

CHAPTER THIRTEEN - Section 13.04

APPLICATION PROCESS

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I. AUTHORITY TO REVIEW AND APPROVE SITE PLANS

- A. The Environmental Control Committee (ECC) may, from time to time, establish such reasonable administrative procedures in addition to those cited herein as may be necessary for the proper administration and implementation of this policy.
- B. The ECC shall be responsible for the supervision, inspection, and enforcement of Chapter 13 of this policy manual.
- C. The applicant for any Lot Development Plan (LDP) approval shall be the legal owner of the property proposed for development. The applicant, upon execution of the LDP application, may designate an agent to act on his/her behalf in fulfilling the requirements of this policy.
- D. The ECC shall approve or disapprove the plans, specifications, and details of the LDP within thirty (30) calendar days from the time the plan appears on the ECC agenda.
- E. The ECC shall consider any plans when all required fees have been paid, the owner is in good standing, and a complete application and LDP have submitted. The ECC may consider an application if it is for the purpose of getting approval to correct a violation of the restrictive covenants or Rules and Regulations. The 30 calendar days granted to the ECC shall commence at the specific date that these conditions are fulfilled.

II. ADMINISTRATIVE REQUIREMENTS FOR SITE PLANS

- A. Upon application to the ECC for any type of proposed construction, improvement, alterations, etc., the ECC shall furnish to the owner of the lot, Application Forms which will set forth more specific details to be submitted for the ECC's consideration. Such application shall include two (2) sets of a LDP. This requirement shall apply for each single family residence, Marina Point Condominium Unit, or project to be constructed and shall be accompanied by the applicable fees and deposits as required by Section 13.06.
 - 1. The two (2) copies of the LDP shall include all information required by Chapter 13, Section 13.03. Plans lacking any required information shall be deemed incomplete and rejected within five (5) working days of their original submittal.
 - 2. LDPs shall be certified by a land surveyor, engineer, architect, or landscape architect authorized to practice and whose professional practice is duly registered with the Commonwealth of Virginia. No person shall prepare or certify design elements of the LDP which are outside the limits of their professional expertise. The check list, design

details and related calculations submitted with any LDP shall bear the seal and signature of the respective professional(s).

- B. The ECC shall conduct an office review of the LDP and a field review of each lot and comment on the proposed location of building corners. The ECC relies on the property lines as marked on the lot during all site inspections and does not make any independent confirmation that the property lines as marked are consistent with the plat of the lot.
- C. Within seven (7) working days after acceptance for review of the LDP, the ECC shall place the application on the agenda for the next meeting.
- D. Plans will be approved if they demonstrate compliance with the design criteria and other requirements set forth in Lake Monticello Owners' Association (Association) policy. The ECC shall issue a CERTIFICATE OF APPROVAL and thereafter, the applicant may proceed with lot development activities provided that all other requirements of the Association are met.
- E. The CERTIFICATE OF APPROVAL shall be conspicuously placed adjacent to the Fluvanna County Building Permit at the construction site. One set of plans and specifications shall be returned to the applicant and the other kept with the permanent records of the ECC.
- F. The ECC shall have the right to disapprove any LDP not in accordance with the provisions of these Rules and Regulations.
- G. In cases where revisions, deletions or additions are necessary to the LDP, the applicant shall be notified, in writing, within five (5) working days after the meeting of the ECC.
- H. Where a revised LDP does not include the requested revisions, the ECC shall suspend review and notify the applicant, in writing, that the review process shall not proceed until the required revisions are completed. In denying approval, the ECC shall give specific reasons.
- I. Approval of LDPs submitted under the provisions of this policy shall expire six (6) months after receipt of ECC Certificate of Approval as dated. Upon petition, the ECC may grant one extension of the certificate.
- J. Owners of property subject to these Rules and Regulations are required to obtain ECC's approval prior to construction. If construction is begun prior to approval, the ECC shall not take any further action on the plans until all construction has ceased. Unauthorized construction must be halted immediately upon receipt of notice. Only after unauthorized construction is halted, shall the ECC consider the plan, specifications and details in its regular course of business and approve or disapprove the plans.

III. PRE-CONSTRUCTION SITE INSPECTIONS

- A. Authorization for Inspection
 - 1. By submitting an application to the ECC, an applicant authorizes the ECC, employees of the Association or their designees to enter upon the applicant's lot at all reasonable times during the periods of LDP review and during construction for the purpose of insuring compliance with the rules and regulations of the Association.
 - 2. If the applicant interferes with or denies the right for inspections, the ECC's approval is withdrawn and all construction activities shall cease immediately. It shall be the responsibility of the LMOA General Manager to implement necessary steps to assure that construction is immediately halted. The General Manager will notify the ECC of the status of the case.

- B. "On-Site" Inspection Requirements
1. Trees to be removed shall be "flagged" and marked on the plan.
 2. A taut string-line shall be strung along all property lines where any structure is to be built within five feet of the most restrictive building setback line or where one stake cannot be seen from an adjacent stake. In other instances, each property stake must be readily identifiable with a clear line of sight between all stakes.
 3. The location of any structure, driveway, parking area, etc. addressed in the application shall be staked and strung. Lines delineating the principal structure shall include all appurtenances thereto (e.g. steps, stoops, decks, patios, etc.)
 4. All stakes, string lines, etc. which mark proposed structures or other uses on the lot shall be consistent with the site plan. Any inconsistency between the site plan and the "on-site" markings will result in the application being disapproved.
 5. For a proposed new structure, a licensed surveyor shall set the corners of the structure after the excavation has been completed and before the footings are poured or the owner shall have a surveyed site plan prepared by a licensed surveyor immediately after the foundation is installed. For an addition or an accessory building, the plan submitted with the application shall be prepared to scale on a plan of the "as built" house which was prepared by a licensed surveyor. Where such a plan is not available, a new plan, prepared by a licensed surveyor, shall be submitted.

IV. FINAL INSPECTIONS

- A. Upon completion of lot development activities and prior to the issuance of a Notice of Completion, the applicant must request a final inspection of lot development improvements.
- B. Completion Criteria. A house is defined as complete when:
1. All exterior work (e.g., painting, exterior lighting, etc.) is completed in accordance with the approved application.
 2. Final grading and surfacing of the driveway is complete.
 3. The lot is properly graded and all disturbed areas have been mulched, seeded or sodded to prevent erosion.
 4. A house number measuring not less than four (4) inches in height, of a contrasting color to its mounting surface for legibility, located in the area adjacent to the front door, and clearly visible from the street shall be installed on every house. If the house configuration or front door location makes it difficult to read the number from the street, the house number shall be placed on the closest wall of the house, on a deck post at a location that is clearly visible to the street, or near the end of the driveway. The house number is to remain at all times.
 5. All construction trash and debris, including brush, branches, stumps, and dead trees, have been removed from the property.
 6. A survey of the lot, prepared by a licensed surveyor, which shows the structure "as built," including all decks, stoops, porches, driveways, walkways, etc., has been submitted to the ECC as part of the Notice of Completion.
 7. The ECC has completed the final on-site inspection and has signed the Notice of Completion Form.

- C. No Notice of Completion shall be issued until the ECC verifies that lot developments are in compliance with the approved LDP.

V. REHEARING PROCESS

A. Petition to rehear to ECC

The applicant has the right to petition the ECC to reconsider its initial decision. Requests for reconsideration by the ECC shall be made in writing within thirty (30) calendar days from the date of the disapproval letter.

The request for Petition to Rehear by the ECC shall be heard within 15 calendar days of receipt of the request to rehear. If the ECC denies the petition, disapproval letter shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the applicant at the address of record with LMOA within the time frame stated in the Virginia Property Owners' Association Act.

The decision at this ECC rehearing shall be deemed the final decision of the ECC. The ECC's final decision letter shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the applicant at the address of record with the LMOA within the time frame stated in the Virginia Property Owners' Association Act.

B. Appeal to the Board of Directors

If the ECC's final decision is to deny the approval, then the applicant shall have the right to appeal to the LMOA Board of Directors. It is the policy of the Board of Directors to provide a fair and equitable rehearing process and applied uniformly. Hearings shall be conducted with proper notice-and-comment procedures assuring due process. An applicant has the right to be represented by counsel or a spokesperson.

The appeal to the Board of Directors shall be in writing and received within thirty (30) calendar days of the date of the letter to the applicant advising of the ECC's final denial. The criteria for an appeals process shall be as stated in Article 7 of the LMOA Bylaws and Section 2.01 of the Bylaws.