

LAKE HONDAH PROPERTY OWNERS ASSOCIATION
200 Hondah Blvd, BREVARD, NC 28712

Board Meeting & Architectural Review
May 13th, 2026 – 5:30PM
401 Spring Water Dr, Brevard NC 28712

Attendance:

Desmond Duncker (President)
Ashley DeCoux (VP) – Via Zoom
Jason Karol
Frank Kralik
Raymond Jacques
Don Narup (Treasurer)
Rob Suchultz (253 Homeowner) – Via Zoom

Meeting Notes

- Topic Title: Unapproved Garage Construction and Process Compliance
 - Description:
 - A homeowner (Rob/“Schulz”) began constructing a garage/outbuilding and shoring a hill without notifying or seeking prior approval from the board/architectural body, despite holding a county permit that [Desmond] viewed. The restrictive covenants (referenced as “A14”) require architectural review, giving the association authority to review and reject plans that violate covenants.
 - Opinions varied on the garage’s appearance, height, and design; dimensions were discussed at roughly 24x24 feet and 16–18 feet tall with a single-slope roof. Acknowledgment that the foundation is poured and the structure is largely a “done deal.”
 - Several members raised transparency and precedent concerns, emphasizing consistent enforcement of covenants for future builds.
 - Conclusion:
 - General agreement that the owner failed to follow the board notification and plan review process; the board will consider monetary fines for process violations.
- Topic Title: Formation and Role of the Architectural Committee
 - Description:
 - Clarification was sought regarding confusion in governing documents between “architectural committee” and “the board.” A motion was made and approved for present

board members to serve as the architectural committee; [Jason] agreed to participate while on the board. Ashley's status remains unclear due to a dropped call and an approaching term end. Some members noted limited construction expertise; others clarified the role centers on rule enforcement.

- Conclusion:
 - The present board members approved serving as the architectural committee; formal confirmation and recorded vote to follow.
- Topic Title: Right-of-Way and Setback Compliance on Spring Water/Springwater Drive (and Hondah Road)
 - Description:
 - Surveys and deed references (1979 and 1990) indicate a 60-foot right-of-way on Spring Water/Springwater Drive (30 feet from centerline); other roads reportedly have 45 feet. Some members asserted the garage lies about 15 feet from the road centerline, implying a setback encroachment. Deeds (Harvey and Bet; Scholz) include language "subject to rights of way and recorded restrictions."
 - Debate arose regarding possible road shifts, practicality of a 60-foot right-of-way given terrain, and whether the 60-foot designation exists only "on paper." A survey at the homeowner's expense (~\$3,000) was discussed; multiple surveys may exist, including the original plat. The view was expressed that small survey discrepancies would not negate a significant encroachment.
 - Impact on neighbors included view and proximity concerns.
 - Conclusion:
 - Majority sentiment holds that a setback/right-of-way violation likely exists. The board intends to pursue remedies without changing rules; a new survey may be considered but is not required to proceed with fines. Further documentation review is needed to confirm exact measurements.
- Topic Title: Runoff, Road/Bridge Damage, and Site Impact
 - Description:
 - After rain, mud and runoff from the site affected surrounding areas; the wooden bridge was reportedly covered with dirt, and the road surface degraded to dust. Damage near the dump access area was noted. An

external party indicated the building itself may be acceptable, but runoff near the lake is problematic.

- Tree removal within 20 feet of construction was acknowledged as permitted by some; however, consistency concerns were raised given past instances by others. Quantification and proof of specific tree cutting are limited.
- Conclusion:
 - Runoff and road/bridge impacts are considered clear issues requiring remediation; responsibility for cleanup (owner's contractors vs. association) will be determined. No enforcement on tree removals due to insufficient evidence; a reminder that future tree cutting requires board approval.
- Topic Title: Remedies, Fines, and Encroachment Agreement
 - Description:
 - Proposed remedies include monetary fines for process violations and right-of-way encroachment, with potential for credit or partial waiver if the owner completes cleanup. Initial fine ranges discussed (1,000 –5,000 per violation) were acknowledged as arbitrary; consultation with "Constance" for guidance and alignment with bylaws/precedent was proposed.
 - The board emphasized fines benefit the association, not individuals, and clarified no immediate teardown is being forced, though members debated structural remedies, including removal. Individual homeowners might sue under deed restrictions and bylaws.
 - Rob Suchultz proposed using a standard North Carolina encroachment agreement: the association is held harmless; access rights are preserved; the owner assumes maintenance, legal responsibility, and costs if utilities must bore or dig under the encroachment. The board reacted positively and requested a draft for review and potential attorney refinement at the owner's offered cost.
 - Conclusion:
 - Broad agreement to levy fines for process violations and address cleanup; no final decision on structural remedies. The board will review a proposed encroachment agreement as a potential resolution path alongside fines.
- Topic Title: Communications, Design Plans, and Temporary Work
 - Description:

- The board and members requested architectural drawings and a colorized mock-up; finishes described as dark gray siding with cedar-toned trim to match the existing house. Images were reviewed; some saw the color as very dark gray.
 - The owner requested permission to proceed with siding to make the structure watertight during a potential pause. [Desmond] expressed no objection; [Don Narup] raised precedent and enforcement concerns between monthly meetings.
 - Conclusion:
 - Materials and design intent were documented for review. No formal decision recorded on allowing temporary siding; mixed views noted.
- Topic Title: Legal Consultation and Evidence Management
 - Description:
 - Some members proposed consulting legal counsel (e.g., Newman Law; Matt McKellop) to assess legal options and case strength; concerns about costs and community impact were raised. Notifying the owner of legal consultation could escalate matters.
 - Surveys, plats, deeds, and county records were referenced; [Desmond] will share original survey and deed documents from county sources to support any review.
 - Conclusion:
 - No formal vote to engage counsel was recorded; consulting a lawyer remains a proposal. Centralizing evidence is a priority to support any enforcement or legal steps.
- Topic Title: Governance Processes, Elections, and Annual Meeting Preparation
 - Description:
 - Discussions covered voting anonymity, complaint thresholds (“one complaint” can trigger review), and reliance on majority vote to minimize conflict. Preparations for the annual meeting include proposed rule changes, financial reporting, and proxy collection.
 - Board participation and engagement concerns were noted; attendance tends to increase around major issues. Efforts will be made to secure sufficient proxies (target of 21 approvals for bylaw changes), solicit board nominees, and coordinate outreach.
 - Conclusion:

- No procedural changes were made. Annual meeting preparation continues with emphasis on proxies, candidate solicitation, and communication.
- Topic Title: Financial Report and Administrative Items
 - Description:
 - Financial updates included checking balances, insurance payment, mailing costs for liens, a credit card payment test and refund variance due to fees, and vendor payments. Liens were filed on specific properties; issues with return receipts require follow-up and address validation. Credit card acceptance is paused pending process corrections; further testing is planned.
 - Debate on dues structures for developed vs. undeveloped lots highlighted budget impacts and fairness concerns; no decision reached.
 - Conclusion:
 - Financial reports were approved. Follow-up on lien notice delivery, payment processing tests, dues analysis, and proxy collection is required.

Next Arrangements

- ☐ Confirm in writing the composition of the architectural committee and record the vote; clarify Ashley's status.
- ☐ Define in writing the three core violations (process/approval, right-of-way setback, environmental/cleanup) with citations to governing documents and evidence.
- ☐ Determine fine schedule and specific amounts per violation aligned with bylaws and any precedent; consider credits for timely cleanup.
- ☐ Communicate a unified written notice to the homeowner outlining violations, proposed fines, cleanup expectations, and the appeal/hearing process with timelines.
- ☐ Assign responsibility, standards, and deadlines for road/bridge/dump access cleanup; specify inspection and escalation if noncompliant.
- ☐ Consolidate and share authoritative surveys, plats, deed references, and maps; decide if a new survey is required, who orders it, and who pays.
- ☐ Review the owner's draft North Carolina encroachment agreement; engage a real estate attorney if needed; define approval criteria and recordation steps.
- ☐ Decide on temporary work allowances (e.g., siding for watertightness) and establish interim enforcement and response protocols between meetings.
- ☐ Collect and circulate all architectural drawings, mock-ups, and images for full board review.

- ☐ Schedule and conduct the session with the homeowner (Rob/"Schulz") to present their perspective and discuss remediation options.
- ☐ Set fine enforcement timelines (invoice, due date, lien procedure) and document escalation steps.
- ☐ Centralize evidence management (surveys, deeds, photos, correspondence) in a shared repository.
- ☐ Prepare annual meeting materials: proposed rule changes, financial report, and proxy tracking; coordinate outreach to secure 21 approvals for bylaw changes; identify board nominees.
- ☐ Verify and correct addresses for lien notices; standardize certified-mail tracking and delivery confirmation.
- ☐ Continue testing and configuring credit card payment workflows to meet accounting requirements before re-enabling.