

LUMSDEN TRACE/VALRICO HOMEOWNER'S ASSOCIATION VARIANCE POLICY

The Board of Directors of Lumsden Trace/Valrico Homeowner's Association, Inc. (the "HOA") is writing this policy to ensure that all future requests for Variances follow a comprehensive and common process for evaluation and recording.

- A. Scope of a Variance. A variance is a document filed with the HOA in accordance with Article VI, Section 9 (entitled "Variance") of the Declaration of Covenants and Restrictions for the HOA (as amended to date, the "Declaration"), that defines the terms whereby a Member is not required to comply with a particular provision, covenant, restriction, or provision within the Declaration. The process to grant a variance requires unique, exceptional and clearly justified reasons for a variance that will not impair or detract from the high quality of the HOA community nor significantly impact other Members' enjoyment of their property. Circumstances such as topography, natural obstructions, hardship, and aesthetic or environmental considerations are considered in connection with the approval or denial of a variance.
- B. Filing for a Variance. The Member that is requesting a variance must first discuss with the HOA's Design Review Committee (the "ADRC") the project they are planning to complete, and the circumstances, beyond just a preference, that might indicate exceptional reasons to warrant granting a variance from complying with a restriction under the Declaration. After an initial discussion with the ADRC, the Member must submit a variance request in writing.
- C. Process for Reviewing a Variance Request. Working with the Member to the extent possible, the ADRC must review the written request for a variance and satisfy themselves whether a variance is justifiable. Actions include (not an inclusive list):
 - Review of Hillsborough County Code Restrictions.
 - Endorsement of requested variance by members of the HOA that may be impacted by the variance.
 - Review of similar projects granted a variance.
 - License and Insurance status of Contractor/Installer (if applicable).
 - Timeline for project initiation and completion.
 - Other requests for information germane to the variance.
- D. Approval Process for a Variance. If the ADRC believes there is sufficient justification to approve the variance, they will annotate the variance in the ADRC published form and have it signed by two or more members of the ADRC. Approved variances do not require full HOA Board review or approval, as approval of variances is under the authority of the ADRC under

Article VI, Section 9, and Article IX, Section 25 of the Declaration; however, the ADRC will discuss approved variances at the next scheduled Board meeting as an informational briefing along with their committee update on ADRC activities.

- E. Process for Denying a Variance. If, in the opinion of the ADRC, the Member cannot justify the variance, the ADRC must reject the variance request. Upon receipt of the ADRC variance denial, the Member may elect to appeal the ADRC's decision within 15 days of the ADRC's rendition of a final decision, as authorized under Article VI, Section 3(d) of the Declaration, and thereby request a Board hearing to review the ADRC's decision and justification. The Board will hear the request at the next scheduled Board Meeting or at some other agreed-upon time. Both the ADRC and the Member must be present at the hearing. The Board of Directors will approve or deny the request for a variance at the scheduled Board meeting. A majority vote is required for a final decision on a variance appeal request. The Board may defer a decision based on the need for more information, which must be supplied to the Board at least one (1) week prior to the next scheduled Board meeting, or otherwise the appeal will automatically be denied. The Board retains the right to seek legal counsel to further review the requested variance and supporting documentation. The HOA's legal counsel is retained in an advisory role to assist the Board (as necessary) in its determinations and findings. Once legal review is completed (if required), the Member will be notified as to the final status of the requested variance. The decision of the Board is final.

Ver: 1.1 legal reviewed

Approved and Adopted by the Lumsden Trace/Valrico Homeowner's Association, Inc. Board of Directors this 5th day of August 2021. (No changes made from original document created/legal reviewed in 2017.)