
RESOLUTION PROPOSAL

DATE: August 26, 2010
SUBJECT: Request for Waiver of Enforcement of Setback Lot 40 Section 1
SPONSOR: General Manager

BACKGROUND INFORMATION:

In accordance with Fluvanna County records the house was completed in 1973. There are no house plans or site plans contained in the LMOA file for review. A survey was prepared dated July 22, 2010 which indicates that the left side roof overhang and gutter encroach into the 10 ft. side setback requirement by 1 ft.

STAFF RECOMMENDATION:

Due to the 7 year statute of limitation allowance and hardship that would be created in removing the corner of the roof, it is recommended that the Board of Directors grant a waiver of enforcement for the encroachment. The Statement of Subdivision side setback requirement of 10 ft would be reduced to 9 ft. resulting in a 1 ft. waiver of enforcement to the left side setback.

PROPOSED FINANCIAL IMPACT: NA

PROPOSED SOURCE OF FUNDING: NA

STRATEGIC PLAN REFERENCE: NA

POSSIBLE MOTION:

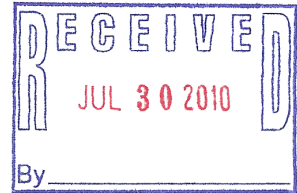
Move that the Board of Directors grant waiver of enforcement for a 1 ft. left side setback violation reducing the 10 ft. setback to 9 ft. for Lot 40 Section 1. This waiver of enforcement is granted upon condition that the current property owners sign an agreement which will indemnify and hold harmless 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

July 30, 2010

I.MOA Board of Directors



This letter is to apply for a waiver of enforcement for a one foot roof overhang/gutter encroachment on the front left side of the #6 Tara Court house. Attached is a copy of the July 22, 2010 survey.

Thank you,

A handwritten signature in cursive script that reads "B. Diane Moore".

B. Diane Moore
46 Morewood Place
Palmyra, VA 22963

THIS IS TO CERTIFY THAT ON , JULY 19, 2010 I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON. OTHER EASEMENTS AND UTILITIES MAY EXIST OTHER THAN THOSE SHOWN.

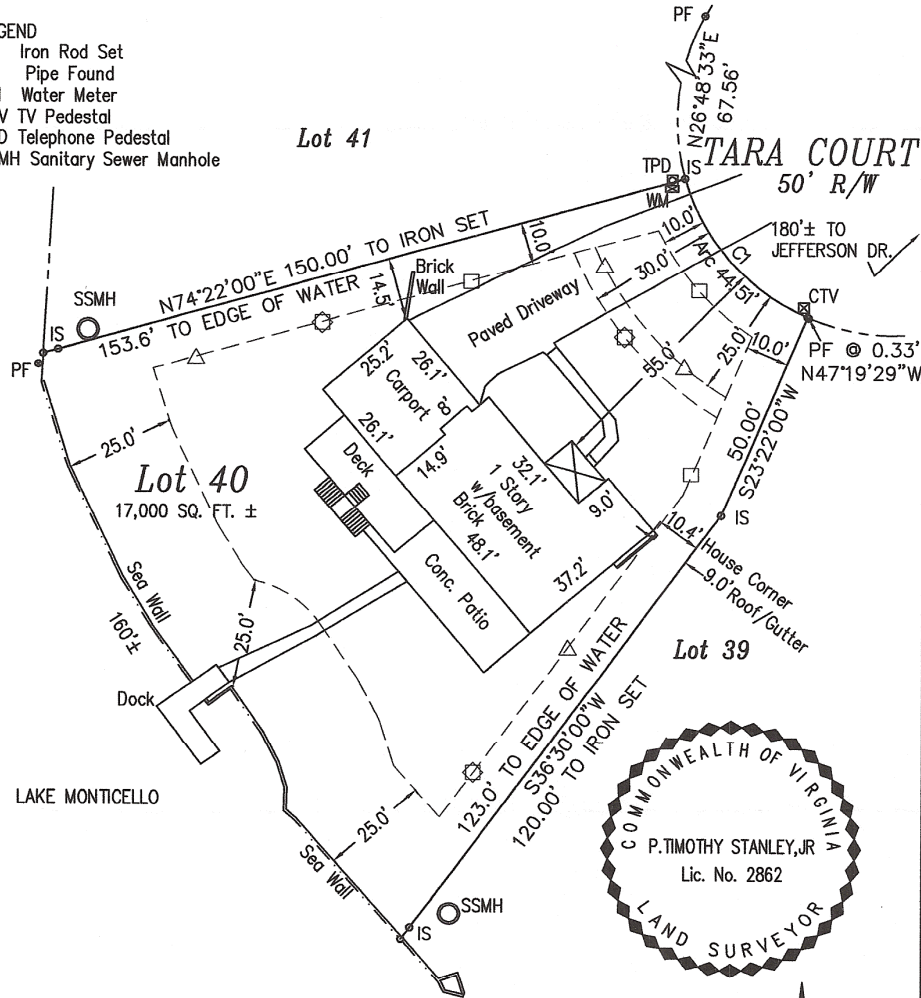
Building setback line ---△--- No Title Report Furnished
 Utility easement ---□--- 6 TARA COURT
 Statement of subd. setback ---○---

P. TIMOTHY STANLEY, JR.

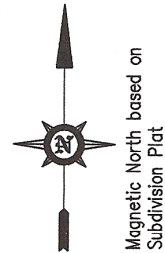
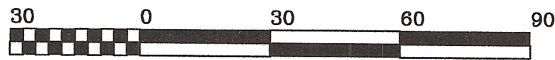
THE PROPERTY SHOWN HEREON FALLS WITHIN ZONE "C" AS SHOWN ON THE DEPARTMENT OF H.U.D. FLOOD HAZARD MAP LAKE MONTICELLO COMMUNITY NO. 510058 0050A, PAGE 50.

Curve	Radius	Tangent	Length	Delta	Chord	Chord Bear.
C1	50.00'	23.85'	44.51'	51°00'17"	43.05'	S 41°11'43" E

LEGEND
 IS Iron Rod Set
 PF Pipe Found
 WM Water Meter
 CTV TV Pedestal
 TPD Telephone Pedestal
 SSMH Sanitary Sewer Manhole



PHYSICAL SURVEY SHOWING
 LOT 40 PHASE I
LAKE MONTICELLO
 CUNNINGHAM DISTRICT, FLUVANNA COUNTY, VIRGINIA
 SCALE: 1" = 30' DATE: JULY 22, 2010
 40&DWC
 STANLEY LAND SURVEYS, PLC
 LAND SURVEYING - LAND PLANNING
 P.O. BOX 154, PALMYRA, VA. 22963-0154
 PHONE: (434) 589-8395



LMOA ENVIRONMENTAL CONTROL

725 Jefferson Drive
Lake Monticello, Virginia 22963
Off: 434-591-0196
Fax: 434 591-0197
Email: CMCavanaugh1@aol.com

MEMORANDUM

Date: August 2, 2010
To: John Korhonen, General Manager
From: Carol Cavanaugh, Environmental Control/Compliance Administrator
Subject: WAIVER OF ENFORCEMENT LOT 40, SECTION 1

Background Information: In accordance with Fluvanna County records the house was completed in 1973. There are no house plans or site plans contained in the LMOA file for review. A survey was prepared dated July 22, 2010 which indicates that the left side roof overhang and gutter encroach into the 10 ft. side setback requirement by 1 ft.

Recommendation: Due to the 7 year statute of limitation allowance and hardship that would be created in removing the corner of the roof it is recommended that the Board of Directors grant a waiver of enforcement for the encroachment. The Statement of Subdivision side setback requirement of 10 ft would be reduced to 9 ft. resulting in a 1 ft. waiver of enforcement to the left side setback.

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

CMC