CERTIFICATE OF APPROPRIATENESS
APPLICATION FORM

PLANNING & DEVELOPMENT DEPARTMENT

PROPERTY

Address 801 KEY AVE.

Historic District / Landmark EAST NORHILL HCAD # 062135000018

Subdivision EAST NORHILL Lot 18 Block 221

DESIGNATION TYPE

- ☐ Landmark
- ☐ Protected Landmark
- ☐ Archaeological Site
- ☑ Contributing
- ☐ Noncontributing
- ☐ Vacant

PROPOSED ACTION

- ☑ Alteration or Addition
- ☐ Restoration
- ☐ New Construction
- ☐ Relocation
- ☐ Demolition
- ☐ Excavation

DOCUMENTS

☐ Application checklist for each proposed action and all applicable documentation listed within are attached

OWNER

Name MARK SCHUCK

Company

Mailing Address 801 KEY AVE.
HOUSTON, TX 77009

Phone 713-306-4974

Email [redacted]

Signature

Date

APPLICANT (if other than owner)

Name BOB ROBINOWITZ

Company McIntyre + Robinowitz, Architects

Mailing Address 718 HEIGHTS BLVD
HOUSTON TX 77008

Phone 713-520-9336

Email [redacted]

Signature Bob Robinowitz

Date 11-5-14

ACKNOWLEDGEMENT OF RESPONSIBILITY

Requirements: A complete application includes all applicable information requested on checklists to provide a complete and accurate description of existing and proposed conditions. Preliminary review meeting or site visit with staff may be necessary to process the application. Owner contact information and signature is required. Late or incomplete applications will not be considered.

Deed Restrictions: You have verified that the work does not violate applicable deed restrictions.

Public Records: If attached materials are protected by copyright law, you grant the City of Houston, its officers, agencies, departments, and employees, non-exclusive rights to reproduce, distribute and publish copyrighted materials before the Houston Archaeological and Historical Commission, the Planning Commission, City Council, and other City of Houston commissions, agencies, and departments, on a City of Houston website, or other public forum for the purposes of application for a Certificate of Appropriateness or building permit, and other educational and not for profit purposes. You hereby represent that you possess the requisite permission or rights being conveyed here to the City.

Compliance: If granted, you agree to comply with all conditions of the COA. Revisions to approved work require staff review and may require a new application and HAHC approval. Failure to comply with the COA may result in project delays, fines or other penalties.

Planner: _____ *Application received:* __/__/__ *Application complete:* __/__/__

CERTIFICATE OF APPROPRIATENESS APPLICATION
PART I – GENERAL FORM

PLANNING & DEVELOPMENT DEPARTMENT

Complete all sections and attach all necessary documentation as an incomplete application may cause delays in processing. A complete application includes two parts: part 1- general form; and part 2 - COA checklist(s) for project type and all applicable documentation requested within the checklist(s). Please review the criteria to be considered by the HAHC for Certificates of Appropriateness in the Houston Code of Ordinances, Historic Preservation Ordinance, Chapter 33 VII, Sections 33-240 through 33-249. Refer to the Historic Preservation section on the City of Houston Planning Department website for more information at www.houstontx.gov/planning.

OWNER [1]

Name	MARK SCHUCK
Company	
Mailing Address	801 KEY AVE.
City / State / Zip	HOUSTON / TX / 77009
Phone	713-306-4974
E	[redacted]
Signature [2] / Date	Mark Schuck / 10/29/2014

APPLICANT (if other than owner)

Name	BOB ROBINOWITZ
Company	McINTYRE + ROBINOWITZ, ARCHITECT.
Mailing Address	718 HEIGHTS BLVD
City / State / Zip	HOUSTON / TX / 77007
Phone	713-520-9336
Email	[redacted]
Signature / Date	[signature] / 10-29-14

SITE

Address	801 KEY ST.	City / State / Zip	HOUSTON / TX / 77009
Subdivision	EAST NORHILL	Lot / Block	18 / 221

PROPOSED ACTION (refer to definitions on next page)

- ☑ **Addition, Alteration, Rehabilitation** and/or **Restoration** [3]
- ☐ **New Construction** in an historic district
- ☐ **Relocation** [3]
- ☐ **Demolition** [3]
- ☐ **Mandatory Repair** by order or citation [3]
- ☐ **Excavation** of an archaeological site

ATTACHED DOCUMENTATION

- ☑ **Written Description** detailing existing site conditions including lot size, structures on lot, area of structures in square feet, setbacks, driveways, and other unique conditions, AND detailed description of the proposed activity; refer to checklists for details
- ☑ **Current Photographs** showing the overall structure for each elevation visible from a public right-of-way
- ☑ **Renderings** illustrating existing conditions and proposed activity; refer to checklists for project-specific rendering requirements
- ☑ **Deed Restriction** compliance of proposed activity and approval of neighborhood or civic association, if applicable
- ☑ **Application Checklist** [4] for each proposed action checked above and all applicable documentation listed within checklist

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[1] **Owner** is the record title property owner. **Applicant** may be owner, tenant, architect, contractor, etc.
[2] Application will not be accepted as complete without a signature of the record title property owner
[3] Applies to any landmark, protected landmark, or structure within a historic district or archaeological site
[4] Submit a separate checklist for each proposed action (i.e. a project including an **Addition** to a house and **New Construction** of a detached garage)

To be completed by PLANNING STAFF:	*Application received by:*	*Date:*
	Accepted as complete by:	*Date:*

CERTIFICATE OF APPROPRIATENESS APPLICATION
PART I – GENERAL FORM

PLANNING & DEVELOPMENT DEPARTMENT

SUBMISSION INSTRUCTIONS

A complete application for a Certificate of Appropriateness (COA) must be submitted at least 15 days prior to the date of the next HAHC meeting to allow time for staff to review the proposal and give public notice of the HAHC hearing agenda. Application materials shall be submitted to Historic Preservation staff in the Planning and Development Department via:

(1) Email - attach digital format documentation (preferred) OR

(2) In person by appointment - digital format on a disc (preferred) or hard copy at 611 Walker, 6th Floor, Houston, Texas

CONTACT INFORMATION

Well in advance of the COA application deadline (see schedule below) contact staff in the Historic Preservation office to discuss your project and, if necessary, to make an appointment to meet with a staff member in person for project consultation. Please don't hesitate to contact staff with any questions regarding the COA application process or documentation requirements:

Historic Preservation Office	**713.837.7963**	**historicpreservation@houstontx.gov**

2014 MEETING SCHEDULE – *REVISED EFFECTIVE JUNE 1, 2014*

- Beginning with the June 2014 HAHC meeting, COA applications are due 22 calendar days in advance of the meeting by **12 PM (noon)** on the deadline date. *Exception: revisions to items deferred or denied at the previous HAHC meeting are due 15 days in advance of the scheduled meeting.*
- Application deadlines are firm. All materials must be submitted by the deadline to be considered at the following HAHC meeting. Designs must be final at time of application; revisions will not be accepted after the deadline.
- HAHC will not accept new material or redesigns presented at the HAHC meeting. Deferral until the following month's meeting may be necessary in such cases to allow for adequate review by staff and commissioners.
- HAHC monthly meetings are held at 3:00 PM at City Hall Annex, 900 Bagby Street, City Council Chambers, Public Level.

HAHC 2014 Meeting Dates (Thursdays unless noted otherwise)	**COA Application Deadlines**	**Demolition / Relocation Posted Sign Deadlines**
May 22	May 7	May 12
June 19	May 28*	June 9
July 17	June 25*	July 7
August 28	August 6*	August 18
September 25	September 3*	September 15
October 23	October 1*	October 13
November 20	October 29*	November 10
December 17 (Wednesday)	November 25*	December 7

** Revised Dates*

DEFINITIONS

Addition: any expansion to an existing building, structure or object.
Alteration: any change to the exterior of a building or structure, including adding, moving, removing or replacing an exterior feature.
Demolition: an act or process that destroys in whole, or a majority of, any building, structure, object or site.
Excavation: to expose, uncover, or remove by digging, cutting or hollowing out.
Exterior Feature: an element of the architectural character and the general arrangement of the external portion of a building, structure or object, including building materials.
Mandatory Repair: a repair of a building or structure that is necessary to comply with Article IX, Chapter 10, Houston Code of Ordinances, as evidenced by an order of the hearing official or the building and standards commission or by a citation.
New Construction: the erection of a new building, structure, or object, on a lot, site, or other property.
Rehabilitation: returning a building, structure, object, or site to a state of utility that makes possible an efficient contemporary use while preserving those portions or exterior features that are historically, architecturally and culturally significant.
Relocation: any change in the location of a building, structure, or object.
Restoration: accurately recovering the form and detail of a building, structure, object, or site and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work, or both.

CERTIFICATE OF APPROPRIATENESS APPLICATION
PART II.A – CHECKLIST AND FORM:
ADDITION, ALTERATION, REHABILITATION AND/OR RESTORATION

PLANNING & DEVELOPMENT DEPARTMENT

Please complete all applicable items and submit with the COA application; digital application documents preferred. An incomplete application may cause delays in processing or may be deferred to the next agenda. Refer to Houston Code of Ordinances, Ch. 33 VII, Sec. 33-241 for HAHC consideration criteria for approval for an addition, alteration, rehabilitation, or restoration of a landmark; protected landmark; or structure in a historic district.

ACTION TYPE AND SUBTYPES: (select all that apply)

☑ Addition

Side Addition
- ☑ addition to a single side of structure
- ☐ addition to multiple sides of structure

Rear Addition
- ☐ addition to rear of same width/height of existing structure
- ☑ addition to rear taller and/or wider than existing structure

Additional Story / Level / Height
- ☑ 1 additional level/story to existing
- ☐ 2+ additional levels/stories to existing
- ☐ other addition increasing height of existing (explain in written description)

Porch / Balcony
- ☐ addition of a porch/balcony at the front of the structure
- ☑ addition of a porch/balcony at a side of the structure
- ☑ addition of a porch/balcony at the rear of the structure

Other
- ☐ type of addition not listed above (explain in written description)

☐ Alteration, Rehabilitation or Restoration

Foundation
- ☐ leveling or height alterations
- ☐ foundation material or foundation cladding
- ☐ type alteration; i.e. slab on grade, pier on beam

Walls
- ☐ cladding: i.e. siding, shingles, brick, paneling, stucco
- ☐ windows: i.e. location, size, type, material, quantity
- ☐ doors: i.e. location, size, type, material, quantity
- ☐ commercial storefront system

Roof
- ☐ shape: i.e. form, pitch, type
- ☐ wall junction: i.e. eaves, soffit, brackets, overhang
- ☐ projections: i.e. chimneys, towers, dormers
- ☐ equipment: i.e. antennas, solar panels

Architectural Elements
- ☐ awnings or canopies
- ☐ porch or balcony
- ☐ columns or visible structural members
- ☐ commercial signage
- ☐ other architectural element alterations (explain in written description)

ALTERATION, REHABILITATION, RESTORATION, ADDITION DOCUMENTATION:

Photographs (label each photo with a description and location)

- ☑ **Elevations** of front (street) facing facade and all sides of the structure visually affected by the proposed addition or alteration
- ☑ **Detail Photos** of exterior elements subject to proposal illustrating current pertinent conditions; i.e. damaged beyond repair materials, architectural elements to be altered or replicated, areas to be altered or removed
- ☐ **Historical Photos** or evidence illustrating past architectural authenticity if restoring or replacing missing historic elements

Renderings (accurately scaled and dimensioned)

- ☑ **Current Site Plan** of the property containing the subject of the proposal, indicate area of proposed work; include dimensions for all setbacks from property line, easements, secondary structures, and any other pertinent existing site conditions

Site Address	Subdivision	Lot	Block
801 KEY ST.	EAST NORHILL	18	221
Primary Project Contact	**Email**		
BOB ROBINOWITZ	[redacted]		713-520-9336

CERTIFICATE OF APPROPRIATENESS APPLICATION

PART II.A – CHECKLIST AND FORM:

ADDITION, ALTERATION, REHABILITATION AND/OR RESTORATION

PLANNING & DEVELOPMENT DEPARTMENT

- ☑ **Proposed Site Plan** for additions, removals or proposals altering site configurations; for additions clearly indicated the location, size and footprint of the addition; include dimensions locating alteration in respect to the existing structure; i.e. dimension from front wall to beginning of a rear addition
- ☑ **Architectural Plans and Elevations** of the proposed alterations and/or additions, including:
  - ☑ **Floor Plans** of existing and proposed if adding to the existing building footprint
  - ☑ **Roof Plans** of existing and proposed if adding to or altering the existing roof shape, form, pitch or size
  - ☑ **Demolition Plan** if any existing exterior features are proposed to be removed from the existing structure
  - ☑ **Elevations** of existing and proposed of all sides of the structure that the proposed addition or alteration is visible

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Written Description (include the following items, use the area below and/or attach additional pages)

- ☐ **Subject of Proposal** description including current location and condition of the structure and any prior alterations or additions
- ☐ **Proposed Work** description including plans to add, remove, repair or replace any exterior features or materials with in-kind or new features or materials; clearly describe location of proposed alterations and/or label on plan and elevation drawings
- ☐ **Materials** description and condition of existing materials and proposed materials if original materials cannot be retained; include, when applicable: product information or specification sheets; door and window schedule; samples to further demonstrate new materials; any plans to salvage, reuse or recycle historic or original materials proposed for removal
- ☐ **Criteria Adherence** describe how the proposal satisfies the determination criteria as stated in the Historic Preservation Ordinance, Sec. 33-241 **(a)** or **(b)** or **(c)** for an:
  - ☐ **(a)** addition, alteration, rehabilitation or restoration of an exterior feature to a landmark, protected landmark, contributing structure within a historic district, or structure on an archaeological site, upon finding that it satisfies criteria (1) through (11) as stated in Section 33-241(a)

  OR
  - ☐ **(b)** an addition to a contributing structure within a historic district, upon finding that it satisfies criteria (4) and (1) or (2) or (3) as stated in Section 33-241(b)

  OR
  - ☐ **(c)** an addition, alteration, rehabilitation or restoration of an exterior feature of a noncontributing structure within a historic district upon finding that it satisfies criteria (1); and for an addition, criteria (2) as stated in Section 33-241(c)

I (we) request approval of a Certificate of Appropriateness to...

SEE ATTACHED WRITTEN DESCRIPTION

Attach additional pages as necessary.

Certificate Of Appropriateness
Written Description
801 Key Ave., Houston, TX 77009
East Norhill

Existing building is one story, 1395 SF, located on a corner lot in East Norhill. Structure is in average condition for house of this age. Exterior siding is asbestos shingles, which covers the original 117 wood siding. Prior alterations occur at the north and west sides of the building, including enlarged master bedroom, new master bath, renovated rear entry, new utility room, and new doors off the dining room.

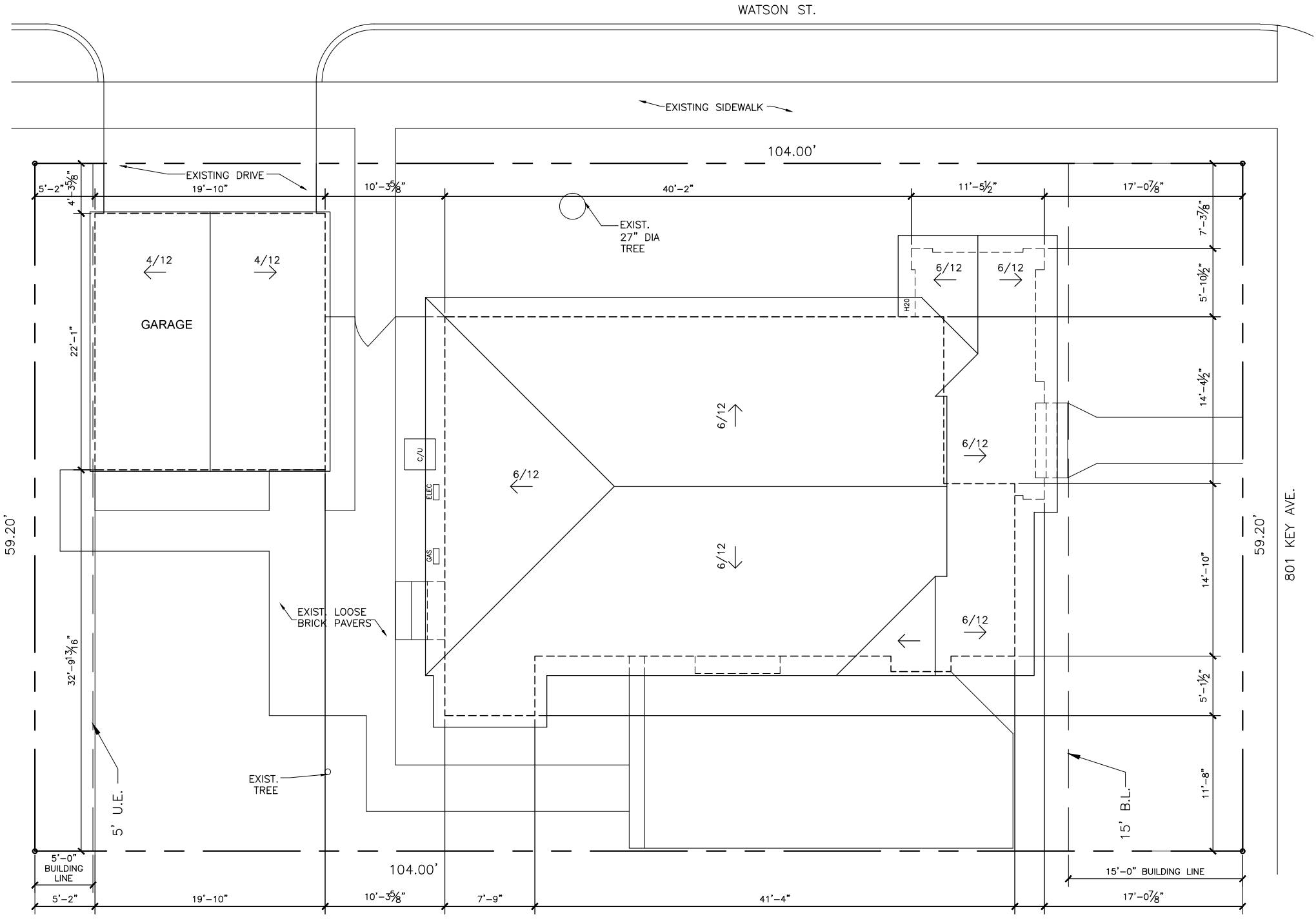
Proposed work includes adding 287 SF to the first level, and 847 SF to the second level. The second level addition does not extend past the 50% line of the existing house. A screened porch is added to the west side of the house.

New windows will be painted wood insulated glass to match the existing windows. The existing asbestos siding will be removed, and the original 117 wood siding will remain in place on the existing house. The new addition and garage will have painted 117 siding to match the original material. All exterior trim will match the original conditions.

Regarding the massing of the second story addition, we have tailored the addition to the corner lot. A typical two-story "camel back" addition, or box in the back of the house, would look undesirable on this corner lot. Instead of a two-story high wall (as found in the camel backs), the second floor massing is to the west of the original existing first floor wall, so that the original eastern first floor roof eave, overhang, and a portion of the roof are preserved. To make up for the area lost (by not fully extending the second floor addition to the east) the second floor addition extends to the north and west sides of the existing house, where the massing is less noticeable from the street. The second floor plate height is a minimal 8'-0" high, and all portions of the new roof are hipped, to further reduce the scale of the addition. The proposed single story west porch addition scales down the two story massing from the front elevation.

The proposed renovations meet current setbacks and deed restrictions. The addition has been approved by the Norhill Neighborhood Association. The following is a quote from Lawrence Febo (Second Vice President, Deed Restrictions), in an October 8th, 2014 e-mail message to the owners of the property:

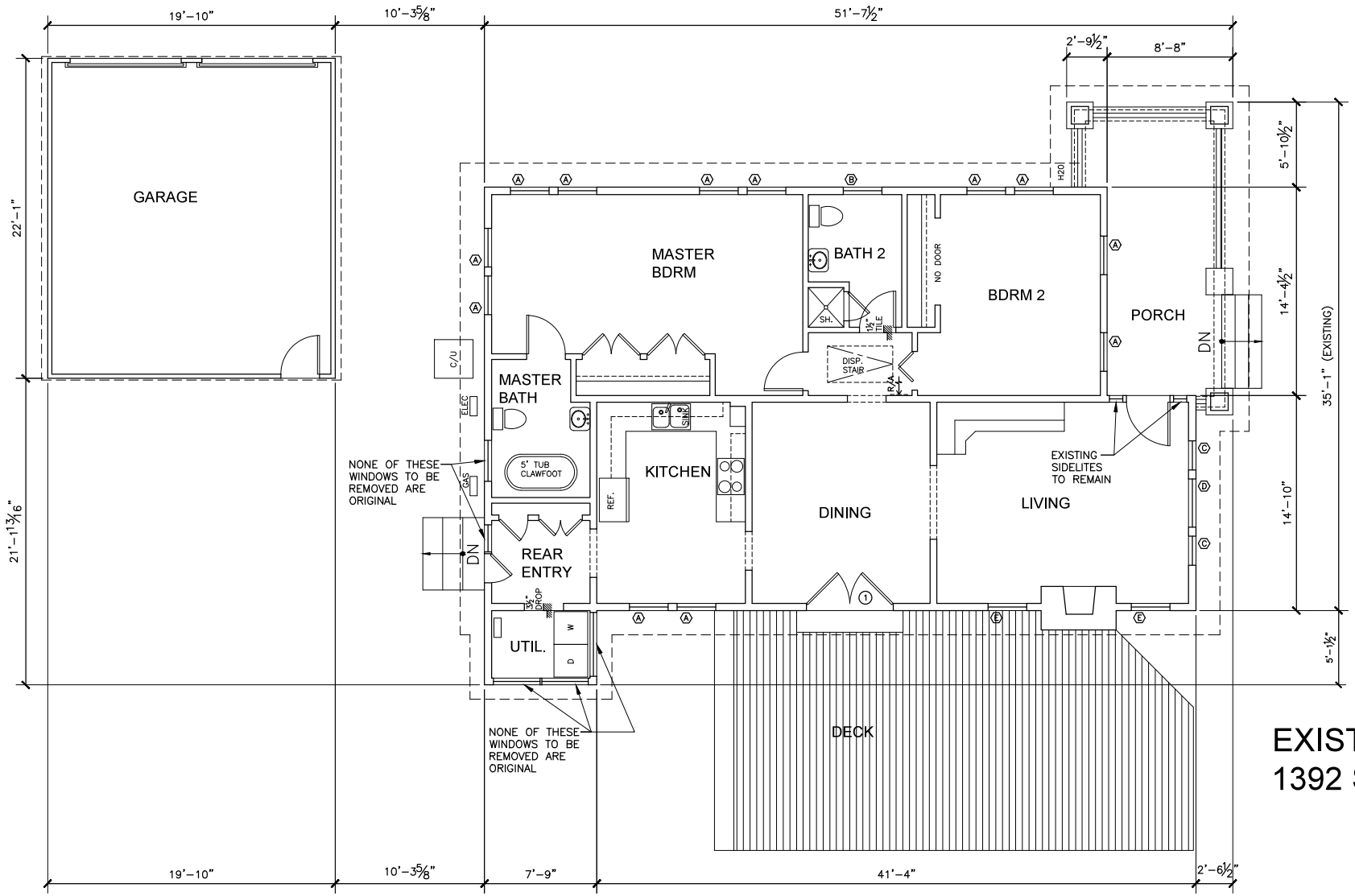
"Thank you for your submission to the Norhill Neighborhood Association. Yesterday evening, the board reviewed your renovation plans and unanimously approved them. The board was very impressed with the design and think that it will look great in the neighborhood."



EXISTING SITE/ ROOF PLAN

1

SCALE: 3/32" = 1'-0"
11-05-14



EXISTING A/C
1392 S.F.

EXISTING FLOOR PLAN

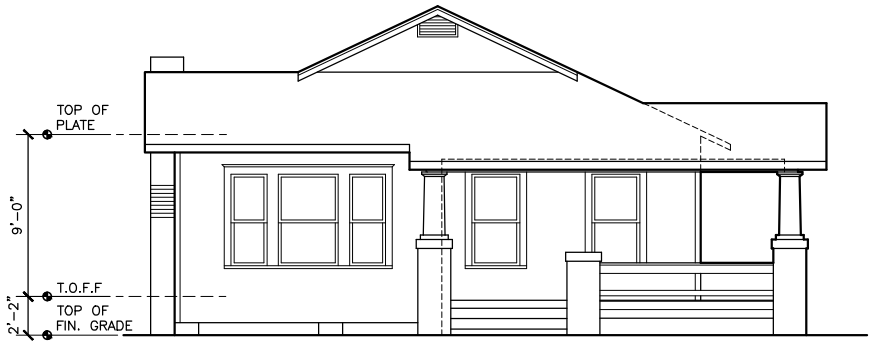
1

SCALE: 3/32" = 1'–0"
11–05–14

N

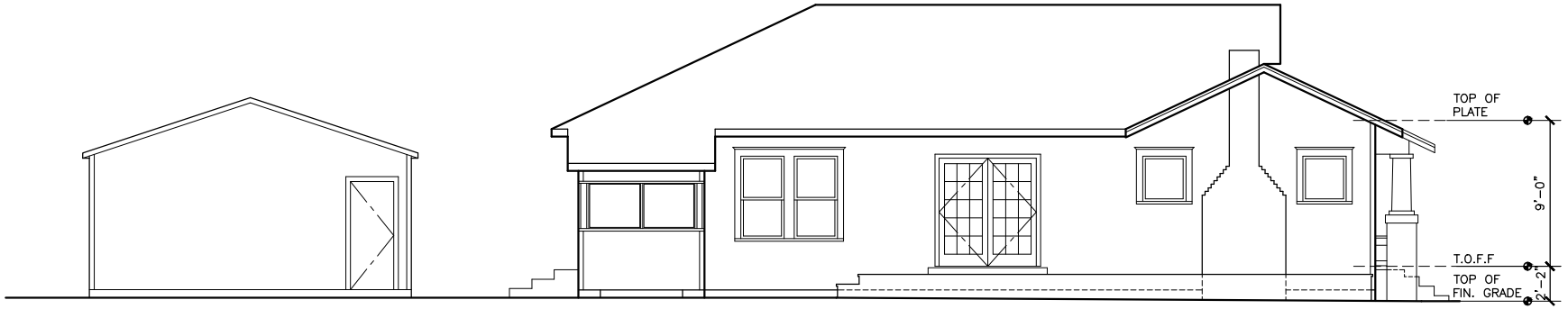
EXISTING NORTH ELEVATION 1

SCALE: 3/32" = 1'-0"
11-04-14



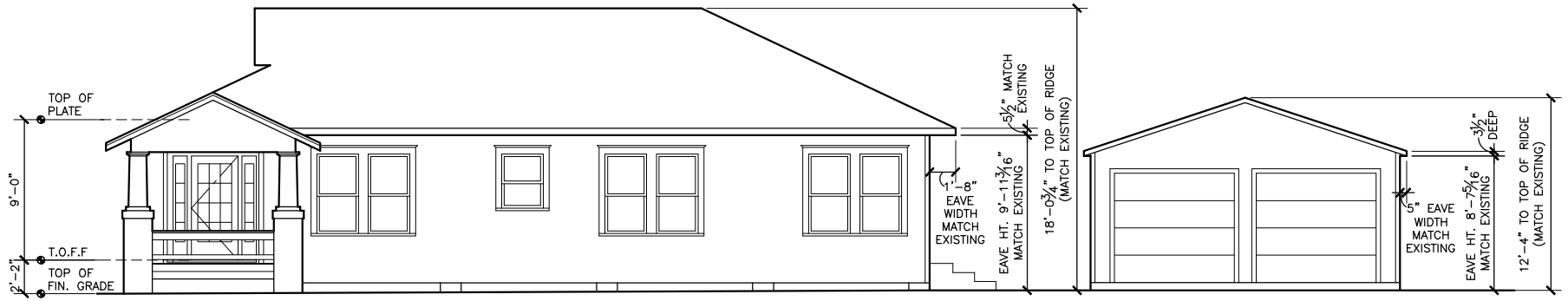
EXISTING SOUTH ELEVATION 2

SCALE: 3/32" = 1'-0"
11-05-14



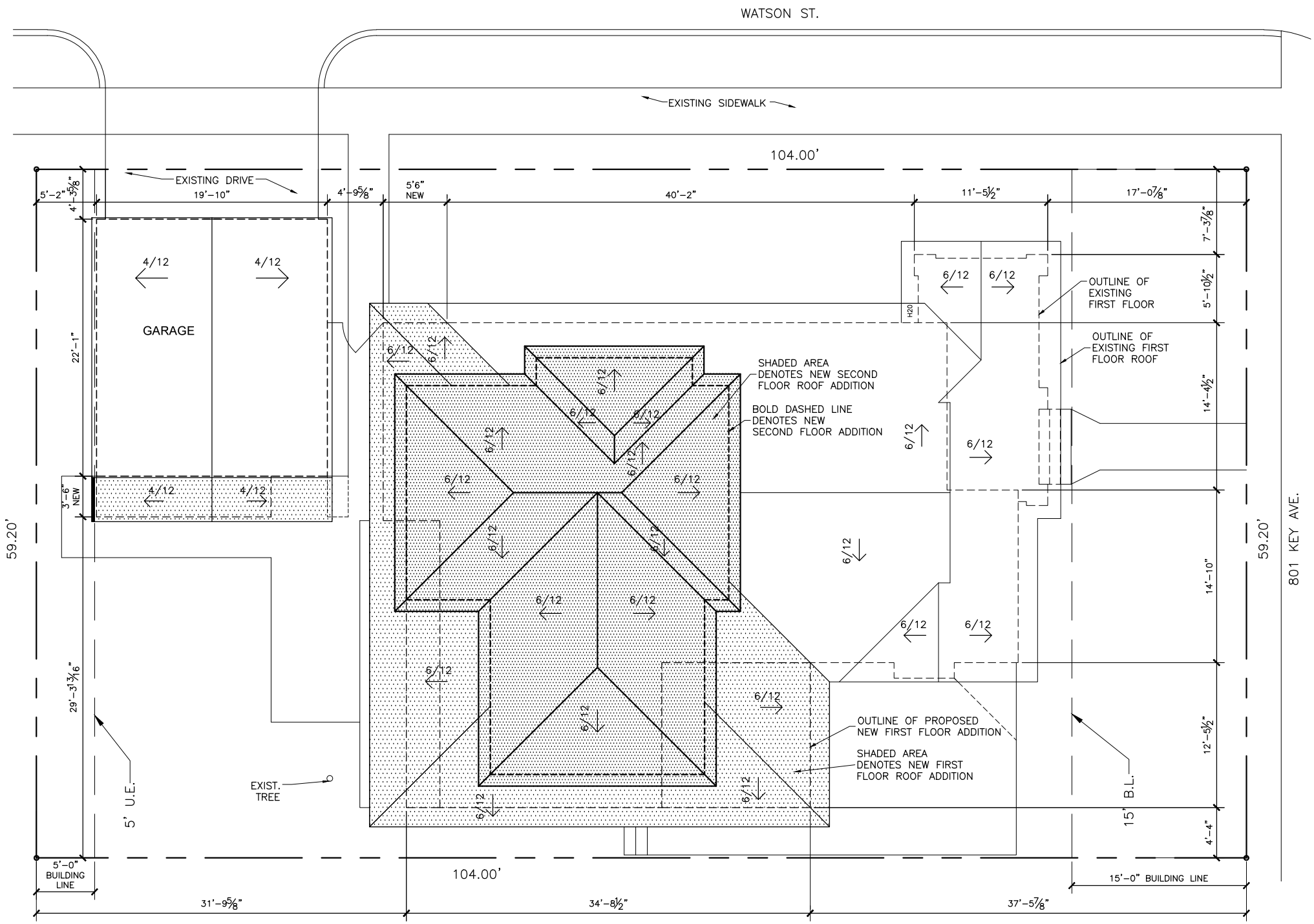
EXISTING WEST ELEVATION 1

SCALE: 3/32" = 1'-0"
11-04-14



EXISTING EAST ELEVATION 2

SCALE: 3/32" = 1'-0"
11-05-14

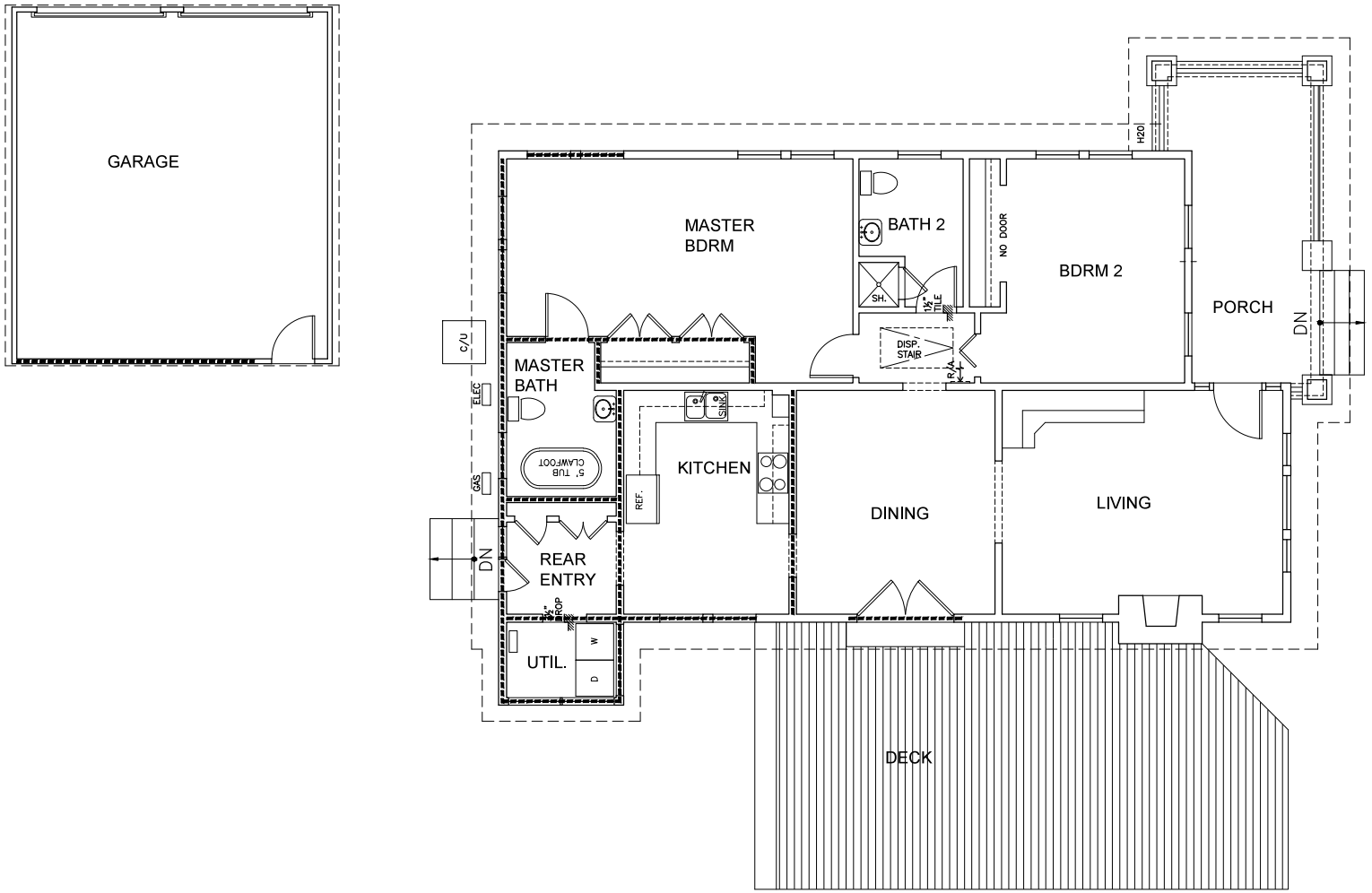


PROPOSED SITE/ ROOF PLAN

1

SCALE: 3/32" = 1'-0"

11-05-14

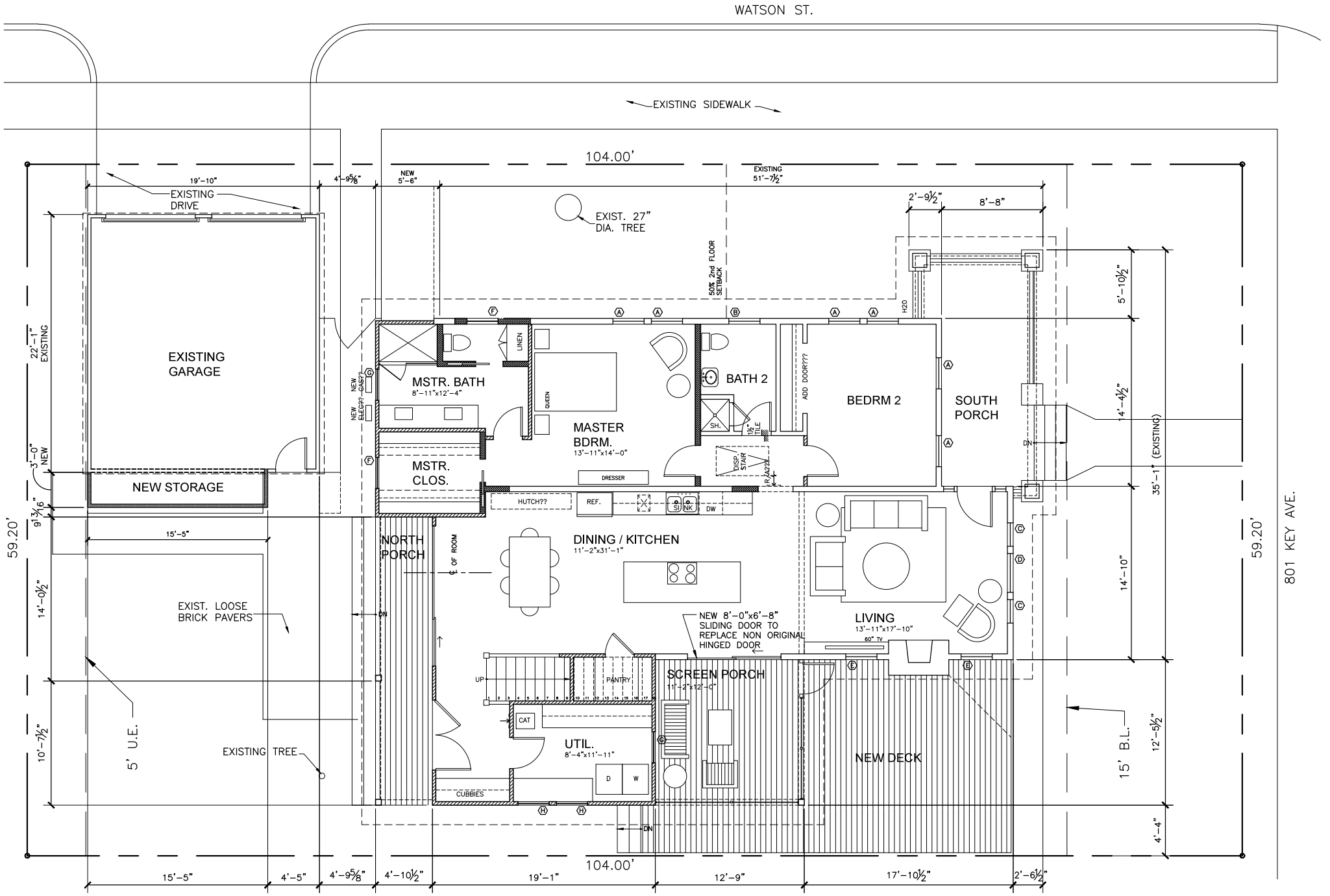


DEMOLITION PLAN 1

SCALE: 3/32" = 1'-0"
11-05-14

N

LEGEND:
EXISTING WALL REMAINS
EXISTING WALL/WINDOW/DOOR REMOVED

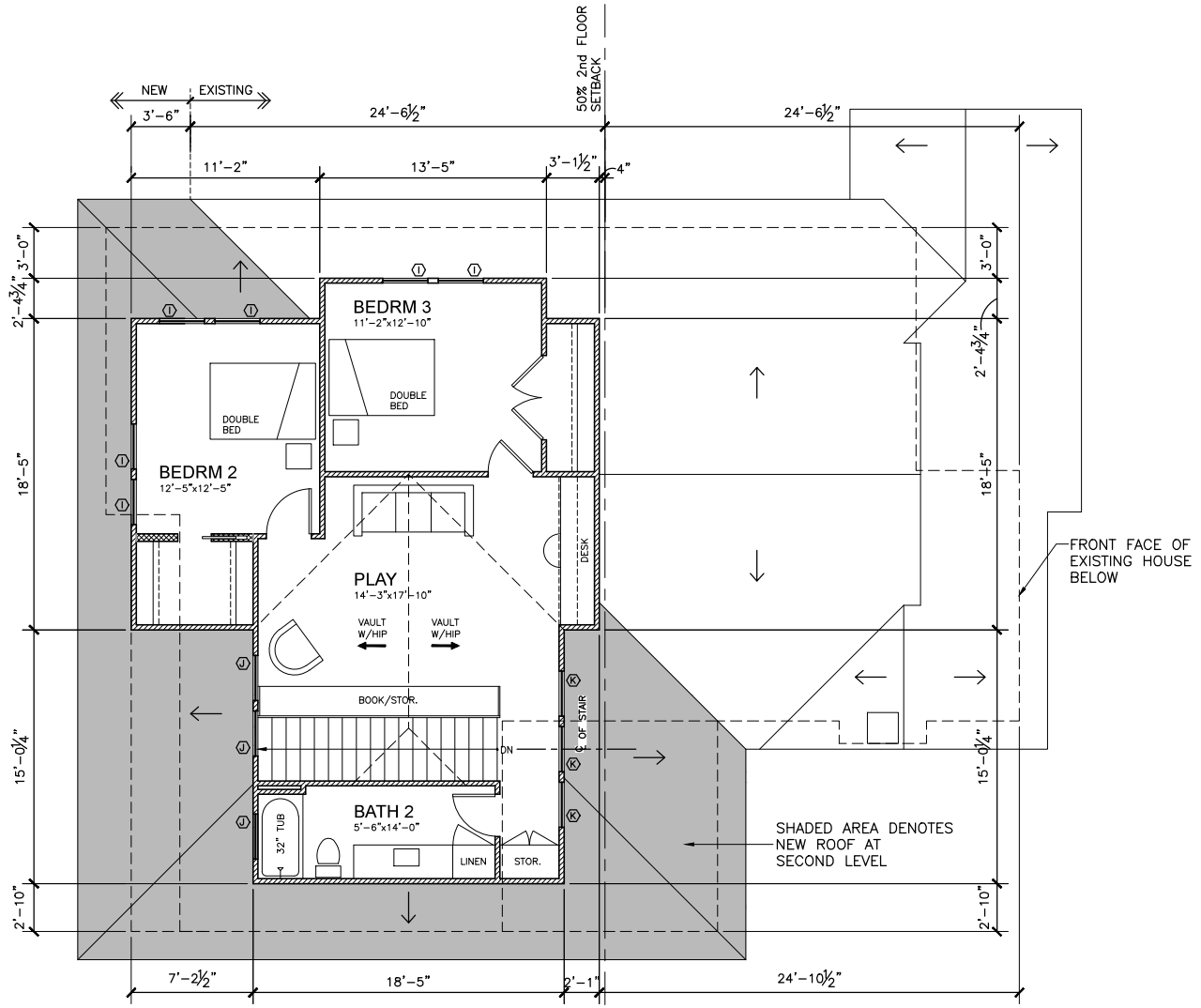


PROPOSED FIRST FLOOR PLAN 1

SCALE: 3/32" = 1'-0"
11-05-14

N

LEGEND:
- DENOTES NEW 3½" WALL
- DENOTES NEW 5½" WALL
- DENOTES WALLS TO REMAIN



PROPOSED SECOND FLOOR PLAN 1

N

SCALE: 3/32" = 1'-0"
11-05-14

LEGEND:

- DENOTES NEW 3½" WALL
- DENOTES NEW 5½" WALL
- DENOTES WALLS TO REMAIN

PROPOSED NORTH ELEVATION 2

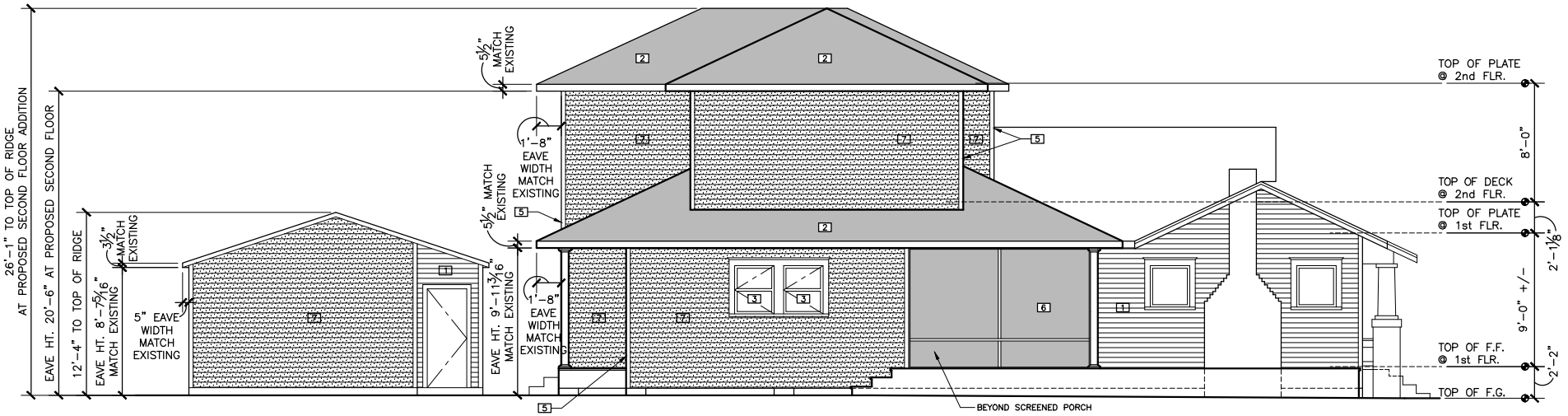
SCALE: 3/32" = 1'-0"
11-05-14

KEY NOTES:

1	EXISTING 117 WOOD SIDING TO REMAIN
2	NEW COMPOSITION SHINGLE ROOF TO MATCH EXISTING
3	NEW WINDOW RE: WINDOW SCHEDULE
4	NEW DOOR
5	HARDIE TRIM TO MATCH EXISTING SIZE
6	FIBERGLASS SCREEN
7	NEW 117 TREATED WOOD SIDING TO MATCH EXISTING

PROPOSED SOUTH ELEVATION 1

SCALE: 3/32" = 1'-0"
11-05-14



PROPOSED WEST ELEVATION 2

SCALE: 3/32" = 1'-0"
11-05-14

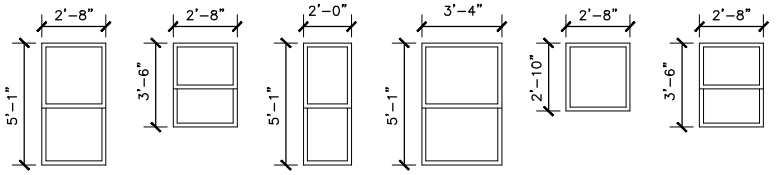
KEY NOTES:

1	EXISTING 117 WOOD SIDING TO REMAIN
2	NEW COMPOSITION SHINGLE ROOF TO MATCH EXISTING
3	NEW WINDOW RE: WINDOW SCHEDULE
4	NEW DOOR
5	HARDIE TRIM TO MATCH EXISTING SIZE
6	FIBERGLASS SCREEN
7	NEW 117 TREATED WOOD SIDING TO MATCH EXISTING

PROPOSED EAST ELEVATION 1

SCALE: 3/32" = 1'-0"
11-05-14

WINDOW SCHEDULE:



A EXISTING WINDOW TO REMAIN

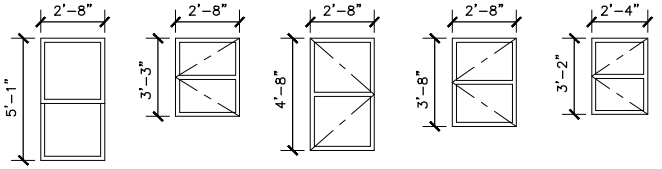
B EXISTING WINDOW TO REMAIN

C EXISTING WINDOW TO REMAIN

D EXISTING WINDOW TO REMAIN

E EXISTING WINDOW TO REMAIN

F PROPOSED WINDOW DBL. HUNG



G PROPOSED WINDOW DBL. HUNG

H PROPOSED WINDOW CASEMENT

I PROPOSED WINDOW CASEMENT (EGRESS)

J PROPOSED WINDOW CASEMENT

K PROPOSED WINDOW CASEMENT

DECLARATION OF RESTRICTIONS
FOR THE EAST NORHILL ADDITION

019-51-3557

STATE OF TEXAS (
(
COUNTY OF HARRIS (

THIS AGREEMENT is between property owners of lots in the East Norhill Addition of Harris County, Texas, a subdivision in the City of Houston, Texas.

The parties to this agreement intend to restrict the use of the lots described below pursuant to the provisions of Title 11 of the Texas Property Code, so that all of the lots will benefit from these restrictions as a result of the preservation of the value and the character of said lots.

In consideration of the mutual benefits, promises, covenants and agreements, the undersigned individuals owning lots in the East Norhill Addition of Harris County, Texas, subdivision, as covenanters and covenantees, on behalf of themselves and the1r successors in interest, agree to the following terms:

ARTICLE I DEFINITIONS

1. "Owner" or "Owners" shall mean each of the undersigned property owners, whether one or more persons or entities, of the title to any real property located in the East Norhill Addition, an addition to the City of Houston, Harris County, Texas, according to the map or plat thereof recorded in Volume 6, Page 65 of the Map Records of Harris County, Texas (hereinafter referred to as the "East Norhill Addition"). "Owner" or "Owners" shall include contract sellers, but exclude those having such interest merely as security for the performance of an obligation.

2. "Properties" shall mean all of the real property and improvements thereon described as Blocks 201 through 224, inclusive, of the East Norhill Addition.

3. "Lot" or "Lots" shall mean that portion of any of the plots of land shown upon the plat and subdivision map recorded in Volume 6, Page 65, of the Map Records of Harris County, Texas.

4. "Residence" shall mean a single, enclosed dwelling unit containing facilities for living, sleeping, cooking and eating.

ARTICLE II RESTRICTIONS

1. All Properties shall be used for residential purposes only, only one Residence shall be constructed or permitted upon each Lot, and no space in any other structure on a Lot shall be let, leased or rented. Notwithstanding the foregoing, the following Lots *may* be used for residential, church, business or commercial purposes: Lots 1, 2 and 3, in Block 201; Lots 1, 2 and 3, in Block 203; Lots 6, 7 and 8 in Block 207; Lots 1, 2, 3 and 4, in Block 223; and, Lots 1, 2 and 3 in Block 224 (hereinafter referred to as the "Non- conforming Lots"); furthermore. Lots 1, 2, 3 and 4, Block 208, may be used for residential or church purposes.

2. Except as described above, no Lots shall be used for any type of business or commercial purpose, or for any industrial, manufacturing, warehousing or motor vehicle and equipment repair purposes whatsoever. Use of any of the Properties as a hotel or boarding house is expressly prohibited. No noxious or offensive activity of any sort shall be permitted, nor shall anything be done on any Lot which may be or become an annoyance or a nuisance. No structure of a temporary character, trailer, mobile home, tent, shack, camper, garage or other out building shall be used on any Lot at any time as a residence, either temporarily or permanently.

3. Only one Residence shall be constructed or permitted for every Lot subject to these restrictions. All improvements on each Lot must face in the direction of the Lot and must not be constructed nearer than fifteen (15) feet to the front property line (hereinafter referred to as the "Front Building Set Back Line"); provided that the gallery in front of the main door of any building thereon may extend over the Front Building Set Back Line not to exceed six (6) feet; and if a corner Lot, said improvements must not be nearer than ten (10) feet to the side property line, except for the Non-conforming Lots. No structures shall contain more than two (2) stories or floor levels, nor shall they be more than forty (40) feet high. No Lots shall be used for any type of corporate, business, commercial or industrial purposes, and any use of the Properties as a hotel or boarding house is expressly prohibited.

4. Detached garages, outbuildings, and other structures apart from a from a residence must not be constructed nearer than sixty (60) feet to the front property line of each Lot, and when a corner Lot, not nearer than twenty (20) feet to the side property line, except for the Non-conforming Lots.

5. No beer, wine, liquor or other alcoholic beverages shall be sold on any Lot.

6. If a Residence located on a Lot covered by these Restrictions is totally destroyed or rendered uninhabitable by fire, wind, rain or any other disaster, or is condemned by the City of Houston, then the owner or owners of the Lot shall either begin repair, rebuilding and/or restoration of improvements or clean the Lot of debris within nine (9) months of the date of such disaster or condemnation. This restriction is not intended to prevent the owner from rebuilding the premises.

7. No building material of any kind *or* character shall be stored on any Lot until the owner is ready to commence improvements; and then such materials shall be placed within the property lines of the Lot on which the improvements are to be completed, and shall not be placed in the streets, or between curbs and property lines.

8. No Lot shall be used for storage of material and equipment, except for normal residential requirements or incident to construction of improvements thereon as herein permitted, or as a dumping ground for rubbish or trash. No garbage or other waste shall be kept except in sanitary containers. Garbage and refuse containers may not be stored or left standing in front of the Front Building Set Back Line.

9. Vegetation on each Lot shall be mowed at regular intervals so as to maintain a neat and attractive appearance, and trees, shrubs, and vines, and plants which die, shall be promptly removed.

10. No signs, advertisements or billboards may be put up on any Lot except those (i) advertising the premises for sale or rent, and those signs will not be larger than six (6} square feet; (ii) plaques or markers or other types of designation erected or affixed on the property awarded by federal, state or municipal governments or a civic association; and (iii) signs of a temporary nature may be posted provided they are timely removed.

11. No trailers, trailer homes, trucks, or boats shall be parked on any Lot in front of a Residence. Trailers, trailer houses, trucks, or boats, may be parked in the driveway even with or behind the Front Building Set Back Line. This shall not be construed to prohibit a mere temporary standing preparatory to taking same to some location outside the East Norhill Addition, but the habitual parking or standing of a boat, trailer house, truck, or trailer within the area specified shall be a violation of these restrictions. The parking or standing of motor vehicles on any Lot in front of any Residence other than on the driveway is likewise prohibited.

12. All repairs, rebuilding, restoration, exterior maintenance, exterior remodeling, improvement, addition, alteration and/or new construction, including but not limited to streets, driveways, sidewalks, drainage facilities, landscaping, fences, walks, fountains, statuary, outdoor lighting and signs, residences, outbuildings, and garages, shall be erected, placed, *or* altered on any Lot so as to conform with the harmony of external designs, topography and finished ground elevation of existing structures and improvements in the East Norhill Addition. A copy of any plans and specifications for proposed repairs, rebuilding, restoration, exterior remodeling, improvement, addition, alteration and/or new construction shall be forwarded to the Proctor Plaza Civic Club, Inc., and/or its successors or assigns, prior to the commencement of any repairs, rebuilding, restoration, exterior remodeling, improvement, addition, alteration and/or new construction for approval of the plans and specifications. The plans and specifications shall specify, in such form as the Proctor Plaza Civic Club, Inc., and/or its successors or assigns, may reasonably require, structural, mechanical, electrical, and plumbing details and the nature, kind, shape, height, exterior color scheme, materials, and location of the proposed changes to the existing appearance of a Lot. No repairs, rebuilding, restoration, exterior maintenance, exterior remodeling, improvement, addition, alteration and/or new construction shall commence until the plans and specifications have been approved, in writing, as to compliance with these restrictions, by the Proctor Plaza Civic Club, Inc. and/or its successors or assigns. In the event the Proctor Plaza Civic Club, Inc., and/or its successors or assigns, fails to indicate its approval or disapproval within thirty (30) days after the receipt of said plans and specifications, approval shall not be required and this restriction shall be deemed to have been fully satisfied. All repairs, rebuilding, restoration, remodeling, improvement, addition, alteration and/or new construction must be completed with due diligence and in any event within nine (9) months from the date building materials are placed on the Lot, or a building permit is received, whichever occurs first.

13. There shall be constructed no new garage apartments on any Lot after these restrictions are filed of record; however, existing garage apartments may be repaired.

14. All privacy fences and children's yard equipment shall be set back even with or behind the Front Building Set Back Line, and, if a comer Lot, at least fifteen (15) feet from any street.

15. Proctor Plaza Civic Club, Inc. and/or its successors or assigns shall monitor all repairs, rebuilding, restoration, exterior remodeling, exterior maintenance, improvement, addition, alteration and/or new construction, and shall use all legal means, whether public or private, to enforce the restrictions herein set out.

16. Improvements placed on Lot 9, Block 209; Lots 10 through 18, inclusive, in Block 210; Lot 18, Block 211; Lots 9 and 18, Block 212; Block 218; and Lot 9, Block 219, all of the East Norhill Addition, shall be stucco, brick or brick veneer except garages and outbuildings, which may be of shingle, box and batten, or weatherboard sides. All improvements on any Lot must be of a neat and attractive design, with hip, ridge or gable roofs, and with the wood painted with not less than two coats of paint.

17. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot except that dogs, cats *or* other common household pets of the domestic variety may be kept provided that they are not kept, bred or maintained for commercial purposes and provided that no more than two of each type animal is kept.

18. Persons subsequently acquiring title to any of the Properties accept title subject to these restrictions and covenants. These restrictions and covenants shall be deemed covenants running with the land, and those acquiring title, as well as their successors in title, shall be bound by these restrictions as long as they are in effect. If any person shall violate or attempt to violate any of these conditions or restrictions, any person owning property subject to these restrictions, and/or the Proctor Plaza Civic Club, Inc., and its successors or assigns, may take whatever legal action is necessary to enforce these restrictions. In any such legal action, the Proctor Plaza Civic Club, Inc., and/or its successors or assigns, may recover its reasonable attorneys fees and court costs.

19. If any of these restrictions are held to be invalid or unenforceable, then that holding shall be construed narrowly, and the remaining restrictions shall remain in full force and effect.

ARTICLE III

GENERAL PROVISIONS

1. Any owner of the Properties and/or the Proctor Plaza Civic Club, Inc., and their respective legal representatives, successors or assigns, shall have the right to enforce, by any legal means, all restrictions imposed by this agreement. Failure to enforce any restriction shall not waive the right to subsequently enforce the same, or other restrictions.

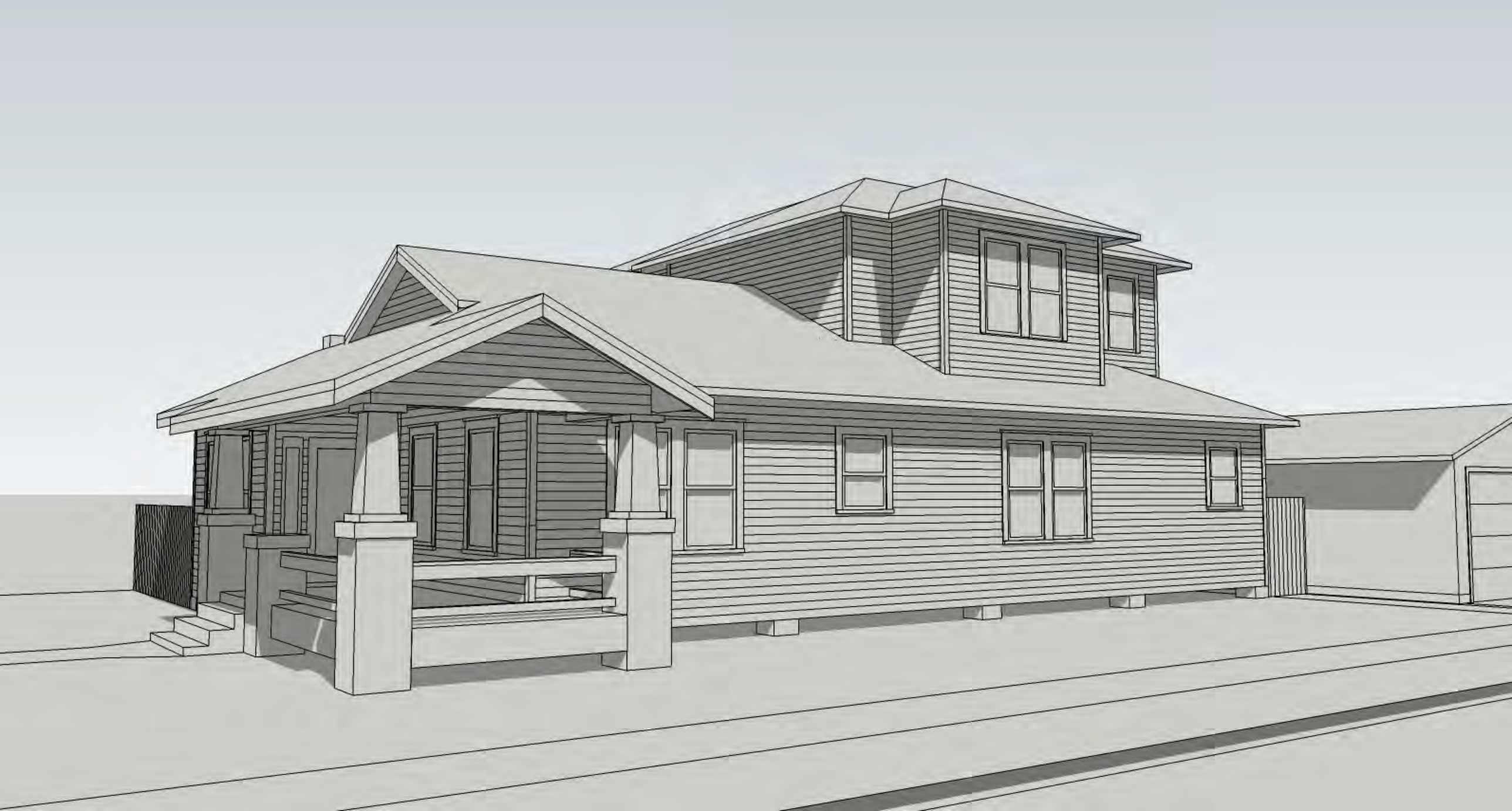
2. As provided in Title 11 of the Texas Property Code, the restrictions contained in this agreement shall not be binding unless seventy-five (75) percent of the Lot owners in the East Norhill Addition sign this instrument and this instrument is filed at the County Clerk's Office of Harris County, Texas by April12, 1992. Should Title 11 of the Texas Property Code be amended by the Texas Legislature then this agreement shall be bound by any such amendments.

3. The restrictions in this agreement shall run with the lands restricted by it, and shall be enforceable by any owner of any Lot subject to this agreement, or by the Proctor Plaza Civic Club, Inc., and their respective legal representatives, and/or successors *and* assigns in title. Unless this agreement is amended or cancelled, it shall be effective for ten (10) years from the date it is filed in the County Clerk's Office of Harris County, Texas. At the end of the first ten (10) years, the restrictions in this agreement shall automatically be extended for successive periods of ten (10) years. This agreement may be amended or cancelled at any time by an instrument signed by not less than seventy- five (75) percent of the owners of the Lots. No amendment shall be effective until recorded in the County Clerk's Office of Harris County, Texas.

4. Any use or condition which does not comply with the restrictions set forth in this agreement, which was in existence prior to the adoption of this agreement, shall not be affected by the terms of this agreement. None of these restrictions shall be enforceable against any present owner whose non-conformance falls within the terms of this paragraph. However, the voluntary discontinuation of any non-conforming use by any owner shall operate to prevent the reestablishment of such use after it has been abandoned.

5. Any owner of the Properties who desires to challenge the procedures followed in extending, creating, adding to, or modifying the foregoing deed restrictions and who, therefore, do not sign the petition, must file suit under Section 201.010 of Title 11 of the Texas Property Code before the 181st day after the date on which a certificate of compliance, required by Section 201.008(e) of Title 11 of the Texas Property Code, is filed in the County Clerk's Office of Harris County, Texas.

6. Any owner of the Properties who do not sign the petition may delete their property from the operation of these deed restrictions by filing a statement described in the fourth listed category in Section 201.009(b) of Title 11 of the Texas Property Code before one year after the date on which the owner receives actual notice of the filing of this petition.

This instrument may be executed in multiple counterparts, all of which shall be considered part of the same instrument.

EXECUTED by the undersigned Owners on and as of the dates of the respective acknowledgements shown on the attached sheets, and effective for all purposes as of the dates of such respective acknowledgements as to the Lot or Lots owned by the undersigned Owners, respectively.