

Appeal of Design Committee Ruling – Criteria for Variance Evaluation

1. **Purpose:** The purpose of a Design variance is to grant relief to provisions set forth in:

- a) Design Guidelines – the Highlands at Rancho Grande,
- b) Highlands Design Manual, and
- c) Design Manual Amendment A.

The variance is for unique circumstances relating to a specific property such that the strict implementation of the written Design provisions cited in the documents above would impose unnecessary hardship on the Appeal applicant or significantly diminish the use of the property.

2. **Decision Criteria:** A variance may be granted by the HOA Board, only if all of the following are demonstrated to the satisfaction of the HOA Board:

- The requested variance will not alter the essential character of the Highlands neighborhood.
- The variance will not affect immediate neighboring/adjoining Highlands properties.
- The variance does not afford unreasonable special privileges.
- The alleged hardship has not been self-created.

3. **Implementation:** If approved, the HOA Board shall grant the minimum variance necessary, and may impose reasonable conditions.

The Appeal process should balance the benefit to the applicant with any detriment to the health, safety, and/or welfare of the Highlands community. At the same time, the appeal applicant should have reasonable use of his or her property.

It is important to keep in mind that the granting of a variance does not change the Highlands Design documentation. Instead, a variance is a limited change or modification of a specific standard, guideline or restriction associated with the individual property described in the appeal.

The highlands Design guidelines and provisions may be reasonable in their general application, but may have an unduly burdensome effect on a particular property, because of specific practical conditions associated with that property. A variance allows the property owner in that situation to obtain relief without challenging the Design provisions as a whole. The variance is not a change to the Design documentation.

A granted variance is official permission by the HOA Board to waive a specific provision/ requirement /guideline when the above evaluation criteria have been met. Variances shall be granted only by the Highlands HOA Board.