

Date: _____

GLENEAGLE CIVIC ASSOCIATION VARIANCE PROCESSING FORM

We / I _____, who own the property at
(names of applicants)
_____, are applying to the
(address of property)

Gleneagle Civic Association for a variance to the Declaration of Covenants, Restrictions, and Charges.

Background. Section 143 of the Covenants, Restrictions and Charges provides the requirements for variances and is quoted below:

Section 143. Declarant shall have authority to grant for a lot or building site a variance from the terms of one (1) or more of the foregoing sections subject to terms and conditions fixed by Declarant as will not be contrary to the interests of the Owners and residents of the Subdivision where, owing to exceptional and extraordinary circumstances, literal enforcement of all of those Sections will result in unnecessary hardship. Following an application for a variance:

- a) Declarant shall call a meeting of Owners of adjoining lots in the Subdivision, to be held at Declarant's principal office, notice of which meeting shall be given to the Owners at least, twenty (20) days in advance, at which meeting all Owners shall have opportunity to appear and express their views.
- b) Whether or not anyone appears at the meeting in support of or in opposition to the application for variance Declarant shall within one (1) week after the meeting either grant or deny the variance.
- c) A variance granted hereunder shall run with the lot or building site for which granted.
- d) If a variance is denied another application for a similar variance for the same lot or building site may not be made for a period of one (1) year.
- e) A variance shall not be granted unless Declarant shall find that all of the following conditions exist:
 - i. the variance will not authorize the operation of a use other than private, single-family residential use;
 - ii. owing to the exceptional and extraordinary circumstances, literal enforcement of the Sections above enumerated will result in unnecessary hardship;
 - iii. the variance will not substantially or permanently injure the use of other property in the Subdivision;
 - iv. the variance will not alter the essential character of the Subdivision;
 - v. the variance will not weaken the general purposes of these covenants;
 - vi. the variance will be in harmony with the spirit and purpose of these covenants;
 - vii. the circumstances leading the applicant to seek a variance are unique to the lot or building site or its owner and are not applicable generally to lots in the Subdivision or their owners.

In accordance with the Covenant requirement provided above, the following process for requesting a variance shall be followed:

Step One: Provide a detailed description of the project. A drawing of the project must be provided showing the exact position of the project on the property, including the distance to the property lines. Note: If the project is located within the setback boundaries, a statement must be provided as to why there is no other possible location available. (See Section 116 for the setback boundaries.)

Step Two: Prepare a memo responding to each of the following covenant requirements:

- a. Will the variance authorize the anything other than private, single-family residential use?
- b. What exceptional and extraordinary circumstances will cause unnecessary hardship if the variance is not approved? What is the hardship that will be caused?
- c. Will the variance substantially or permanently injure the use of other property in the Subdivision?
- d. Will the variance alter the essential character of the Subdivision?
- e. Will the variance weaken the general purposes of these covenants?
- f. Will the variance be in harmony with the spirit and purpose of these covenants?
- g. Are the circumstances leading the applicant to seek a variance unique to the lot or building site or its owner and are not applicable generally to lots in the Subdivision or their owners?

Step Three: Obtain signatures from the owners of all adjoining properties. Use either Attachment One or Attachment Two, as appropriate, for the signatures.

Step Four: Submit the above named documents to the Architectural Control Committee for processing. The package will be reviewed by the Board of Directors and approval or disapproval will be issued within 30 calendar days of receipt by the ACC.

Attachment One
For Property Owners Endorsing Variance

We, the owners of properties adjoining the property identified above or of nearby properties that, in the opinion of the chairman of the Architectural Control Committee, could be affected by the proposed variance, have examined the attached description of the requested variance or proposed project requiring the variance and affirm that:

(a) We have no objections to its approval; and

(b) We forego the opportunity to appear before the Board of Directors to express any views on the matter.

1. _____
(signature / date)

_____ (address)

2. _____
(signature / date)

_____ (address)

3. _____
(signature / date)

_____ (address)

4. _____
(signature / date)

_____ (address)

5. _____
(signature / date)

_____ (address)

6. _____
(signature / date)

_____ (address)

Attachment Two

For Property Owners Not Endorsing Variance

We, the owners of properties adjoining the property identified above or of nearby properties that, in the opinion of the chairman of the Architectural Control Committee, could be affected by the proposed variance, have examined the attached description of the requested variance or proposed project requiring the variance and state that we do not endorse the variance as presented and desire to appear at a meeting of the GCA Board to express our views:

1. _____
(signature / date)

(address)

2. _____
(signature / date)

(address)

3. _____
(signature / date)

(address)

4. _____
(signature / date)

(address)

5. _____
(signature / date)

(address)

6. _____
(signature / date)

(address)