

PROCEDURE FOR REQUESTING A VARIANCE OR WAIVER FROM THE COVENANTS

PURPOSE: To establish a process whereby an Owner may request a variance (temporary) or waiver (permanent) from the terms of the Declaration of Protective Covenants.

AUTHORITY: The Declaration of Protective Covenants.

DISCUSSION: From time to time, the Board of Directors may determine that it is in the best interests of the POA to grant a temporary variance from selected terms of the Declaration of Protective Covenants. For example, the Board may choose to grant a variance if an owner wishes to reside in a temporary dwelling during construction of a permanent dwelling where the construction is expected to take more than 90 days.

On other occasions, the Board may choose to grant a permanent waiver of a specific Covenant. For example, the Covenants require that an Owner get approval from the Board before beginning construction (Article III). If an Owner has already begun construction, it is too late to get advance approval. The Owner still needs to request approval of the construction plans, but also needs to request that the Board waive the Covenant requirement for approval before construction begins.

POLICY: The Board, in its sole discretion, may choose to grant requests for a temporary variance or for a permanent waiver from selected terms of the Declaration of Protective Covenants.

PROCEDURE:

1. To request a waiver of or a variance from a specific requirement of the Covenants, the Owner shall submit a written **Request for Variance or Waiver** (attached) to the Board of Directors at least 30 days in advance of the date when approval is needed.
2. The Board of Directors will review the request and, in its sole discretion, approve or deny the request. The Board may approve the request as submitted, amend the request before approving it, deny the request, or deny the request and ask that it be resubmitted with additional information. If the request is denied, the reason for the denial will be specified. The Board will make every attempt to reach a decision on a request within 30

- days. However, in some cases this will not be possible and the Board may take up to 90 days to make a decision on a request.
3. The decision of the Board will be documented on the Variance Request form and signed by the President of the Board (or by the Vice President if the request is from the President).
 4. The Board will notify the Owner promptly in writing of the disposition of the request.
 5. The Board of Directors has the sole authority to approve or deny a request and the decision of the Board of Directors may not be appealed. However, the Owner may modify and resubmit the request.
 6. Definitions. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
 7. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Association.
 8. Deviations. The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.
 9. Amendment. This Procedure may be amended by the Board of Directors.

REQUEST FOR VARIANCE OR WAIVER

Name: _____ **Parcel #:** _____
(name of person making request)

The undersigned respectfully requests that the Board approve a [variance | waiver] of the terms of the Covenants as specified below:
(circle one)

Applicable Covenant Terms: _____

Reason for Request: _____

Additional Considerations: _____

(attach additional pages, if needed)

Requested Duration or End Date of Variance (specify Permanent if Waiver):

Signature: _____ **Date:** _____

Board of Directors Use Only:

Date Received: _____ **Date Considered:** _____

Action Taken: Approved Denied Approved as Amended

Amendment(s): _____

Comments: _____

Authorized Board Member Signature: _____

Date Notification Sent to Requestor: _____