



**A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING
DETACHED GARAGES**

WHEREAS, pursuant to the *Georgia Property Owner's Association Act* and the *Magnolia Ridge Residential Declaration of Protective Covenants, Conditions and Restrictions* (the "Declaration"), the Association, acting through its Board, has the right to adopt reasonable rules and regulations which are binding on all Owners, Lessees, Licensees and Occupants; as those terms and others herein are defined in the Declaration. The Board therefore may issue reasonable rules and regulations for the express purpose of curing any ambiguity in or any inconsistency between the provisions contained in the Declaration; and

WHEREAS, the Declaration at ARTICLE VI., Section 3. E), requires: "*Each single-family unit shall have a functional two-car garage attached to the residence . . .*". Section 9. B), thereof requires: "*All vehicles owned by the Owner, Lessee, Licensee or Occupant of any home within the subdivision must be kept within the garage attached to such home.*" Section 4., thereof requires: "*Boats, motorcycles, campers or other recreational vehicles shall be parked or stored within the garage or placed behind the residence; . . .*"; and

WHEREAS, the Declaration makes no provisions for the construction or placement of a Detached Garage, nor does it permit the storing of these identified vehicles within such Detached Garage. However, the Declaration at ARTICLE VI., Section 4., provides: "*No structure of a temporary character, tool or storage shed, barn or other outbuilding of any type shall be located on any lot at any time, unless approved by the Committee.*". For purposes of this Resolution, a Detached Garage is considered to be an outbuilding subject to the terms and conditions of the Declaration; and

WHEREAS, because outbuildings such as Detached Garages are typically constructed for the express purpose of storing and parking of vehicles, the strict application of these various provisions creates ambiguity in or inconsistency between the provisions, and fails to meet the real and demonstrated needs of the Owners, Lessees, Licensees and Occupants to accommodate parking of multiple vehicles and vehicle types on their lots. Furthermore, the strict application of these provisions creates practical difficulties and unnecessary hardship upon the Owners, Lessees, Licensees and Occupants; and

WHEREAS, based on the above findings, the Board deems it necessary to enact Rules and Regulations regarding the construction and placement of Detached Garages and to grant a permanent and blanket variance to permit the parking or storing of vehicles within such Detached Garages. The Board believes that these actions meet both the letter and intent of the Declaration at ARTICLE IV., Section 5., as cause for the Board to grant reasonable variance from the provisions of the Declaration.

NOW, THEREFORE, be it resolved by the Board of Directors of the Magnolia Ridge Homeowners Association, Inc., that the following Rules and Regulations are applicable to the construction and placement of Detached Garages, and shall be have the same force and effect as if written into the Declaration at ARTICLE VI., DEVELOPMENT STANDARDS:

Accessory Buildings: Detached Garages:

1. Conformance with the Declaration and City of Fayetteville Code:

- For purposes of the Declaration at ARTICLE VI., Section 4., a detached garage shall be deemed a permanent outbuilding, subject to approval in writing by the Committee.
- A detached garage shall not be deemed a temporary structure.
- Fayetteville Code uses the term “accessory buildings” in lieu of “outbuildings”. For purposes of these rules and regulations, the terms shall be considered interchangeable.
- Permitting a detached garage shall not extinguish or waive in any way the Owner’s obligations under ARTICLE VI. Section 3. E), to provide a functional two-car garage attached to the residence.
- Although a breezeway may be permitted to connect the detached garage to the residence, the detached garage so connected shall not be considered a substitute for the required attached garage.

2. **Placement:** No detached garage may be placed or constructed nearer to the front property line than the rear corner of the residence, and no closer to the property boundary lines than the minimum setback or building lines shown on recorded plats.

3. Materials:

- All detached garages shall conform to ARTICLE VI., Section 3. C), as to exterior finishes. The exterior finishes of the detached garage shall be consistent with the exterior finishes of the residence constructed on the lot, including any front elevation finishes.
- The detached garage door design, finish and materials shall be consistent with the residences’ attached garage door.
- All detached garages shall conform to ARTICLE VI., Section 3. F), as to roof color and pitch. The roof color and pitch shall be consistent with the roof color and pitch of the residence constructed on the lot.
- All detached garages shall be constructed on a poured concrete foundation and with a poured concrete floor.
- No open style designs (carports) are permitted.
- All driveways and parking areas serving a detached garage shall be constructed of concrete in conformance with ARTICLE VI., Section 9. C).

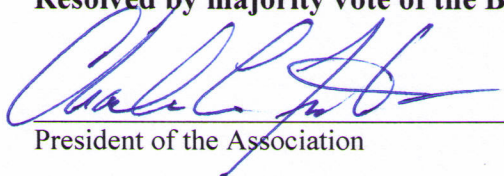
4. **Permits:** The City of Fayetteville may require a Building and/or Zoning Permit prior to construction.

- A copy of the Building and/or Zoning Permit (if required) or a statement from the City that a permit(s) is not required shall be submitted to the Committee prior to the start of any Committee approved accessory building project.

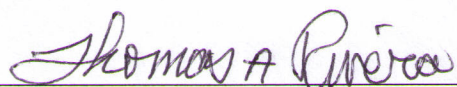
A Variance is hereby granted to Owners, Lessees, Licensees and Occupants to park permitted vehicles in any detached garage constructed on the Owner's lot.

The above Rules and Regulations, and the Variance granted, shall become effective on the date of this Resolution and shall remain in full force and effect until rescinded, amended or replaced.

Resolved by majority vote of the Board of Directors on the Ninth day of March, 2019



President of the Association



Vice President of the Association