

APPLICATION FOR DEVIATIONS

- Application for Deviation (Variance)**
- Application for Temporary Interference with Easement**

Property Owner _____ Bell Canyon Lot Address _____ Lot No. _____

Front Lot Line _____ Side Lot Line _____ Lot Size (Area) _____

Current Mailing Address _____

City _____ State _____ Zip _____

TO: Bell Canyon Association

I/We request the following Deviation (illustrate on page 3 of this form or attach 8-1/2" X 11" Site Plan): _____

DEVIATIONS- Generally Section 25 of Clause III of the CC&Rs authorizes the Architectural Committee to permit members to deviate from any or all of the covenants in Clause III if the deviation is necessary to carry out the purposes of the CC&Rs. Page 4 of this Application provides space to explain why a requested deviation (sometimes called a "variance") is necessary to carry out those purposes. Page 4 should be completed for both Applications for Deviations and Applications Temporary Interference with Easements. Each of the sections of page 4 must be completed for this Application to be complete.

EASEMENTS- Section 23 of Clause III of the CC&Rs reserves easements on every lot in Bell Canyon. Applications for permission to make any use of an easement that would, or in the judgment of the Architectural Committee could, obstruct the easement or in any way limit the ability to use the easement for the purposes noted in Section 23, must be supported by a completed Page 3 and, if the applicant desires to proceed with the proposed development on the basis of the Committee and the Board's approval, without the approval of the members, by a completed page 4. The Applicant should complete as many of the sections of page 4 as apply, but only one section need be completed. If no part of page 4 is completed, or if the Committee or the Board determines that any completed sections are not accurate, obstruction of an easement will be permitted only if approved by the members.

I have read the attached "**Agreement for Deviation (Variance) and/or Agreement for Temporary Interference with Easements**" and agree to all of its terms and conditions. I understand and agree that any variance granted by the Association will be subject to the terms and conditions of the Agreement. I agree to sign the Agreement and to pay a **Five Hundred (\$500.00) Dollar** non-refundable fee with this application. The Association or any of its Committees may solicit information from adjoining property owners, utility companies, or others it may deem necessary to assist in making its determination of this request.

By _____ Date _____
Property Owner

By _____ Date _____
Property Owner

REAR PROPERTY LINE

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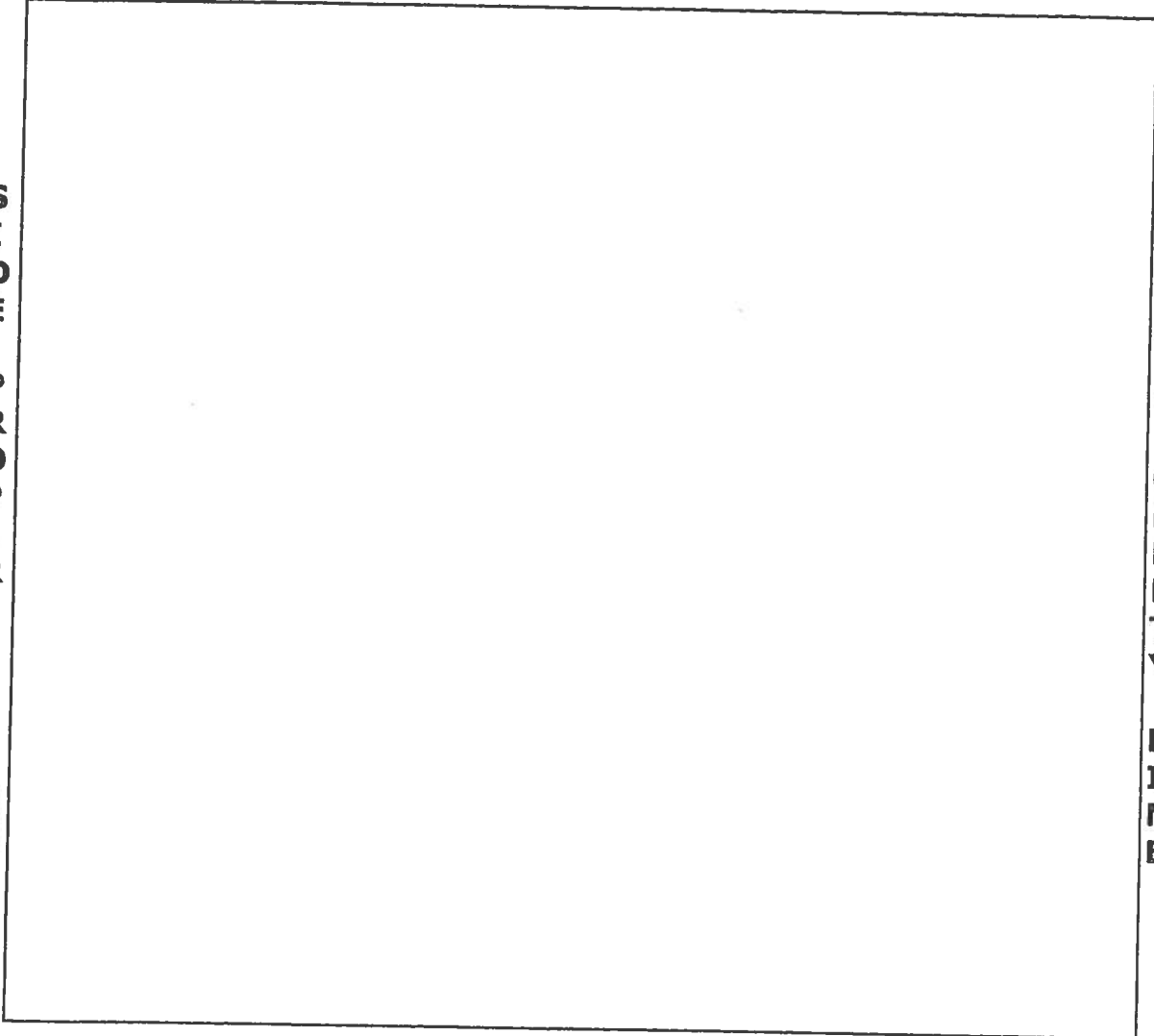
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FRONT PROPERTY LINE

Sketch or attach an 8-1/2" X 11" location of proposed improvement. Show location of requested deviation with all dimensions.

Office Use Only: Notice Sent to the Following Adjacent Lots _____

Trails Committee by _____

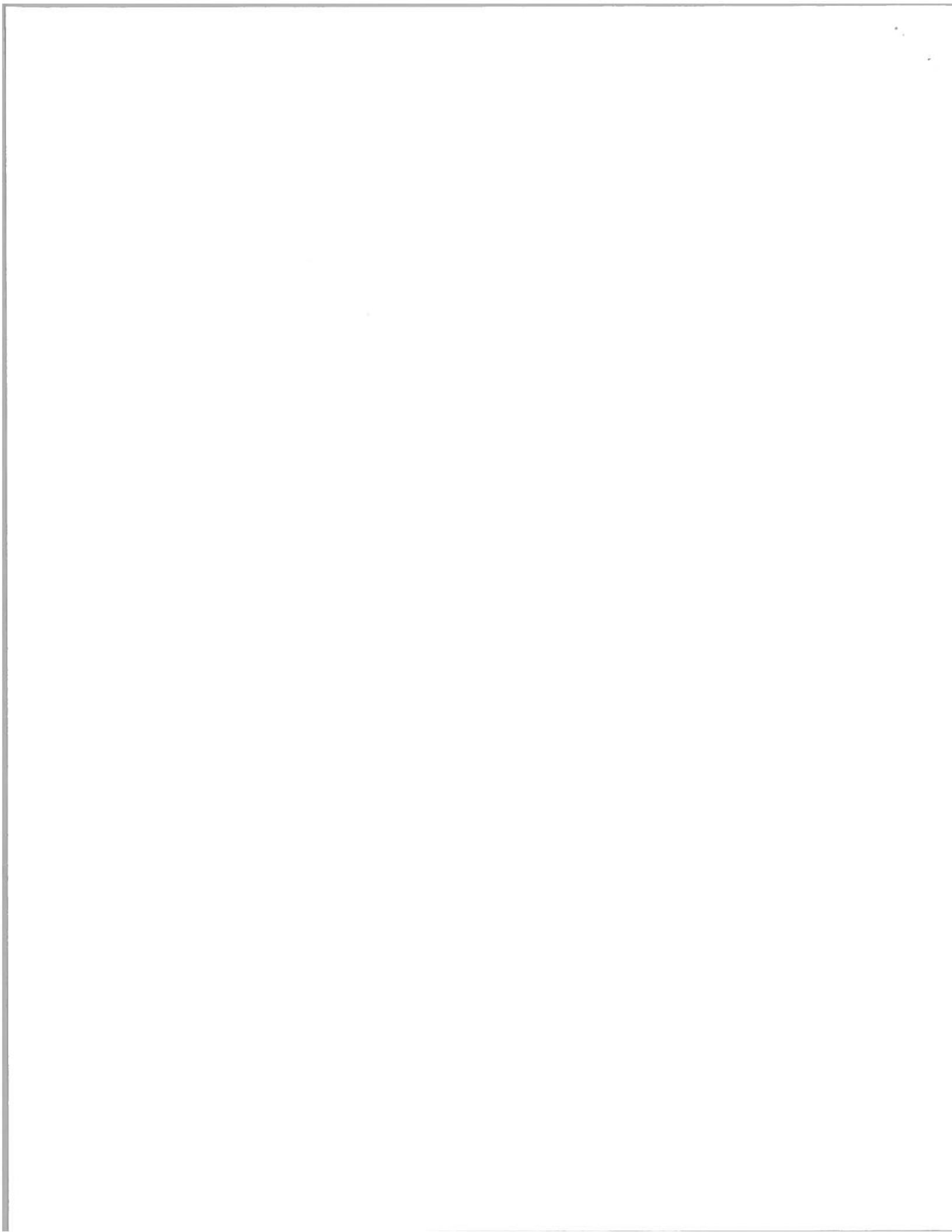
Utilities Noticed on (Date) _____

Adjacent Lots Noticed on: _____

Architectural Committee: Approved By _____ **Date:** _____

Disapproved by _____ **Date:** _____

BCA Board Approved by: _____



EXPLANATION OF NECESSITY

The Architectural Committee will permit a deviation from the CC&Rs or the Committee's Rules only where approval is necessary, approval would confer no special privilege, disapproval would result in practical difficulty or unnecessary hardship, and approval will not result in detriment to the general welfare. The applicant should specify below (or on separate pages) all of the facts and circumstances the applicant believes justify the Committee's approval of this request.

1. Explain why the deviation is necessary because of circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography, location or surroundings, which do not apply generally to other properties in Bell Canyon. Please be specific. _____

2. Explain why granting the requested deviation will not confer a special privilege inconsistent with the limitations upon other properties in Bell Canyon. Please be specific. _____

3. Explain why the strict application of the BCA's Standards as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations. Please be specific. _____

4. Explain why the granting of such deviation will not be detrimental to the public health, safety or general welfare, nor to the use and enjoyment of neighboring properties. Please be specific. _____

EXPLANATION FOR OBSTRUCTION OF EASEMENT

The Architectural Committee will recommend the Board approve an obstruction of an easement without the approval of the members only where the Committee determines that one or more of the factors indicated below exist. The applicant should specify below (or on separate pages) all of the facts and circumstances the applicant believes justify the Committee's determination of the existence of one or more of the factors indicated below. If a proposed obstruction of an easement is otherwise approvable but none of the factors indicated below is established, the Committee will recommend the Board consider submitting this request for the approval of the members.

1. To eliminate or correct engineering errors in documents recorded with the county recorder or on file with a public agency or utility company. _____

2. To eliminate or correct encroachments due to errors in construction of any improvements. _____

3. To permit changes in the plan of development submitted to the Commissioner of the Department of Real Estate in circumstances where the changes are the result of topography, obstruction, hardship, aesthetic considerations, or environmental conditions. _____

4. To fulfill the requirement of a public agency. _____

5. To transfer the burden of management and maintenance of any common area that is generally inaccessible and is not of general use to the membership at large of the association. _____

