The ACC will need a to-scale plat of your property showing the position of the house, garage and driveway to assure that your driveway does not encroach upon utility easements. Anything placed in a drainage or utility easement are subject to removal and replacement at owners expense.