

MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION, INC.
APPLICATION FOR A
VARIANCE

NAME:	DATE OF REQUEST:
ADDRESS:	LOT #

TYPE OF VARIANCE REQUESTED: (CHECK ONLY ONE)

<input type="checkbox"/> BUILDINGS / ACCESSORY BUILDINGS	<input type="checkbox"/> DECKS OR PORCHES	<input type="checkbox"/> FENCES	<input type="checkbox"/> LANDSCAPING	<input type="checkbox"/> MAILBOX
<input type="checkbox"/> OTHER (DESCRIBE):				

1. DESCRIBE THE VARIANCE REQUESTED. (IF ADDITIONAL SPACE IS REQUIRED, ATTACH SEPARATE SHEETS AS NECESSARY)

2. DESCRIBE THE EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PERTAINING TO THE PROPERTY, AS WELL AS THE PRACTICAL DIFFICULTY THAT THIS VARIANCE IS INTENDED TO OVERCOME.

3. HOW WILL THIS VARIANCE PREVENT AN UNNECESSARY HARDSHIP IN THE APPLICATION OF THE PROTECTIVE COVENANTS (THE HARDSHIP CANNOT BE CAUSED BY THE APPLICANT)

4. DESCRIBE HOW THIS VARIANCE WILL NOT MATERIALLY INJURE ANY PROPERTY OR IMPROVEMENTS OF ADJACENT PROPERTIES OR CONFER UPON THE APPLICANTS PROPERTY PRIVILEGES DENIED TO SIMILAR PROPERTIES.

SIGNATURE OF APPLICANT: _____

MAIL THIS FORM ALONG WITH ANY RELEVANT SUPPORTING DOCUMENTATION TO:
MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION
ATTN: ARCHITECTURAL CONTROL COMMITTEE
P O Box 142354
FAYETTEVILLE, GA 30214

NOTE: YOU MAY ALSO EMAIL A SCANNED COPY OF YOUR DOCUMENTATION TO ACC@MAGNOLIARIDGEHOA.ORG

ACC USE ONLY BELOW THIS LINE

COMMENTS / RECOMMENDATIONS TO BOARD:

<input type="checkbox"/> SUPPORT	<input type="checkbox"/> SUPPORT (WITH MODIFICATIONS)	<input type="checkbox"/> DO NOT SUPPORT
ACC FILE NO.	SIGNED:	DATE

BOARD OF DIRECTORS USE ONLY BELOW THIS LINE

<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED (WITH MODIFICATIONS)	<input type="checkbox"/> DISAPPROVED
	SIGNED:	DATE

**MAGNOLIA RIDGE HOMEOWNERS ASSOCIATION
RULES AND REGULATIONS REGARDING GRANTING OF VARIANCS**

The Owner, Lessee, Licensee or Occupant must obtain approval from the Architectural Control Committee (Committee) prior to initiation of any "Improvement" to property subject to the Magnolia Ridge Residential Declaration of Protective Covenants, Conditions and Restrictions (the "Declaration"). The Committee reserves the right to deny any application that is not consistent with the Development Standards set forth in the Declaration. A copy of the Declaration is available for viewing/download at www.magnoliaridgehoa.org.

As set forth in Article IV., Section 5., of the Declaration, the Board of Directors shall have the sole right to grant reasonable variances from the provisions of the Declaration, or any portion thereof, in order to overcome practical difficulties and to prevent unnecessary hardship in the application of those provisions. For a variance consideration, the Applicant must have also submitted a separate application for Architectural Plan Approval on the form specified by the Board.

A Variance issued by the Board of Directors is not a substitute for, or alter the requirement for, a Fayetteville Building Permit. Nor does it affect the applicants need to comply with Fayetteville Zoning Ordinances.

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.