

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

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Variance Request Form

The Design Guidelines are supplemental to restrictions and processes established in the Amended and Restated Covenants and Restrictions for Crested Butte South Subdivision recorded in the records of Gunnison County, Colorado. Owners of each Lot are encouraged to review both documents together.

While deviations from these *Residential Design Guidelines* may be considered by the Design Review Committee on a case-by-case basis, deviations from the *Amended and Restated Covenants and Restrictions for Crested Butte South Subdivision* can only be granted by the P.O.A. Board of Directors via the CB South Variance Process, as detailed in Section 1.1 below.

Compliance with the design review process is not a substitute for compliance with all building permit requirements of Gunnison County, Colorado. Each Owner is responsible for obtaining all approvals, licenses and permits as may be required by Gunnison County, Colorado and any special district or other entity providing services to the Lot prior to commencement of construction.

These Design Guidelines may be altered, amended, revised or enlarged at any time by the Board of Directors of the Crested Butte South Property Owners Association. Written notice of any such change, amendment or revision shall be furnished to all Lot Owners following the adoption thereof. The Board of Directors shall serve as the Design Review Committee ("DRC"). The Board of Directors may appoint other members of the Association to serve on the Design Review Committee.

VARIANCE: A finding by the P.O.A Board of Directors that, although a proposed development is not in strict compliance with covenants, to deny the development would result in "undue hardship" as defined by law. No relief from compliance with all applicable CB South covenants shall be granted except upon findings that:

- The failure to implement the covenant(s) is of insignificant proportions;
- The failure to implement the covenant(s) will not result in substantial detriment to the public good or substantially impair the intent and purposes of the covenant(s); and
- There are exceptional circumstances applicable to the specific development, which do not apply generally to other properties in the neighborhood.

In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives the rules and regulation of Crested Butte South, variances from the covenants may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a covenant shall not be a reason for granting a variance.

In no instance shall a variance request be considered in cases where the exterior improvement or modification has already commenced, without prior written approval from the P.O.A.

There is a application fee of \$250 per variance request.

APPLICATION: The application for a variance shall be made on a form provided by the Association Manager, and shall accompany the application for the project, and shall contain the following information and materials:

Legal Description: _____

Property Address: _____

Name: _____

Fee (if applicable): _____

Reason for Variance Request:

How does this relate to the criteria for approval?

Please include maps, drawings and materials.

Has proper Notice been given to adjacent property owners? _____

CRITERIA FOR APPROVAL: Before the P.O.A. Board of Directors can grant a variance in an application, the applicant must prove physical hardship, and P.O.A. Board must find all of the following:

- There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses;
- That such special circumstances were not created by the applicant;
- That the granting of the variance will be in general harmony with the purposes of the CB South Rules and Regulations, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general; and
- The variance applied for does not depart from the provisions of the CB South Rules and Regulations any more than is required.