

**Resolution  
of  
The Board of Directors  
of  
Beech Mountain Lakes Association**

**2006-1: Policy on Accessory Outbuildings**

Revised 5-25-11 - Shed size

Revised 1-28-15 – Carports

**Recitals**

- 1) Whereas The Declaration of Protective Covenants, Exceptions, Reservations and Conditions for Beech Mountain Lakes (Covenants) charge the Architectural Control Committee (ACC) and the Board of Directors (the Board) with managing issues of general use, development and appearance of property within the Beech Mountain Lakes community; and
- 2) Whereas property owners are charged under the covenants with the responsibility of adhering to general usage guidelines issued by the ACC, including those under Sections 12.1 Duties, 12.7 Remedies and 13.3 Accessory Outbuildings; and
- 3) Whereas the Board and the ACC agree that greater specificity in community policy on sheds and other accessory outbuildings is needed, it is resolved that the following uniform policy on Accessory Outbuildings is hereby adopted.

**Definitions and Exceptions**

**Accessory Outbuildings:** structures that increase a homeowner's storage and utility space. These structures may include, but are not limited to, sheds, lean-tos, greenhouses, or detached garages. Playhouses and animal housing structures (dog houses, kennels or dog coops) are not considered "Accessory Outbuildings" and are addressed in a separate resolution.

**Shed:** a structure, generally used for storage or shelter, as in the case of garden tools, grills, or the like.

**Greenhouse:** a structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

**Lean-to:** a structure with a single-pitch roof that is attached to the side of a building as a wing or extension.

**Detached garage:** a structure erected to store household and/or residential tools and equipment and/or house non commercial motorized and recreational vehicles, and which exceeds 120 square feet.

**Carports:** a non-enclosed structure, temporary or permanent to allow the parking of vehicles, boats, campers, etc. underneath. Carports are not permitted in Beech Mountain Lakes.

### **General Policies regarding Construction or Erection of Accessory Outbuildings**

As required by Covenant Section 12, paragraph **12.1 Standards of Construction**, property owners must obtain, by written request, a permit from the ACC for construction and/or placement of any accessory outbuilding.

No accessory outbuildings will be permitted on any unimproved property.

No more than one (1) accessory outbuilding will be approved for any improved lot.

No accessory outbuilding will be located on the street-side of any property, nor will any be located nearer than five (5) feet from any property line.

Accessory outbuildings must be constructed in a manner consistent of the overall character of the dwelling and property and be of a color consistent or complementary to the dwelling.

Accessory outbuildings may be clad with vinyl or wood. Glass may be used as appropriate. No metal-clad structures are permitted.

### **Specific Policies regarding Construction or Erection of Accessory Outbuildings**

#### **Sheds**

No shed will be permitted that exceeds 168 square feet in area.  
Amended 5/25/11.

#### **Lean-tos**

No Lean-to may exceed a height of six (6) feet at its highest point, nor cover an area greater than eighty (80) square feet.

Metal lean-tos are not allowed on any property; existing metal lean-tos must be removed within thirty (30) days of the effective date of this resolution.

#### **Greenhouses**

Greenhouses must be constructed of wood or metal framing with vinyl and/or glass "windows".

No greenhouse may A) exceed 120 square feet in area, B) have any side that is less than six (6) feet in length, or C) exceed ten (10) feet at its highest point.

### **General Policies regarding Maintenance of Accessory Outbuildings**

Accessory Outbuildings must be maintained in good condition.

The ACC may require that an Accessory Outbuilding in poor condition be removed. Property owners so notified will have thirty (30) days to remove and/or replace them. Failure to comply will be subject to fines as set forth below.

Existing metal-clad buildings, other than lean-tos, must be rust free and repainted as necessary to maintain a good appearance.

### **Remedies; Penalty for Non-compliance**

The ACC or the Board will notify the property owner or owners by regular and/or registered mail, return receipt requested, of any violation of this rule. The property owner or owners shall notify the Beech Mountain Lakes Administrative Office, and/or the ACC within three (3) days of receipt of such written notification that the property owner or owners intend to: A) remedy the violation and comply with the recommendation of the ACC and provide the anticipated beginning and completion date for remedying the violation or, B) a request to appeal to the determination of violation. Whenever a property owner is notified of a violation, and agrees to remedy the violation by complying with the recommendation of the ACC such remediation of the violation must commence no later than fourteen (14) days from the date of receipt of the notification of violation, and the remediation must be completed within thirty (30) days or the date of receipt of the notice of violation.

If the duly notified property owner has not responded within the three-day period, the property owner will be notified that a fine of \$10.00 per day has been levied and is being charged for up to seven (7) days; thereafter, the fine will be \$100.00 per day.

If the Owner fails to pay such cost to the Association within 30 days after demand, then the cost thereof shall be a Personal Charge hereunder payable directly to the Association by such Owners. (Covenants Section 12.11) The affected property owner retains the right of appeal.

### **Ongoing Evaluation**

Nothing in this Resolution shall require The Association to take specific actions other than to notify homeowners of the adoption of these policies and procedures. The Association has the option and right to continue to evaluate each delinquency on a case by case basis.

Motion to revise and approve revisions on July 25, 2006 by JOHN CASTAGNA and seconded by BRYAN HAMILTON.

Motion passed by a vote of 6 in favor and 0 opposed and no abstentions.

Amended by Motion and unanimous vote of the Board of Directors on December 19, 2006 that only one accessory outbuilding would be approved for any improved lot.

By: \_\_\_\_\_  
Lee Robbins      President

By: \_\_\_\_\_  
John Castagna      Secretary

Revision made on shed size May 25, 2011 from 10' x 12' to 12' x 14' (168 sq ft)

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

Amended by Motion and unanimous vote of the Board of Directors on January 28, 2015 that the definition of carport be added and that carports are not permitted in Beech Mountain Lakes.

\_\_\_\_\_  
Mark Duksta, Secretary

\_\_\_\_\_  
Kevin Walsh, President