

## **GOVERNANCE INFORMATION – LAKE VIEW PARK**

### **Scope and Mandate**

A Commission of five members acts in accordance with provisions of the original deeds to all property in Lake View Park (LVP). The Commission is authorized to establish policy and procedures concerning use of Beaver Lake, surrounding park and other common areas, as well as maintaining the neighborhood in such a manner as to preserve and enhance property values. This includes but is not limited to:

- Enforcing covenantal restrictions, including approval/denial of additions to existing structures and new structures in the neighborhood
- Establishing and collecting assessments
- Maintaining the dam and dam structures in compliance with State regulations
- Ensuring healthy lake ecology
- Preserving or improving the beauty of common areas

The Commission also hires and supervises a full-time warden. The warden performs mowing and other grounds maintenance, administers permits, and is authorized to enforce park rules and regulations.

Commissioners are elected at the annual meeting of property owners normally held the third Monday in October. Notice of the meeting is mailed three to four weeks in advance. All homeowners are invited to serve on the Commission or participate on an ad hoc basis. Nominations for offices of the Commission should be submitted to the Nominating Chair via the Commission in advance of the annual meeting.

### **Deeds & Covenants**

Unlike modern Home Owner Associations, it is the original deed to all properties in LVP that contain the neighborhood covenants. These covenants bind the Commission and property owners to certain obligations. These covenants “run with the land” and even if the property has changed owners many times, they are carried forward with each transfer. The covenants are important but lengthy; most of us have “short” deeds which do not specify the various restrictions but refer only to the documents of record in the office of the Buncombe County Register of Deeds.

Lake View Park Covenants forbid any commercial establishment, apartment, boarding house, or multifamily dwelling. Subdivision of a lot is not permissible.

Simply stated, Homes in Lake View Park are for single-family, residential purposes only. You may not use a property in Lake View Park for any other purpose. You may rent your home to a single family, but not as a boarding house, tenement house, halfway house, etc. You may not run an Air-BnB or VRBO in a Lake View Park property. You may not subdivide your property under any circumstances. The Lake View Park Commission is obligated to enforce these restrictions on behalf of all residents.

## **Building Restrictions, Alterations, and Set Backs**

It is your property's original deed (available at the County Court House and dating in the 1920s or 1930s) that contains the exact restrictions applicable to your property. Any additions or renovations (including decks) which expand your home will have to conform to the set-backs as specified in the original deed. Additions need to conform to the scale and style of your home.

Before such changes take place, you are required to submit your building plans to the Commission. Building plans must be submitted to the Chairman of the Commission for approval before construction of a house, alteration to an existing structure, or additional construction of outbuildings on the property is undertaken. (This requirement is in addition to any submissions required by the City of Asheville.) Plans may be mailed to P.O. Box 8332, Asheville, NC 28814 or emailed to the Chair of the Commission. You should receive a prompt reply to your request.

Note that for building setbacks, our deeds' covenants are more restrictive than the City, and take precedent over the City. The Asheville City Zoning Ordinance provides penalties for violations. Reference your properties official Plat for the front setbacks which apply on your street. Reference your original deed for the side setback for your individual property. In general, properties with frontage of 100' or more require 15' side setbacks while properties with under 100' of frontage require only 5' side setback.

## **Assessments**

Owners are obliged by the covenants and restrictions of record to pay an annual assessment, billed by January 1st of each year and payable on or before January 31st.

The assessment is based on the number of feet of frontage of each property on Lake View Park streets. This sum, if not paid promptly, becomes a lien on the property. In 2021 the assessment fee is \$3.04 / foot. Here is a list of Lake View Park Properties, PINNUMs, and the associated frontage

Periodically, a special assessment may be levied to fund extraordinary improvements and repairs. Please contact the Commission Treasurer if you have questions about your assessment.