



FIRST COLONY
COMMUNITY ASSOCIATION

VARIANCE REQUEST POLICY

It is the intent of the Association to facilitate quality development and neighborhood construction while minimizing variances to the restrictive covenants.

Prior Approval Required

Submittal Requirements

In keeping with the authority granted pursuant to the Declaration, the following procedures will be adhered to in reviewing requests for variances:

- All requests for variances will be submitted to the New Construction Committee/Modifications Committee Chairperson for Committee review and recommendation to the Board for determination. All submittals will include a letter requesting the variance in specific terms and a survey and/or plans showing the variance requested.
- The variance request letters must indicate the legal property description, the property owner requesting the variance, and the rationale for the variance request. All surveys and/or plans must clearly show the variance and will be of a standard scale.
- All variance requests must be submitted at least two weeks prior to the Board meeting. The property owner will receive written correspondence from the NCC/MC within 45 days after receipt of the variance request to communicate its disposition.
- Upon approval of a variance, FCCA will record the variance with Fort Bend County and a recorded copy will be sent to the owner.

Submittal Fees

Fees are intended to ensure compliance with the Declaration, and applicable supplemental amendments. Effective immediately, fees will be assessed by the Association to process variance requests as follows:

- Variance processing request fee checks will be payable to FCCA and will accompany the request. As long as the request is submitted prior to construction of the improvements which are the subject of the variance, a variance processing fee shall be charged for each request. The fee is non-refundable regardless of the Association's approval or disapproval of the variance request. Contact FCCA to find out the current variance request fee.
- If the variance request is submitted after the improvements have been made, the processing fee shall be \$3,000.
- Under extenuating circumstances only, the Board of Directors, in its sole discretion, may reduce or waive the variance request fees (an example of this would be a variance request for an encroachment of 6" or under).

- If the Association incurs legal expenses in excess of the fees charged, the property owner shall be responsible for reimbursing the Association for the additional expenses.
- Such fees are intended to ensure compliance with the Declaration, and applicable supplemental amendments. Variance request fee checks will be made out to **FCCSA** and will accompany the request. The fee is non-refundable regardless of the Association's approval or disapproval of the variance request.

The Declaration of Covenants, Conditions and Restrictions for First Colony foresees the necessity of variances and provides the following:

Article VII, Section 9, states that "The Board of Directors, upon the recommendation of the [New Construction Committee] NCC or [Modifications Committee] MC, may authorize variances" and further "including restrictions upon height, size, placement of structures, or similar restrictions, when circumstances as topography, natural obstructions, hardship, aesthetic or environmental considerations may require. Such variances must be evidenced in writing."

This policy was approved by the FCCA Board of Directors of, in accordance with the Declaration and By-Laws of the Association, on the _____ day _____, 2007.

Secretary/Treasurer

Joyce Walter - President