



**A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING
GRANTING OF VARIANCES**

WHEREAS, pursuant to the *Georgia Property Owner's Association Act* and the *Magnolia Ridge Residential Declaration of Protective Covenants, Conditions and Restrictions (the "Declaration")*, the Association, acting through its Board, has the right to adopt reasonable rules and regulations which are binding on all Owners, Lessees, Licensees and Occupants; as those terms and others herein are defined in the Declaration. The Board therefore may issue reasonable rules and regulations for the express purpose of curing any ambiguity in or any inconsistency between the provisions contained in the Declaration; and

WHEREAS, the Declaration at ARTICLE IV., Section 5., reserves unto the Grantor the sole right to grant reasonable variances from the provisions of the Declaration, and such right is by delegation and assignment exercisable solely by the Association; and

WHEREAS, the Board desires to establish rules and regulations establishing procedures for making requests for variances by Owners, Lessees, Licensees or Occupants; as well as policy covering the review and granting of variances by the Architectural Review Committee and/or Board of Directors.

NOW, THEREFORE, be it resolved by the Board of Directors of the Magnolia Ridge Homeowners Association, Inc., that the Board, as a matter of policy, can authorize, upon application in specific cases, such variance from, among other things, the conditions and restrictions of Development Standards and Architectural Review, as the Board deems appropriate.

All requests for a variance shall be in written form and filed by the applicant Owner, Lessee, Licensee or Occupant with the Board and/or the Architectural Control Committee as the case may be, on forms created by and approved by the Board and/or Committee.

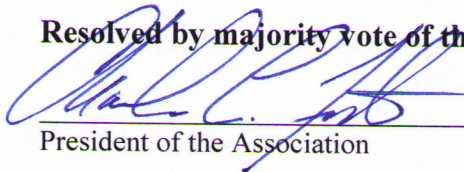
A variance may be granted in an individual case of extreme and unusual hardship not self-imposed upon a finding by the Board that all of the following conditions exist:

1. There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in Magnolia Ridge;
2. A literal interpretation of the provisions of the Declaration would deprive the applicant of rights commonly enjoyed by other similar properties in Magnolia Ridge;
3. Granting the variance requested will not confer upon the property of the applicant significant privileges which are denied to other similar properties in Magnolia Ridge;
4. The requested variance will be in harmony with the purpose and intent of the Declaration and will not be injurious to Magnolia Ridge or the general welfare;

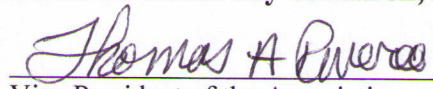
5. The variance is not a request to permit an improvement which otherwise is not permitted in Magnolia Ridge by building or zoning code, or the Declaration; and
6. The cause for the need for the variance is not created by the applicant, the owner, lessor or successor in ownership or occupancy.

The above Rules and Regulations establishing procedures and policy shall become effective on the date of this Resolution and shall remain in full force and effect until rescinded, amended or replaced.

Resolved by majority vote of the Board of Directors on the Ninth day of March, 2019



President of the Association



Vice President of the Association