

## **CRITERIA FOR APPROVING VARIANCES FROM CC&RS AND AC GUIDELINES**

The AC is charged in the CC&R's with "assuring the development and continued existence of the Properties as an area of high standards" and is given broad powers to carry out that role. There are a number of restrictions pertaining to new construction that the AC monitors for compliance. The CC&Rs also provide a procedure for an Owner to appeal decisions by the AC concerning compliance to the Board of Directors. It is noted in the CC&Rs that these exceptions, if granted by the Board, will be rare. The purpose of this document is to provide Owners with the circumstances in which variances might be expected to be approved.

The Board and the AC have been advised by the HOA attorney that, from the point in time that the advice was given, "It will be crucial going forward to ensure uniform application of all requirements found in the CC&R's and the Guidelines. The AC should apply uniform criteria in evaluating all proposed designs and requests for variances." In order to ensure that the CC&R restrictions are applied equitably, the requests for variances will only be approved by the AC for compelling reasons. Furthermore, the AC believes that all Owners desire a uniform application of the CC&R and Guidelines requirements in a manner that will not lead to questions of favoritism or accusations of variance approval by whim. Everyone must be held to the same standards.

The AC has identified a primary area of concern and has drafted the following clarification concerning the policy related to building heights:

### **Height restriction of 25 feet above average grade.**

The varied topography of lots in Sea Crest, sloping lots in particular, can pose many challenges to building projects. Some of these challenges may be steep driveways up or down hills and placement of the house relative to surrounding topography. The AC Guidelines follow the Lincoln County residential building height determination guidelines. Language within that section of the County code prohibits the use of fill to increase the average grade elevation used in the calculation to determine the maximum building height allowed. CC&R 1.4.2 is very clear in its mandate for the AC to enforce the height restrictions in order to protect views of the ocean from any voting lot. In situations whereby the granting of a height requirement variance would not block the ocean view from any voting lot, the AC will only consider variances involving specific building site hardships or conditions.