

## LIMITED COMMON ELEMENT

**TASK:** Define the Limited Common Element as it pertains to building on it and make recommendations to the same.

**DISCUSSION:** A description of what comprises the Limited Common Element and how it is to be used in the condominium can be found in paragraph 11.101 and 11.103(3)(i-iv) of the Maryland Condominium Act, Article 3.1 of the Declaration, and page 4 the Queens Landing Rules and Regulations. The Queens Landing Plats further defines boundaries of the Limited Common Elements as it pertains to each unit and building in the condominium.

Obstructions, alterations, or construction in or on the Limited Common Element is not permitted without written consent from the Board of Directors or the Covenants Committee under paragraph 5.8(4) of the Queens Landing By-Laws.

Several factors should be considered when a proposal to build upon a Limited Common Element is submitted. Such as;

Does the proposal increase or decrease the value of the unit or condominium?

Is the proposal consistent with the architectural theme and visual harmony of the condominium?

Does the proposal interfere with or obstruct the enjoyment or comfort of other unit owners?

In addition, the location of the proposed site is significantly important. Building on an existing patio or Limited Common Element that is intended for the exclusive use of the unit owner and portioned by existing structures would make sense. On the other hand, building on Limited Common Elements that would impede access by utility workers, QL maintenance, residents, or obstruct the view and/or enjoyment of other residents would not make sense.

The actual construction of a structure built upon a Limited Common Element would have to comply with all applicable building codes and laws. This is an area requiring documentation and is outside the scope of this discussion.

The Queens Landing By-Laws grant the Board of Directors and the Covenants Committee authority to approve building in or on Limited Common Elements in Article 5, paragraph 5.8(3). Currently there is precedence in the condominium for granting a request to build on the Limited Common Element.

**THEREFORE,** it is in the best interest of the Board of Directors to establish a policy and guidelines for granting and approving proposals from unit owners who wish to build in and on the Limited Common Element

**AND WHEREAS,** the designation of the Limited Common Element varies with type of building as recorded on the Queen's Landing plats

**AND WHEREAS,** the Board of Directors has the authority to manage the Limited Common Elements as provided for in the Queen's Landing By-Laws

THEREFORE, BE IT RESOLVED, that The Queens Landing Board of Directors of Queen's Landing Council of Unit Owners, have authority to grant and approve proposals from unit owners who wish to build on their Limited Common Element as defined on the Queens Landing Plats and that the process by which approval is granted follows the guidelines herein set forth:

Each proposal is evaluated on a case-by-case basis and takes into consideration the following factors, at a minimum:

Does the proposal increase or decrease the value of the unit or condominium?

Is the proposal consistent with the architectural theme and visual harmony of the condominium?

Does the proposal interfere with or obstruct the enjoyment or comfort of other Unit owners?

Does the proposal impede access by utility workers, Queen's Landing maintenance, or residents?

Is there precedence for the proposal?

Does the proposal encroach on Common Areas?

The above proposals were brought before the Board and were approved at the April, 17 2006 Board Meeting. These proposals are consistent with the current Queens Landing Rules and Regulations.