



CC&R VARIANCE POLICY

The Hawaiian Shores Community Association has adopted and recorded Covenants, Conditions and Restrictions (CC&R) that apply to each and every lot within the subdivision. Every effort is made to ensure that the CC&R's are clearly worded and easily understood, and revisions to the CC&R's are subject to approval votes by the membership. However, both the Board of Directors and the membership also understand that there could be a need to consider and grant variances to the CC&R's on a case by case basis. This understanding resulted in the creation of CC&R #28 that allowed variances and CC&R #29 that outlined how members might appeal a variance decision. CC&R #28 also provided that the Board of Directors may develop in its policy, procedures for membership notification for any Design Review Committee (DRC) variance review meetings. The following provides more specific policy guidelines for the variance and appeal process.

1. All variance requests must be submitted to the DRC in writing by either the member and/or their designated representative. Office staff will review the variance request and determine the need for a timely response or if the item can be held until the next scheduled DRC meeting. Office staff will also check to see if any interim information or contact with the requesting member and/or their representative has been made or might be necessary to ensure that any unauthorized activity stops pending the review of the variance request.

2. The DRC shall coordinate with the Office Staff to determine who should be invited to the meeting that will review the variance request, but in general should follow the guidelines outlined below in item #3. The DRC, upon reviewing a variance request will also determine if any additional membership notification is necessary. The DRC can recommend modifications to the notification process as conditions warrant. The DRC, in cooperation with the office staff, shall notify members of the meeting date and time when a variance request will be heard and shall advise these members that they may either attend the meeting and/or submit written comments at least three (3) days prior to the meeting. The DRC can recommend modifications to the notification process as conditions warrant. The variance applicant shall pay a \$50 fee to cover the mailing and processing costs directly related to member notification.

3. Member notification of variance requests shall normally be conducted as follows.
 - Members with property located within 300 feet of all property lines that will be impacted by the variance shall be notified of the variance request and the meeting during which it will be discussed.

HAWAIIAN SHORES COMMUNITY ASSOCIATION



- Notification of members shall occur at least two (2) weeks prior to the DRC meeting where the variance will be discussed.
 - Variances to the CC&Rs may be considered by the DRC upon receipt of a written request from the owner or his/her representative, but anyone can appeal a variance decision by the DRC to the HSCA Board of Directors.
4. The DRC shall include within its monthly report to the Board of Directors the verbatim language contained within any variance it approves along with a summary of the discussion that took place during the variance review meeting.
 5. The DRC shall also consider whether or not revisions to any CC&R become necessary during the variance review process, especially if the DRC receives numerous similar variance requests.
 6. The DRC shall specifically advise members and/or their representatives of the variance appeal process as contained within CC&R #29 anytime a variance is requested. An appeal by any member or his/her representative must be made in writing to the HSCA Board of Directors within ten (10) business days after receiving a decision from the DRC. A hearing shall be held on the appeal at the next monthly BOD meeting whose date provides at least ten (10) days advance notice. An appeal hearing shall be held before the BOD in regular session. The BOD shall provide the member with a written decision on the appeal within ten (10) days of the date of the hearing.