

Board of Directors Policy and Procedure For Review of Board of Adjustment Variance Decisions

The Board of Directors (BOD) shall hear appeals from property owners who have been denied a variance by the Board of Adjustment (BOA). The Board of Directors shall hear the evidence brought by the CC&R Inspector or General Manager (GM). It shall also hear testimony from the property owners. The members of the BOD shall study and understand the BOA procedures, documents and the BOA rationale for each decision. After reviewing all the evidence, the BOD may vote to uphold the findings/rulings of the BOA or may overturn the BOA decision and grant a variance. A two-thirds vote of the members present shall be necessary to grant a variance.

PROCEDURES OF BOD VARIANCE APPEAL

1. In advance of the BOD hearing, the members shall review all materials regarding the variance appeal. The General Manager or CC&R Inspector shall provide these materials at least five (5) days in advance.
2. The president or designee will open the meeting for the hearing.
3. Every person speaking about the case shall be placed under oath.
4. The General Manager or CC&R Inspector shall present the facts related to the appeal and the decision of the BOA.
5. The property owner or designee shall present the facts and arguments in support of the appeal.
6. The president or designee shall ask if any property owner would like to speak on behalf or against the variance request
7. The BOD shall review the following information:
 - a. The BOA's decision
 - b. The rationale for the decision
 - c. The procedures and documents followed by the BOA in making their decision.
 - d. Any new evidence not previously known by the POA.
8. Based on all the information before them the BOD will discuss and weigh the evidence presented.
9. The members of the BOD who are present will make a decision:
 - a. Each member will fill out the Lake Royale BOD Variance Appeal Checklist. (The checklist is designed to assist the BOD members in reaching a logical conclusion.)
 - b. If the BOD determines that the BOA has not followed their proper procedures and documents or has not reached a logical conclusion or there is new information that would change the BOA decision, the BOD shall have the authority to overturn the BOA's decision with a two thirds (2/3) BOD vote.
10. The BOD secretary shall tabulate Variance Appeal Checklist and the president shall announce the results.

Lake Royale Board of Directors Variance Appeal Checklist

Date: _____ Application Number: _____

Variance Appeal Requested: _____

1. Has the BOA followed the proper procedures and documents? Yes No

2. Is there new information that could change the BOA decision? No Yes
a) In what way? _____

b) Is it verified? _____

3. Was the hardship caused by the applicant's own actions? Yes No

4. Has the BOA reached a logical conclusion on making their decision based on the following conditions:
• Is the property owner denied reasonable return or use of the property? No Yes
• The hardship is peculiar to the applicant's land or use? No Yes
(Personal or family hardships should not be considered)
• Will the granting of the variance request be in harmony with the general intent and purpose of the restrictive covenants? No Yes

DECISION: Circle

- a) Approve the variance appeal
- b) Deny the variance appeal

Rationale for Decision: _____

