

North Lake Land Owners Association. - Annual Report

December 2008 - Restrictions Enforcement – Frank Bradley

Restrictions Enforcement had a busy 2008 with twelve relatively straightforward home design approvals. The goal of the enforcement efforts is to approve plans in advance so that they comply with the restrictions on the various lots but also to help our neighbors achieve improvements of their homes that at first might seem inappropriate.

In one case, the enforcement team was able to deal with a neighbor complaint about another neighbor. It dealt with one neighbor's children or grandchildren riding powered ATV type go-carts near the property line and causing the dogs next door to go wild.

The remaining three issues in 2008 where a lot more complicated:

In the first case, one homeowner modified the form from the website and submitted an "Application for Commercial use of Property" variance on a residential property deep in the heart of the neighborhood. The variance was denied but a resubmittal for the home-only was approved. When the home was completed, the person opened the business anyway. Since our approved design was not a variance of any type, the business operation was in violation. The neighbors were outraged and after review at a monthly meeting, the business closed. This was avoidable, but in the end the neighborhood was preserved as intended... residential.

The second, Summerset Hills, a subdivision starting at the corner of Williams Drive (RR2338) and E Ridgewood has been reclassified by the City of Georgetown (because we are in the ETJ) as R-3 rather than R-1. That allows density of three homes per acre rather than one for North Lake. Despite our restrictions, Waterstone Developers has decided that they will ignore our restrictions that have not changed and build to suite themselves. Waterstone is huge and a restrictions fight in court will be a David and Goliath battle. Such a lawsuit cannot take place until the actual work begins and given the economy, that plan seems to have stopped. It can be expected back someday. Waterstone did offer to maintain a 15 foot green zone between any North Lake property and the development.

The third is the on-going concern about building an Alzheimer care home along RR 3405. Since such a home is a protected class rather than a business, previous homeowner association lawsuits in Texas have failed and the Federal statutes specifically allow such a home in a neighborhood without changing the "residential" character of the community or setting a precedent for other commercial entry, the application was approved. The application for multi-family use of the property was denied. If a second home is desired, the 4+ acres must be subdivided into two lots. The owner submitted such an application and approval is awaiting that replatting and submission of the two separate tax identifications for the two lots. After several weeks such submissions have not been forthcoming. Since the same laws that protect the home also prohibit two such homes within ½ mile of each other, it seems that the second home may not be an issue.

In conclusion, the goal is to keep the neighborhood neat, clean, friendly and residential.

Overall, it was a wild year.

Respectfully submitted

Francis R. Bradley
Director
Restrictions Enforcement