

Green Acres

Home Owners Association

1300 Green Acres Drive, Kokomo, IN 46901

Green Acres Covenant Variance Procedure

It is the intention of the current Board of Directors and of all future Boards to keep covenant variances to an extreme minimum, only granting them in highly unusual circumstances and only after several years of good stewardship of the land have been demonstrated by the requesting party.

To request a variance, download the Variance Request Form from the Green Acres web site , briefly describe your request, obtain the signatures of each property owner whose property adjoins yours (including across streets), and return the form to the Board at 1300 Green Acres Drive, Kokomo, IN 46901.

Once the request has been received, several members of the Board will visit your property to discuss the request and to inspect the property so that the request can be fully understood. The Board will meet to discuss your request and will inform you in writing of their decision.

A letter describing as many details about how your variance will not disturb your neighbors and will not degrade property values will be helpful to getting your variance through the Board. As many details as possible would be helpful.

Please note that the Board shall have final discretion when granting or denying variances. The fact that all neighbors have agreed to the variance will carry strong weight, but will not guarantee approval. The Board considers not only neighbor approval, but longer term, wider issues during the approval process. Additionally, the fact that a neighbor disapproves of a variance request will not necessarily result in denial. The Board recognizes that in many cases there are long-standing disagreements between neighbors that could result in disapproval regardless of the issue. However, when the Board receives a variance request with any neighbor disapprovals, it will delve very deeply into the reasons behind the disapproval.

Please realize that the above Board policy is just that: policy. It describes the procedures for variance approval provided by the Covenants in Article 22.

22. The Board of Directors may allow reasonable variances or adjustments of these restrictions where literal application would result in unnecessary hardship, but any such variance or adjustment shall be granted in conformity with the general intent and purposes of these restrictions and no variance or adjustment shall be granted which is materially detrimental or injurious to other lots in the subdivision.

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GREEN ACRES SUBDIVISION VARIANCE PROCESSING FORM

Date: _____

We / I _____, (names of applicants)

who own the property at

_____, (address of property) are

applying to the Green Acres Subdivision Board of Directors for a variance to the Declaration of Covenants, Conditions and Restrictions for Green Acres Subdivision, Sections 1-8 as follows:

What exceptional and extraordinary circumstances will cause unnecessary hardship if the variance is not approved?

What is the hardship that will be caused?

Explain how the variance will not alter the essential character of the Subdivision?

Explain how the variance will not weaken the general purposes of these covenants?

Explain how the variance will be in harmony with the spirit and purpose of these covenants?

Please complete and enclose Attachment One and/or Attachment Two.

Attachment One For Property Owners Endorsing Variance

We, the owners of properties adjoining the property identified above or of nearby properties that could be affected by the proposed variance, have examined the attached description of the requested variance or proposed project requiring the variance and affirm that: (a) We have no objections to its approval; and (b) We forego the opportunity to appear before the Board of Directors to express any views on the matter.

1. _____ (signature / date)
_____ (address)

2. _____ (signature / date)
_____ (address)

3. _____ (signature / date)
_____ (address)

4. _____ (signature / date)
_____ (address)

5. _____ (signature / date)
_____ (address)

6. _____ (signature / date)
_____ (address)

Attachment Two For Property Owners Not Endorsing Variance

We, the owners of properties adjoining the property identified above or of nearby properties that could be affected by the proposed variance, have examined the attached description of the requested variance or proposed project requiring the variance and state that we do not endorse the variance as presented and desire to appear at a meeting of the Board to express our views:

1. _____ (signature / date)
_____ (address)

2. _____ (signature / date)
_____ (address)

3. _____ (signature / date)
_____ (address)

4. _____ (signature / date)
_____ (address)

5. _____ (signature / date)
_____ (address)

6. _____ (signature / date)
