



Community Development Department


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Memorandum

To: Sandy Marconi-Leiva, Development Coordinator
Ray Fuss, Development Inspector/Code Enforcement

Cc: Lorene Lindsey, Mayor
Don McKenzie, City Manager
Theresa Breedlove, City Clerk

From: Tim Young, Director 

Date: November 28, 2011

Subject: Dealing with HOA-affected Subdivisions – Clarification

There are certain subdivisions and commercial developments within the city that may be affected by Homeowners' Associations (HOA) in residential developments or Property Owner Associations (POA) within certain commercial developments. To my knowledge, the following residential subdivisions have active HOA agencies which enforce or give approval to architectural changes:

- Skyland Manufactured Home Subdivision
- Water's Edge
- Grove Park (with associated Unity Cove) Subdivision
- Richmond Park Subdivision
- Locust Grove Station Subdivisions:
 - Collinswood
 - Wentworth
 - Carleton Cove
 - Al-Jannah
 - Brookdale
 - Derringstone-Elmstone Commons (essentially vacant)
- Briarcliff – Hawthorne @ Linden Park (Berkshire status unknown)
- Carriage Gate
- Patriot's Point – Tanger Ridge
- Club Drive Commons (activity status unknown)
- Jubilee (a.k.a., Smith Grove – activity status unknown)
- Pristine Forest (activity status unknown)
- Cottage Grove (activity status unknown)
- Amber Ridge (activity status unknown)
- Coulter Woods, Leesburg Plantation, Madison Acres, Grove Village and Bridle Creek are vacant or inactive.

As such, the developments that appear active typically must give some sort of architectural approval for changes to affected properties, including but not limited to: additions, storage buildings, fencing, pools,

new home construction, etc. This would be in addition to any zoning compliance or permitting that we issue as a city.

As such, we can only advise them to obtain the necessary approvals for relevant changes; however, we must not give advice on legal-types of matters, including interpretation. Erroneous information could place liability either personally or on the City of Locust Grove. As such, we should only require approval statements on permits that we issue and only advise others to consult their covenants and HOA leadership in ALL cases. Remember that the city's responsibilities for covenants are typically things associated with zoning aspects such as: **yard setbacks, building heights, minimum building square footage, signage, etc.** As such, those items are ones that we would have to issue permits for anyway. The more regulatory items not essentially zoning related should be left to the individual property owners to obtain the necessary approval. We only advise and not counsel.

For commercial developments, we already request approvals for Tanger and in some instances for Ingle's, especially with regards to signage. We should ask for more approvals if applicable within shopping centers due to leasing agreements and their tenant finishes to be sure that the owners and/or management agency is aware of the proposed changes.

Please place this in residential and commercial permit applications for their review as part of permit submittal. I will place this on the website for further information to prospective permittees.