

**ARCHITECTURAL COMMITTEE POLICY  
PERGOLAS AND OTHER "NON-BUILDING" IMPROVEMENTS  
LA BUENA VIDA PROPERTY OWNERS ASSOCIATION, INC  
Effective 7 January 2011**

This Policy was approved by the Architectural Committee of the La Buena Vida Property Owners Association, Inc. on the 7<sup>th</sup> day of January 2011, and effective immediately.

Regarding what limitations should be placed on construction of pergolas and other improvements that are not specifically defined as "buildings", pertinent Articles in the Declaration of Covenants, Conditions and Restrictions (CCR's) for La Buena Vida are as follows:

- Article 1.16 defines improvements as every structure and all appurtenances thereto of every kind and type ... used in connection with or placed on the property.
- Article 3.1 states that no improvements shall be constructed upon any Lot without prior written approval of the Architectural Committee.
- Article 3.5 allows the Architectural Committee to prevent construction of any improvement based upon the effect it will have on the view from another Lot, and the privacy of an adjoining Lot Owner.
- Article 3.15 provides setback requirements for "buildings", but setback for other "improvements" are not defined

For the purpose of defining rules specific to pergola construction, the Committee recognizes a pergola as "an open structure consisting of vertical posts supporting an open roof of girders and cross rafters". This definition distinguishes the pergola from being a building. However, either the addition of a wall, or a solid roof, would – in the opinion of the Committee – make the pergola a "building" and subject to the "building" setback rules as clearly defined in Article 3.15.

A cursory search of setback rules for other POA's indicated that – although some apply the same building setback rules to pergolas - what seems to be most frequent is that pergolas are typically allowed shorter setback distance than buildings. In cases with specific rules regarding pergolas, it was typical to have limitations imposed on both the setback of the posts from the property line, as well as restrict (minimum) the distance from pergola roof overhang to the property line.

As of this date, pergolas constructed at the Samuels, Vaughan, and Cameron residences appear to comply with the 10 ft side property line setback. Bob Hardisty indicated that one of his pergolas may be closer than 10 ft.

**In consideration of the above, and to establish consistency regarding pergola and other "non-building" improvements, the Architectural Committee of the LBV Property Owners' Association hereby adopts this Policy for La Buena Vida:**

- **In general, pergolas and other improvements – excluding fences and retaining walls - shall honor the CCR-specified 10 ft side property line setback (as per Article 3.15)**
- **If the Lot owner has valid reason – i.e., other than strictly view or convenience - for locating the pergola closer to the property line, the Architectural Committee may approve such variance only with written approval from the affected adjacent property owner. However, in no instance whatsoever shall any part of the pergola – including overhang - be located nearer than 5 ft from the side property line.**

*[Certification and Notary signature on next page]*

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File No. \_\_\_\_\_  
County Clerk, Aransas County, Texas

CERTIFICATION

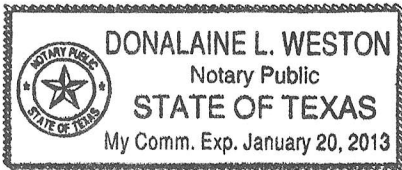
"I, the undersigned, being the President of La Buena Vida Property Owners Association, Inc. hereby certify that the foregoing Resolution was adopted by at least a majority of the La Buena Vida Property Owners Association Board of Directors."

*Michael Zotzky*

Michael Zotzky  
Chairman of Architectural Committee  
LBV Property Owners' Association, Inc.

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on the 15<sup>th</sup> day of September, 2011, by Michael Zotzky, President of LBV Property Owners' Association, Inc., on behalf of said Association.



*Donalaine L. Weston*  
Notary Public, State of Texas  
My Commission expires: 1-20-2013

AFTER FILING, RETURN TO:

Jeanne Hunter  
Secretary, LBV Property Owners' Association, Inc.  
2207 HWY 35 N, Suite C#286  
Rockport, Texas 78382

**FILED FOR RECORD**

AT 2:10 P.M.

INDEXED

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OCT 03 2011

SCANNED

*Peggy L. Friebele*  
PEGGY L. FRIEBELE  
COUNTY CLERK, ARANSAS CO., TEXAS

*Filed by & Return to: ✓*