

## Application Issues and Mistakes that Can Delay the Review Process

### Incomplete Applications.

- Incomplete a submission for technical reasons. This includes missing signatures, missing notary stamp, missing documents and other technical issues.
- Failure to provide required information. This includes information concerning colors, height coverage etc.
- Failure to provide required documents. For new construction, applicants sometimes neglect to include full size plans (e.g. rolled architect format plans such as those that will be available at the job site). Applicants sometimes neglect to include important documents like surveys, site plans and tree plans.

Missing documents or incomplete applications create informational deficiencies. Because the ARC and HOA rely on the data submitted by applicants, if there is insufficient data, the committee is unable to conduct a review. And it would be inappropriate for the committee to substitute “guesses” and “assumptions” in place of data.

### Height Issues.

Post-Hurricane Harvey, height of the structure cannot exceed 33 feet from natural grade. Height of structure means fill + foundation + primary structure to ridgeline (chimney height does not count against). Height > 33 feet from natural grade will be denied. Incorrect calculations can result in delays and rejections.

### Errors in Calculating Buildable Area.

Calculated by taking total lot size LESS front setback and side setbacks and 10 feet in back. For front setback and side setbacks, refer to recorded plat. For rear setback (for HOA purposes) use 10 feet. Also, if there are areas that cannot be built due to easements (utility easement, flood control etc.), then those must also be deducted from total lot size to arrive at the buildable area. A common mistake is the use of the utility easement depth (5 feet) instead of the HOA 10-foot depth requirement at the rear of the lot. Incorrect calculations can result in delays and rejections.

### Calculation Errors with Impervious Coverage.

The impervious coverage limit is 70% of the Buildable Area. When calculating impervious coverage as percentage of the Buildable Area, all impervious features within the Buildable Area must be accounted. This includes the foundation plus any overhangs, flatwork, steps etc. Impervious materials outside the Buildable Area may be considered by the committee as part of their overall consideration of the project and site plan. However, for the purpose of calculating Impervious coverage for the application, the applicant should only count impervious features WITHIN the Buildable Area. Incorrect calculations can result in delays and rejections.

### Aerial Encroachments.

In addition to foundation location, MBCA’s rules prohibit aerial encroachments into setback areas. This includes things like eaves and soffits. Eaves (or any part of the structure) should not

protrude into front, rear or side setback areas. Plans should call out both foundation footprint and overhangs. Often this is done with a solid line and dotted line to enable efficient review of plans. Failure to disclose and document these matters can result in delays and rejections.

#### Planning for Progressive Aerial Setbacks.

MBCA has progressive aerial setbacks. This is based on average heights within a defined area. Plans should specifically identify compliance with these progressive setbacks. Applicants should refer to Section 2.01(e)(i)-(iv).

#### Tree Plans

1 tree per 1000 square feet is required for each lot. Tree requirements are based on the overall lot size. Half of the trees must be at least 4-inch caliper and half must be 6-inch caliper. Hardwoods are preferred but the ARC can consider other species mixed with hardwoods on the lot. Common issues are failure to provide a sufficient number of trees, trees too small (i.e. < 4inch and 6inch caliper), locations not specified, species not specified etc. Failure to submit an adequate tree plan can cause delay or rejection of an application.

#### Excessive Driveway Width

Per MBCA rules, driveways and driveway extensions should be no wider than necessary to reasonably accommodate two (2) non-commercial, passenger vehicles, not to exceed twenty-two (22') feet in total width at the widest point (i.e. approach and entry to garage bays). However, the average driveway width should not exceed 16-18 feet. The 22-foot maximum width is not intended except at the opening at the street and at the garage entrance. Driveway plans that attempt 22 feet outside those areas are typically not approved and out of character for the neighborhood.