

Variance Procedures – Draft - March 14, 2019

Pursuant to the rules set forth in Section 7 of the Association Bylaws for Kingswood Estates Unit III, IV & V Owners Association, the Board of Directors sets forth the following procedures and practices for architectural review requests that deviate from the Association's Architecture Guidelines, Requirements and Restrictions (Guidelines). Such requests will be considered as variances. When the Architectural Design Committee (ARC) has determined during their review, of either new construction or modification plans to developed or undeveloped properties, that the request for approval contains deviations to the Guidelines, unless such deviations are corrected by the owner, the committee will render their collective recommendation for said deviation(s) to be forwarded to the Board of Directors for consideration.

1. The HOAMCO ARC Department Representative will notify the owner, in writing, regarding the uncorrected deviation to the Guidelines noting that a request will be sent to the Board of Directors for consideration of a variance. The Representative will direct the owner to submit a request to the Board in writing explaining the reasoning for the variance if the owner decides to move forward with the request:
2. If the variance request is to consider height or positioning exceptions, the Representative will notify owners that are contiguous and across the street per the By-Laws section 7 and the process outlined in said Section for mediation will be followed.
3. The HOAMCO ARC Department Representative will notify the Association Manager of the request for consideration and forward documents, owner request and Committee recommendation to the Manager.
4. The Association Manager will alert the Board as to Request for Variance Consideration and forward information via email. If the variance is not regarding the height and setback or the steps in section 2 are satisfied:
5. The Board will:
 - a. Approve unanimously via Board Action without a meeting.

Or
 - b. Call for Special Meeting to review and discuss in Open Forum

Or
 - c. Consider Request at Quarterly Meeting in Open Session