

April Sound Architectural Control Committee
Home Improvement Request

To preserve the appearance and value of your community, all improvements to the exterior of any home or lot must be approved by the Architectural Control Committee (ACC) prior to commencement of construction. If any improvement or change is made without the prior consent of the ACC, the committee may require you to return the property to its original condition at your expense.

By signing below, you agree that you have carefully read and reviewed the Deed Restrictions applicable to the described property and the Construction Regulations and Specifications and state that the improvements will be made in strict compliance with these documents and the plans submitted. The ACC is not responsible for ensuring compliance with local or state codes or requirements, or for structural inspection or soundness. **A county permit will be required for home additions if located in a flood plain or is more than 50% of the value of the home.**

Work is to be performed only after receipt of a permit. **A mandatory \$200.00 clean up deposit is required on all requests except painting.** Deposits will be returned within thirty days after an acceptable final inspection. Notify ACC when work has been completed to schedule an inspection.

Complete the entire form and return to: April Sound P.O.A.
100 April Park Dr.
Montgomery, TX 77356

Property Owners Name: _____ Date: _____
Property Address: _____
Mailing Address: _____
Home Phone #: _____ Work Phone #: _____
Legal Description: Section _____ Block _____ Lot _____

Contractors Name: _____ Phone Number: _____
Foreman: _____ Phone Number: _____

Please describe the proposed improvements or change. For paint, stain, roofing and/or siding, attach a sample of the color or shingle not less than 1" x 1" and not greater than 3" x 5" in dimension. All roofing materials (composition) must be dimensional, minimum of 30 year or better, earth and wood tones only, color subject to prior ACC approval. Roofing sample submitted is for color use only. For all other improvements, include a diagram of the property with measurements and placement of the improvement. The completeness of this application ensures a timely response. Please use the second page of this form or write on separate page and attach it to this form. **Permit will expire 90 days after approval date.**

Homeowner's Signature (Required)

Revised 08/26/2011

Phone 936-588-1188 Fax 936-588-1092

Proposed Improvements

Attach Samples/ Drawings Here

**PERMIT WILL EXPIRE 90 DAYS AFTER
APPROVAL DATE**

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ACC USE ONLY

Name: _____ Date: _____ Approved/Disapproved

Notes: _____

Revised 08/26/2011

Phone 936-588-1188 Fax 936-588-1092

APRIL SOUND PROPERTY OWNERS ASSOCIATION, INC.

**ARCHITECTURAL CONTROL COMMITTEE
REVIEW OF REQUESTS FOR PROJECT APPROVAL**

-- PLEASE NOTE --

Architectural Control Committee ("ACC") approval of an owner's plans for a proposed project is only an expression of opinion by the ACC that the terms and provisions of the covenants and restrictions for April Sound have been complied with (if the building and/or other improvements are erected in accordance with the plans and specifications as approved) and that the proposed work is in harmony with the external design, color, type and appearance of exterior surfaces and landscaping of existing and proposed structures and with other lots within the neighborhood, as well as throughout the April Sound Subdivision, with such factors and aesthetic considerations to be determined by the good faith judgment of the ACC.

Topography and finished grade elevation may also be considered by the ACC, but it is the responsibility of the applicant to ensure that any drainage issues or proposed elevations and drainage plans have been evaluated and prepared by a licensed professional engineer and certified as being adequate for the drainage of the lot and for the protection of surrounding lots and structures. The ACC's function in approving a drainage plan is simply to confirm that the applicant has presented the required plan. It is not the role or expertise of the ACC to evaluate the technical accuracy or reasonableness of any such drainage issues or drainage plans.

The ACC assumes no responsibility with regard to design or construction, including the civil, structural, mechanical, plumbing or electrical design, methods of construction, technical suitability of materials, or compliance with requirements of any government authority. It is the responsibility of the owner and contractor employed by the owner to determine that a proposed improvement is structurally and mechanically sound, that it is otherwise safe, and that it is designed and constructed in compliance with applicable building codes, fire codes, other laws or regulations and sound construction practices. Any person submitting plans to the ACC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, drainage, utility locations and other pertinent features of the site or plans. Any errors in, or omissions from, the documents submitted to the ACC are the responsibility of the entity or person submitting the documents, and the ACC has no obligation to check for errors in or omissions from any such documents, or to determine whether such documents comply with City codes and regulations, FHA or VA regulations, state statutes or the common law, whether the same relate to lot lines, building lines, easements or other issue.

The ACC as a committee, the individual ACC members, the POA Board of Trustees, the POA management staff, and the POA shall not be liable for damages or otherwise to anyone submitting plans to the ACC for approval, or to any builder, or to any third party because of the approval or disapproval of any improvement, and/or by reason of mistake in judgment arising out of any action of the ACC with respect to any submission. The Covenants, Conditions & Restrictions for April Sound provide that members of the ACC exercising any prerogative of approval or disapproval shall not incur any liability by reason of the member's good faith exercise of his/her prerogative and opinion.

SWIMMING POOLS

The Architectural Control Committee, in the interest of safety, will not approve a new pool unless there is also a fence to be installed. Fences must be in compliance with the Deed Restrictions for your section.

APRIL SOUND PROPERTY OWNERS ASSOCIATION, INC.

**ARCHITECTURAL CONTROL COMMITTEE
POLICY**

**FENCE ENCLOSURES FOR SWIMMING POOLS
(EXISTING POOLS)**

The Reservations, Restrictions and Covenants ("Restrictions") for some Sections of the April Sound community prohibit fencing on a lot that would interfere with or obstruct the view from neighboring lots, such as views of Lake Conroe. However, after the adoption of such restrictions by the initial developers of April Sound some thirty to forty years ago, various public safety measures have been promoted and adopted throughout the country and the State of Texas regarding safety fence enclosures for swimming pools. In an effort to address concerns about safety and reduce the risk of accidental drowning of young children, the April Sound Architectural Control Committee ("ACC") deems it in the best interest of the community and the community's residents to allow the installation of perimeter fencing for the small number of existing swimming pools that do not currently have any form of enclosure fencing.

Policy: Subject to the prior approval of the ACC as to such factors as proposed design, location and materials, perimeter safety/security fencing may be installed by a homeowner to enclose an existing swimming pool. Such fencing must be constructed of an open-spaced wrought iron configuration or similar material approved by the ACC. Chain link fencing or wooden picket fencing will not be approved. The ACC will review the application for such enclosure fencing from the perspective of visual aesthetic factors and any unreasonable obstruction of neighboring homeowners' views, as well as compliance with any fence criteria that may otherwise be applicable to the lot. The ACC will not determine whether the fencing complies with minimum specifications for compliance with applicable pool enclosure design criteria. Such compliance, if desired by the homeowner or if required by local, county or state government, shall be the sole responsibility of the homeowner.

The objective of the ACC in adopting this policy is to allow enclosure fencing to be installed around the few existing pools that were previously installed without fencing. Applications for the installation of a new pool with enclosure fencing may be addressed under separate criteria by the ACC and under the requirements set forth in the Restrictions for the Section of April Sound in which the lot is located, which could result in denial of the pool on the grounds that enclosure fencing would, in the opinion of the ACC, unreasonably obstruct the view of neighboring lots. The policy adopted above for existing pools should not be interpreted as approval for the installation of enclosure fencing for a proposed new pool.

Date: July 21, 2011

Signature: _____

Chairperson, Architectural Control Committee

Effective: 7-21, 2011

APRIL SOUND PROPERTY OWNERS ASSOCIATION, INC.

**ARCHITECTURAL CONTROL COMMITTEE
POLICY**

**FENCE ENCLOSURES FOR SWIMMING POOLS
(REQUESTS FOR NEW POOLS TO BE CONSTRUCTED)**

The Reservations, Restrictions and Covenants (“Restrictions”) for some Sections of the April Sound community prohibit fencing on a lot that would interfere with or obstruct the view from neighboring lots, such as views of Lake Conroe. However, after the adoption of such restrictions by the initial developers of April Sound some thirty to forty years ago, various public safety measures have been promoted and adopted throughout the country and the State of Texas regarding safety fence enclosures for swimming pools. At the time of adoption of this Policy, Montgomery County has not adopted a standard for safety fence enclosures for privately-owned swimming pools. In an effort to address concerns about safety and to reduce the risk of accidental drowning of young children, the April Sound Architectural Control Committee (“ACC”) deems it in the best interest of the community and the community’s residents to allow the installation of perimeter fencing for swimming pools to be installed on private lots.

Policy: Subject to the prior approval of the ACC as to such factors as proposed design, location and materials, perimeter safety/security fencing must be installed by a homeowner to enclose any swimming pool constructed on the Owner’s lot. Such fencing must be constructed of an open-spaced wrought iron configuration or similar material approved in advance by the ACC. Chain link fencing or wooden picket fencing will not be approved, unless such fencing is authorized for the lot by the Restrictions applicable to the lot. The ACC will review the application for such enclosure fencing from the perspective of visual aesthetic factors and any unreasonable obstruction of neighboring homeowners’ views, as well as compliance with any fence criteria that may otherwise be applicable to the lot. The ACC will not determine whether the fencing complies with minimum specifications for compliance with applicable pool enclosure design criteria. Such compliance, if desired by the homeowner or if required by local, county or state government, shall be the sole responsibility of the homeowner. The lot owner should consult with the pool installation contractor concerning the necessary standards for pool fence enclosures for privately owned pools. Recognized standards for private swimming pool fence enclosures generally include, but are not limited to, the following:

- Height of the fence enclosure must be at least 48 inches as measured from the ground on the side away from the pool.
- Openings under the fence enclosure may not allow a sphere four inches in diameter to pass under the fence.
- The spacing between vertical bars on the fence enclosure should be of such width so as not to allow a sphere four inches in diameter to pass through the enclosure.
- Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing from the outside to the inside of the pool yard enclosure.

- The gate for the fence enclosure must:
 - (1) have a self-closing and self-latching device;
 - (2) have hardware enabling the gate to be locked, at the option of whoever controls the gate, by a built-in lock operated by key, card, or combination or a padlock; and
 - (3) open outward away from the pool yard.

The objective of the ACC in adopting this Policy is to require enclosure fencing to be installed around any new pool constructed on a privately owned lot in April Sound. Applications for the installation of a new pool with enclosure fencing may be addressed under separate criteria by the ACC and under the requirements set forth in the Restrictions for the Section of April Sound in which the lot is located, which could result in denial of the pool on the grounds that enclosure fencing would, in the opinion of the ACC, unreasonably obstruct the view of neighboring lots.

Date: 2-18, 2011

Signature: _____

Chairperson, Architectural Control Committee

Effective: 2-18, 2011