
RESOLUTION PROPOSAL

DATE: September 24, 2009

SUBJECT: Request for Waiver of Enforcement of Setback Lot 351 Section 1

SPONSOR: General Manager

BACKGROUND INFORMATION:

The house was built in August of 1986. The decks were included in the application for new home construction. There does not appear to be any changes to the decks since then. A survey dated June 10, 2009 indicates that there are steps encroaching into the 10 ft. side setback requirement. The greatest encroachment is 3.2 ft. into the right side setback.

STAFF RECOMMENDATION: Due to the 7 year statute of limitation allowance and hardships that would be created in removing the steps it is recommended that the Board of Directors grant a waiver of enforcement for the encroachments. The Statement of Subdivision setback requirement of 10 ft would be reduced to 6.8 ft. This would result in a 3.2 ft. waiver to the right side 10 ft setback requirement.

PROPOSED FINANCIAL IMPACT: NA

PROPOSED SOURCE OF FUNDING: NA

STRATEGIC PLAN REFERENCE: NA

POSSIBLE MOTION:

Move that the Board of Directors grant waiver of enforcement for a 3.2 ft. waiver for the right side 10 ft setback requirement for Lot 351 Section 1. This waiver of enforcement is granted upon condition that the current property owners sign an agreement which will indemnify and hold harmless Lake Monticello Owners' Association from any liability arising from the violation of the building setback line in the Statement of Subdivision.

The decision of the Association in granting this waiver of enforcement shall be final and shall not be deemed a waiver of the right to enforce restrictive covenants, rules or regulations in other cases. Further, the property owners must understand that the position taken by the Association only affects the right of the Association to seek enforcement of the recorded covenants and restrictions and that said restriction inures to the benefit of all of the owners of individual residential lots at Lake Monticello, each of whom has the individual right to seek enforcement of said restrictions.

PERSON RESPONSIBLE FOR FOLLOW-UP: General Manager

LMOA ENVIRONMENTAL CONTROL

725 Jefferson Drive
Lake Monticello, Virginia 22963
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Email: CMCavanaugh1@aol.com

MEMORANDUM

Date: August 18, 2009

To: John Korhonen, General Manager

From: Carol M. Cavanaugh, Environmental Control Administrator

Subject: WAIVER OF ENFORCEMENT LOT 351, SECTION 1

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Recommendation: Due to the 7 year statute of limitation allowance and hardships that would be created in removing the steps it is recommended that the Board of Directors grant a waiver of enforcement for the encroachments. The Statement of Subdivision setback requirement of 10 ft would be reduced to 6.8 ft. This would result in a 3.2 ft. waiver to the right side 10 ft setback requirement.

If you need any additional information, please do not hesitate to contact me.

CMC