



Property Owner's Association

P.O. Box 963

Mustang, OK 73064

(405) 834-8098

### **Application and Guidelines for a Variance**

#### Intent:

A variance is an exception granted by the Architectural Committee pursuant to the Declarations for Magnolia Trace, Section 7.2.35. A variance allows deviation from the structural restrictions of the Declarations due to circumstances that constitute a hardship or otherwise meet the intent for structures provided for within the Declarations. For a variance to be granted, the request must meet the required conditions:

- The strict application of the structural restrictions in the Declarations to the Lot would create an unnecessary hardship or produce a result incongruous to existing surrounding structures;
- Such conditions are peculiar to the particular Lot involved;
- Relief, if granted, would not cause substantial detriment to the Addition, or impair the purposes and intent of the Declarations provisions or common development scheme; and
- The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

It is the responsibility of the applicant to provide the evidence to support the request. A hardship is related to features of the property (For example: the slope of the yard is so steep that a rear yard fence would need to be higher than 6 feet to ensure privacy). Financial reasons alone do not justify a hardship. A hardship cannot be self-imposed i.e., the problem was created by the action or the negligence of the applicant.

#### Application Requirements:

1. A complete application
2. A list of property owners within 300 feet of the property in question from a certified abstractor  
Legal description of property (attached to application)
3. Copy of the deed
4. Any other document that may be required by Architectural Committee
5. Fee of \$100 (paid when a complete application is submitted)

#### Variance Process:

- Review - Upon submittal of a complete application, the variance request will be scheduled for the next available meeting. Meeting dates are determined by the date the application is submitted,
- Notice – Architectural Committee will give the applicant and Members notice of the proposed variance no less than 10 days prior to the Architectural Committee hearing on the application for variance.



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- Hearing - Interested parties will have an opportunity to address the Architectural Committee on the application.
- Architectural Committee Vote - The Architectural Committee may make certain conditions for the variance to be granted. Decisions by the Architectural Committee are final.

Basis for Approval: The applicant for a variance shall provide evidence that granting the variance requested will not be contrary to the Declaration or common development scheme for Magnolia Trace, that a strict interpretation of the Declaration will result in unnecessary hardship, that by granting the variance the spirit of the Declaration will be observed, and that by granting the variance substantial justice will be done.

Applicants are encouraged to meet with the Architectural Committee prior to submitting the application.



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**Variance Application to Magnolia Trace Architectural Committee**

Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Address of Subject Property: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Section of Declaration the Applicant is seeking a variance from (provide copy of Declaration section :  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State the specific variance being requested:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[More detail can be provided by attaching items to this application including site plans, etc.]

Please describe the reason for the variance request and the hardship that warrant approval:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[More detail can be provided by attaching additional paper to the application.]

I have read and understand the Declaration and circumstance when a variance may be given the Architectural Committee. I understand discretion to grant a variance is solely within the Architectural Committee. The information I have provided is accurate and truthful. I understand prior grants of variance the Architectural Committee or my perception of Declaration variance or violation do not afford me any right to a variance.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR AC USE ONLY**

Date Received: \_\_\_\_\_ Application Complete? \_\_\_\_\_

Notice of Hearing: \_\_\_\_\_ Date of Hearing: \_\_\_\_\_

Action on Application \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_