

Pagosa Lakes Property Owners Association

BUILDING PERMIT PROCESS

SECTION 9: VARIANCES

9.1 VARIANCE REQUEST

Variance requests received from the property owner or their representative will be handled in accordance with the policies and procedures as set forth in the Declaration of Restrictions for the Subdivision, and the Neighborhood Rules and Regulations. The written request, including a record release form (*see Section 9.6*), will accompany the building permit application, and will be presented by the owner when plans are submitted for review. The written variance request shall give the reason for the proposed variance, state how the variance would overcome practical difficulty *and* prevent unnecessary hardship resulting from application of any of the provisions herein, and meet the approval criteria (*see Section 9.3*). The variance request must be specific as to what is requested (i.e., encroachment into setback, exceeds a height restriction).

9.2 REQUEST AND FEE SUBMISSION

Variance requests will be processed only after all items listed above have been submitted and a fee paid per the fee schedule (*See Section 10*). *See Section 16* for agenda and variance deadline and meeting dates.

9.3 APPROVAL CRITERIA

The Committee may approve reasonable variances and adjustments of the Declarations of Restrictions based on consideration of the following criteria:

- a. Overcome practical difficulties; and
- b. Prevent unnecessary hardship; and
- c. Avoiding variances that would be detrimental; or injurious to other property owners; and
- d. Conform to the intent and purpose of the Declarations of Restrictions.

A variance will not be granted if it is inconsistent with this criteria. The Committee will approve or disapprove the variance after careful consideration and/or on-the-site investigation. The rationale for the Committee's final decision will be recorded in the minutes of the ECC meeting. The Property Owner will be notified of the decision.

9.4 NEIGHBOR NOTIFICATION

In all cases where the variance could be reasonably detrimental or injurious to other property owners or improvements in the subdivision or the development, the DCC shall notify all adjoining (ignoring public streets and greenbelts) lot owners to solicit their comments and views by first class mail at least ten (10) business days prior to the meeting at which the variance will be considered. Failure of an addressee to accept the letter will preclude that party from later filing an objection to the variance. In all cases, the fee specified in Section 10 shall accompany a request for variance. The DCC will prepare all variance correspondence and inform the Committee about responses received.

9.5 APPROVAL EXPIRATION

Variance approvals expire in six (6) months unless the project has started.

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION

BUILDING PERMIT PROCESS

VARIANCE REQUEST RELEASE FORM

SECTION 9.6

I HERBY GRANT THE PAGOSA LAKES PROPERTY OWNERS ASSOCIATION,
PERMISSION TO **RELEASE** INFORMATION FROM THE ASSOCIATION'S FILES
TO ANY INTERESTED PROPERTY OWNER FOR PURPOSES OF CONSIDERING
MY VARIANCE REQUEST. INFORMATION WILL INCLUDE BUT WILL NOT BE
LIMITED TO COPIES AND/OR REVIEW OF THE PROPOSED IMPROVEMENT
LOCATION CERTIFICATE, STRUCTURE ELEVATIONS AND VARIANCE
REQUEST LETTER.

Date

Property Owner's Signature

Property Owner's Signature

Lot/Block/Subdivision

Street Address

Property Owner and Contractor Building Agreement must be executed and attached.