

Variations

The ARC may grant a variance from the literal enforcement of the Guidelines and Standards contained in paragraphs II and III, of these Guidelines when due to a special or exceptional condition, undue hardship will result. Request for variations will be considered only in cases of special or exceptional circumstances whereby enforcement of the existing guidelines will result in a serious and significant hardship to the property owner. Please note, a hardship on one particular property may not be considered a hardship on another. ***Variations must be applied for prior to the start of construction. Variations applied for after a project is completed will not be considered.***

All variations will require written notice and detailed information for the requested variance. Also, The Good Neighbor Review policy must be followed upon submittal and prior to ARC Review. The Committee will attempt to be consistent; however, a hardship on one property may not be considered a hardship on another.

A hardship may be determined by the ARC to relate to:

- Tree protection and preservation
- Medical or physical conditions of the inhabitants that would require special needs
- A particular property, because of shape, topography or other physical condition, suffers a singular disadvantage, which disadvantage does not apply similarly situated properties. Property alignment with neighboring residence (In consideration of front and rear setbacks and height elevations)

The ARC will not approve a variance request unless a hardship is properly demonstrated.

- **Duration of a variance:** The duration on a variance that was granted approval and implanted will stay with the property in perpetuity. A non-implemented variance will be void after 6 months and the variance will not transfer from one owner to another if the property is sold.
- **Good Neighbor Review Policy:** Certain applications to the ARC will be made available to owners of property in the vicinity of the proposed ARC activity for review and comment, prior to final consideration by the ARC.
 - Written notification of proposed lot line abandonment, lot and/or house combinations, setback variations, height variations, easement encroachments and any other significant proposed changes to real property that are outside or beyond these standards (as determined by the ARC or Community Property Manager) will be provided to all property owners within 200 feet of the proposed activity as part of this policy. On all applications requiring a Good Neighbor Review, the property owner where the activity is proposed is responsible for notifying the affected property owners by email and must carbon copy the Community Property Manager.
 - Owners will have two weeks from the date of the written notification to provide comments to the Community Property Manager regarding the pending application. Two or more notified owners may request a special meeting with the ARC to express their concerns in person.
 - Upon completion of the Good Neighbor notification process and final ARC Review, parties will be notified of the final decision regarding the application.