

What the WELCA Covenants Are

Webster's Dictionary defines a covenant as a binding agreement between two or more parties to perform certain activities in a prescribed way. When Wood Brothers Homes developed the Lochwood Community a little over 40 years ago they envisioned a community of single family residential properties that could exist in a way that maintained that vision out into the future. At the time Jefferson County was somewhat of a rural area with a mix of residential properties ranging from homesteads to upscale properties to trailer courts.

To preserve their vision Wood Brothers had their attorneys create a series of covenants that were made to assure that future development would be consistent with the original vision. These Covenants were made part of every deed of property in Lochwood. By purchasing a property each new owner promised to abide by the Covenants. Covenants were created for each of the six filings that make up WELCA. While each set of Covenants are different they are very similar with only minor differences.

Do Covenants place limitations on how you can use your property?

The Covenants do place limitations on how a property owner can use his/her property. But the limitations are carefully designed to not burden the property owner. They are aimed at bringing a sense of community to a neighborhood promoting property uses that are consistent with neighboring properties.

Can a property owner deviate from the covenants?

Yes. The Covenants provide for variances from the community standards but only if the property owner is willing to communicate with their neighbors and bring their proposals before the WELCA Architectural Committee. As a general rule, if your neighbors aren't opposed to your plans then approval by the Committee is likely, but not guaranteed.

Are Lochwood Covenants more restrictive than Jefferson County Building, Land Use, and Zoning Standards?

In some areas they are. As a community Jefferson County is large and diverse. Within the County there are residential areas similar to Lochwood but there are also areas that are mountainous, rural or more densely populated. Consequently, County standards are written to a level that meets the needs of all of these types of communities. Lochwood Covenants only address the needs of a single family residential neighborhood.

Are the Lochwood Covenants Binding Documents?

Yes they are. Lochwood Covenants are recorded with your deed placing an obligation on the community member to abide by them. If a community member chooses to ignore any particular Covenant deciding to go forward with a development then either their neighbors, or WELCA, have the authority to take action causing that community member to reconsider.

Can Covenants Be Enforced?

Yes. Covenants can be enforced by either individual home owners or by the WELCA homeowners association. "How Covenants are Enforced" will be explained in greater detail on how enforcement might occur under a number of circumstances.

In summary, covenants are enforced by community members when it's believed that a neighbor has committed a violation. The Covenants prefer a process wherein individuals can resolve their differences and come to resolution. The Covenants also provide for a homeowners association that can assist in resolving conflicts. The HOA is granted the authority to act on identified conflicts with the Covenants.