

**Lake Holiday Property Owners' Assn
Variance Request Form**

Please return the completed for to:

Lake Holiday POA
283 Easy Street
Somonauk, Illinois 60552

OWNER: _____

MAILING ADDRESS: _____

CITY, STATE, ZIP: _____

LOT NUMBER: _____

DATE PROPERTY PURCHASED: _____

PHONE: HOME: _____ CELL: _____ EMAIL: _____

DATE SUBMITTED: _____ DATE RECEIVED: _____

TYPE OF VARIANCE REQUEST: NEW CONSTRUCTION: _____

EXISTING NON-COMPLIANT STRUCTURE: _____

In accordance with the Lake Holiday Property Owners' Association Restrictive Covenants, Bylaws, Rules and Regulations and Building Codes particularly Section 1.15 VARIANCE POLICY (copy attached), I request the consent of the Board of Directors to allow the variance listed in this application. A detailed copy of the proposal, including drawings, or blueprints, a plat showing the location of requested variance and any other documents related to the requested variance are included with this application(see page two for detailed instructions).

Additionally a variance request fee of \$50.00 (fifty dollars) accompanies this request.

DETAILED DESCRIPTION OF REQUEST: _____

LOT OWNER SIGNATURE

DATE

Applications for variances require a project plan / drawing or sketch accompanying the application including a brief explanation of the need for the variance. It should be prepared on paper suitable for reproduction (8-1/2 by 11 inches) containing the following.

- Indicate location (lot Number) locator landmarks, and direction i.e. N>S>E>W>. For reference a copy of the most recent plot of survey.
- Identify the existing encumbrance and how the proposed variance will alleviate the hardship.
- Provide a dimensioned plan view (the project as viewed from above) and Elevation view (the project as viewed from the front or side) showing the principal dimensions, size, height, scope and location in relation to the adjacent property boundaries, structures or shorelines. If located in proximity to lake shore indicate normal pool elevation & high water mark if known.
- If located within drainage path and or flow demonstrate flow (when & where possible centered is most sought-after).
- Photographs (while not required) of the property showing the location of the proposed or existing variation, structure, or alteration relative to existing facilities may be of assistance.
- On site assessments are occasionally necessary during the application process please make every attempt to have the principal decision maker available for assessment.
- All variances are subject to a final inspection to assure adherence to approved design / dimensional intent prior to final certification filing of the variance.

ACTION TAKEN BY LAKE HOLIDAY PROPERTY OWNERS' ASSOCIATION BOARD OF DIRECTORS

DATE OF ACTION: _____

_____ **APPROVED**

_____ **APPROVED WITH THE FOLLOWING EXCEPTIONS**

_____ **DISAPPROVED BASED ON THE FOLLOWING**

LAKE HOLIDAY REPRESENTATIVE

DATE

1.15 Variance Policy

The Board of Directors has the authority to grant variances to these rules in its sole discretion. In general, this authority will be used sparingly and in limited circumstances. Variances will generally be limited to those instances where modifications are needed to bring property into compliance with new legal requirements, such as the Americans with Disabilities Act. Variances for noncompliant, pre-existing property will be granted only where safety is endangered and the Board can be assured that the enhancements will improve safety and aesthetics and will not interfere with the rights and enjoyment of other members.

1.15.1 Standards For Variance Requests

Variances may only be considered with respect to the following Code requirements: Section 1.04 Setback Requirements; Section 4.07 Retaining Wall; Section 4.08 Shoreline Protection; Section 4.10 Boat Dock and Swim Rafts; Section 4.11 Decks; Section 4.12 Storage Sheds; Section 4.13 Ornamental Structures; Section 4.14 House Addition; Section 4.15 Fences. Variances shall only be granted when it will not be injurious to the neighborhood, detrimental to the public welfare, or otherwise not impair the general welfare of the members of the Association. The Variance Committee may recommend that conditions and restrictions be imposed upon the property to reduce or minimize the effect of the Variance on neighboring properties.

Effective May 17, 2016, no building that does not comply with Lake Holiday Building Codes, may be installed, constructed, erected, repaired, modified or altered unless and until it is approved by the Board of Directors.

Any property owner with a non-compliant structure erected before May 17, 2016, must register the non-compliant structure by May 1, 2017. The property owner must demonstrate that the structure is in safe and sound structural condition, is reasonably maintained, and is aesthetically reasonable. The Association will waive compliance with the covenants for all such properties, which waiver will terminate should the property ever become structurally unsound or become unsafe, whether as the result of fire, catastrophe or neglect. Any structure not properly registered by May 1, 2017 will be considered in violation of the covenants and must be removed immediately. The fine for such a violation is \$10 daily.

Property owners with a non-compliant structure erected before May 17, 2016, that is unsafe, structurally unsound or a burden on the Association or any other member must apply for a variance and present plans to make the structure safe and sound and remove any burden on or before May 1, 2018, with all required work completed by December 31, 2018. Any structure not properly remediated by May 1, 2018, will be considered in violation of the covenants and must be removed immediately. The fine for such a violation is \$10 daily.

On any date after May 17, 2016, any property owner who seeks to install, construct, or erect a new structure or repair, modify or alter an existing structure which is or will be noncompliant, must first obtain a variance from LHPOA. In applying for a variance, the property owner must present detailed plans that demonstrate that the proposed structure will be safe and structurally sound and aesthetically reasonable, and must pass an inspection within six months after the variance is granted, or face fines in the amount of \$10 daily. If applicant has failed to start the work, the permit and variance shall become null and void.

In considering variance requests, the Variance Committee will consider factors including but not limited to the following:

Whether, in cases of renovation, improvement, repair, modification or alteration, the structure was erected or constructed before the present owner took ownership;

Whether the ADA is implicated in the property;

Whether, in the case of a structure within fifty feet of the high water level of 635 feet the shore is accessed by stairs covering a vertical drop of more than 20 feet;

Whether the cost of removal would be overly burdensome to the owner or would detract from the appearance of the property rather than enhance the appearance of the neighborhood;

Whether nearby neighbors have noncompliant structures that are safe, structurally sound and aesthetically reasonable.

In the case of a structure within fifty feet of the high water level of 635 feet, the structure must be properly anchored / secured.

As to any property that has an unapproved structure and is sold before May 1, 2018, the property owner must either remove the structure or advise the buyer of these rules (and show to the Association that such disclosure has been made) as part of the contract.

Any variance that is granted will be considered permanent and will run with the property, subject to revocation should the property fall into disrepair or become unsafe. The Property Owner assumes all risk and liability for failure to obtain other relevant federal, state or local permits

The Variance Committee shall consider all applications and shall make a recommendation to the Board of Directors within 60 days (if reasonably possible) of receipt of the application. The Board of Directors shall make a decision within 30 days (if reasonably possible).

Caveat: approval by the Association means only that the property owner has complied with Association rules. However, all owners are cautioned that the Association has no authority over rules of other governing bodies, such as LaSalle County or the Department of Natural Resources. Waiver of violations by the Association has no impact on the rules and statutes of other jurisdictions.

1.15.2 Variance Committee Hearings

The Board of the Association may sit as the variance committee, or in its discretion appoint a committee of not less than 3 nor more than 5 members of the Association to function as the Variance Committee. In that event, the Committee shall take evidence, apply the standards for variance requests set forth above, and make a written recommendation to the Board on the granting or denial thereof. The hearing before the Committee shall be held within a reasonable time after the request is submitted to the Committee. The final determination shall be made by a vote of the majority of the Board. All costs associated with the processing of a variance request shall be borne by the property owner unless specifically waived in writing by the Board.

Variances are granted or denied by the Board. Requests for variance shall be considered initially by the Building Control Officer. The Building Control Officer may recommend to the Board that the request be granted, but only after giving written notice to the adjoining property owners 15 days before passing on the recommendation. If any such property owner objects to the proposed variance, the matter shall be referred to the Variance Committee. If the Building Control Officer determines that he cannot recommend a variance to the Board, the property owner may request a hearing before the Variance Committee. All requests for hearing shall be submitted within 15 days of notification of the recommendation of the Building Control Officer.