

APPENDIX XI
APPLICATION FOR VARIANCE PROCEDURE
(Approved 01/17/87)

BYLAWS - ARTICLE IX - COMPLIANCE AND DEFAULT - SUBSECTION 9.4 -

"The failure of the Association, or any unit owner to enforce any covenant, restriction or other provision of the Condominium Act, the Declaration, these Bylaws, or the Rules & Regulations adopted pursuant thereto, shall not constitute a waiver of the right to do so thereafter."

1. It shall be the responsibility of the unit (lot) owner to submit to the Association twenty (20) copies of the following Variance Application, along with twenty (20) copies of completed "Unit Improvement forms" and scale drawings, two (2) weeks prior to a Board of Directors Meeting. The cost of the forgoing shall be the responsibility of the unit (lot) owner.
2. Variance Applications received later than two (2) weeks prior to a Board Meeting shall not be considered at that meeting.
3. Notice of intent shall be sent to all unit owners within a distance of sixty (60) feet. Confirmation of notice shall be required.
4. The unit (lot) owner or Agent shall be responsible for the presentation of the Variance Application to the Board of Directors.

VARIANCE APPLICATION

UNLESS THERE IS A POSITIVE RESPONSE TO EACH OF THE FOLLOWING FIVE (5) QUESTIONS, IT IS UNLIKELY THAT THIS REQUEST FOR A VARIANCE WILL BE GRANTED.

1. State the rule to which you are requesting a variance by number and exact wording.

2. Describe the unique or peculiar conditions or circumstance applying to the unit (lot) in question which do not apply to other units (lots) in the Resort.

3. Describe how the strict and literal enforcement of the current Rules & Regulations would result in a demonstrable and undue hardship, or deprive the petitioners of rights commonly enjoyed by other unit (lot) owners in the Resort.

4. Describe how granting of the variance would not confer upon the petitioner any special privilege that is denied by our current Rules & Regulations to other unit(s) (lot(s)) in the Resort.

5. Describe how the variance, if granted, would not be injurious to surrounding units (lots), or contrary to the interest of your neighbors or the Association.

Unit (Lot) Number (Please Print) Unit (Lot) Owner

Signature of Unit (Lot) Owner Date

COMMENTS OF NEIGHBORS (OPTIONAL)

Signature of Neighbor

Date

Unit (Lot) Number

Signature of Neighbor

Date

Unit (Lot) Number

Signature of Neighbor

Date

Unit (Lot) Number

Signature of Neighbor

Date

Unit (Lot) Number

Signature of Neighbor

Date

Unit (Lot) Number