

## Williamsburg Plantation Homeowners Association

Managed By: Advantage Gold Realty

301-C Western Blvd. Jacksonville, NC 28546

Phone: 910.353.2001 Fax: 910.353.2248

Email: [hoa@advantagegoldrealty.com](mailto:hoa@advantagegoldrealty.com) Website: <http://williamsburgplantation-hoa.org>

Homeowners  
Williamsburg Plantation HOA  
Jacksonville, NC 28540

March 6 , 2014

Dear Homeowner,

We, the Board of Directors for Williamsburg Plantation Homeowners Association, have become aware of a community wide covenant violation that may affect our current storm-water permits with the Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ). The covenant violation was discovered during an Architectural Review and pertains to the restriction on Built Upon Area (BUA). Subsequently, we have sought the guidance of DENR, and DWQ is currently looking into ways to rectify this situation.

According to the restrictive covenant put in place by DWQ, "*This allotted amount [referring to the maximum allowed BUA] includes any built-upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised, open wood decking or the water surface of swimming pools.*" Upon discussions with our HOA legal representative, we interpret this to mean that the footprint of the home, the driveway, and that portion of the public sidewalk that passes through the lot are included in the total BUA square footage for that lot. The maximum allowed BUA varies for each neighborhood and is based upon the capacity of each storm-water pond and the number of lots they service. The maximum allowed BUA for each neighborhood is:

Richmond Park: 3,000 ft<sup>2</sup>

Hyde Park: 3,000 ft<sup>2</sup>

Kensington Park: 3,660 ft<sup>2</sup>

St. James Park: 2,846 ft<sup>2</sup>

Regency Park: 3,000 ft<sup>2</sup>

Huntington Park: 3,480 ft<sup>2</sup>

Emerson Park: 3,188 ft<sup>2</sup>

We conducted a limited audit of several random homes within each neighborhood park using the Onslow County GIS map application. House footprint square footage was taken from the property card. Driveway and sidewalk square footage was measured using the *measure tool* on the GIS map

application. All lots measured during the audit are in excess of the allowable BUA for their respective neighborhood Park.

We are not in the business of asking residents to remove driveway, sidewalks, or square footage from their homes. However, should DENR conduct an inspection of our storm-water permits and discover lots exceeding the allowed BUA, residents would be asked to remove excess BUA from their lot. Lot owners are liable for the BUA on their property – not the Association. Therefore, any fines garnered would be at the expense of the lot owner.

Of important note is the fact that the lots were in violation of the BUA restrictive covenant when they were first developed and under the ownership/management of the builder/developer. This is of great concern to our community. It is apparent that we took on the ownership of these permits and ponds when the builder/developer—the original holders of the permits and owners of the ponds—knowingly committed violations against the DWQ restrictive covenant on BUA.

In the meantime, each lot owner should familiarize themselves with the current BUA of their lot. Any architectural request submitted to the Board that requires additional BUA will be scrutinized and denied approval unless the homeowner, at their expense, obtains approval from DENR and submits it to the BOD.

Sincerely,