



ECC VARIANCE PROCEDURE

Introduction

Variations are deviations from the terms of the Covenants, Conditions and Restrictions (CC&Rs) and of the Property Improvements Guidelines and Rules (G&Rs).

Since it is the desire of the ECC to uphold all covenants and property improvement guidelines for the protection of all property owners in a manner that meets the needs of individual owners as well as owners at large; and since there are often mitigating circumstances involving individual property owners that require judgments by the ECC, the following Variance Procedure was developed and approved by the Board of Directors.

Variance Procedure

1. If an owner desires to seek a Variance, the request shall be submitted to the ECC via an Application Form for Variance (AFV) by either e-mail, US mail or on-line form at the FWCROA website.. The form is available on the FWCROA website here: [ECC Variance Application Form](#)
2. Within two (2) weeks from receipt of the AFV the ECC will notify the owner of one of these three determinations:
 - Variance approved by ECC
 - Variance denied by ECC
 - Clarification needed
3. An in-person meeting (if feasible) may be requested by the ECC in order to discuss or clarify any questions.
4. If a request for variance is denied by the ECC the landowner can request a formal hearing
5. The landowner will be notified in writing of the hearing date date and location for a hearing to be set thirty (30) to forty (40) days from the date of request for a hearing. If this date is during the winter off-season (October 15 to May 15, the date for the hearing will set thirty to (30) to forty (40) days from May

15. The hearing date will be posted on the FWCROA website and physically with a sign posted at the parcel.
6. Owner requesting a variance is responsible for all associated expenses incurred for mailing by the ECC, of notification to affected landowners and posting sign. Estimates of costs involved are to be paid up front to the FWCROA.
7. In addition to the landowner, parties to be notified of the hearing will include adjoining property owners, owners across the street, other owners whom the ECC determines could be adversely affected by the variance and the FWCROA Board of Directors.
8. Neighboring property owners who believe their property may be influenced may attend the hearing and/or address their concerns in writing.
9. At the conclusion of the hearing the ECC will deliberate, note the reason for either approving or denying the Application for Variance and notify the owner in writing within two (2) weeks.

*Governing document: **Article VII-Section 8 of FWCROA CC&Rs.** "The Committee may authorize variances from compliance with any of the architectural provisions of this Declaration, including restrictions upon height, bulk, size, shape, floor area, land area, placement of structures, setbacks, colors, materials or similar restrictions when circumstances such as topography, natural obstructions, hardship or aesthetic or environmental considerations may, in its sole and absolute discretion, warrant. Such variances must be evidenced in writing and must be signed by at least a majority of all of the members of the Committee. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular provision and in the particular instance covered by the variance."*