

ACC DESIGN GUIDELINE GOVERNING VARIANCES

The restrictions placed upon the development of property in Sandia heights are for the benefit of each and every lot owner. The restrictions set standards that help to create the unique qualities of the subdivision and protect the value of all lots throughout the subdivision.

To augment the restrictions, and to provide guidance to lot owners, architects, and builders, the Architectural Control Committee has adopted Design Guidelines for various aspects of the design and construction process as they relate to the appearance and location of all structures in Sandia Heights. All ACC Design Guidelines can be found on the SHHA website at <https://www.sandiahomeowners.org/association/committees/architectural-control-committee>.

The restrictions controlling the development of every lot in the subdivision, as well as the Guidelines promulgated by the ACC, recognize the inherent right of the ACC to permit variances, when, in the sole discretion of the ACC, a variance is required.

The ACC will grant a variance under exceptional circumstances when it is found to be necessary in order to allow a lot owner to develop the property in parity with that of the neighboring lots, or to enjoy the use of the property in parity with that of the neighboring lots.

Further, when considering parity in the context of developing a lot for new construction, new additions, or remodel, a variance may be granted when it can be shown that there are specific physical characteristics of the lot which prevent the owner from constructing or modifying a residence that is in parity with other residences in the neighboring or surrounding area without relief from one or more covenant restrictions or design guidelines. Parity will be considered in relation to the average size and features of the other structures in the area. In such cases a variance may be granted in order to bring the disadvantaged property up to the level enjoyed by nearby properties, but not so as to create an advantage over limitations placed on the other nearby properties.

The ACC will also seek to provide relief in ways that minimize deviations from the spirit and intent of the covenants and that will minimize any negative impact upon the interests, welfare, and rights of the owners of other property in the surrounding area.

The approval or denial of a variance does not create a precedent for any subsequent variance. Each decision is based upon the unique combination of project and lot characteristics, and is specific to each site and situation.

Requests for variance must be made separately and in writing, identifying the property, and stating the reason or reasons that support and justify the request.

Purpose: This guideline is established to ensure that all structures on residential lots comply with the spirit and intent of covenant restrictions and design guidelines.

Authority: *The SHHA Board of Directors, on August 11, 2021, recognized and adopted ACC Design Guidelines contained in the ACC Handbook and published on the SHHA website as Community Documents binding upon all SHHA members and activities.*

(Guideline Effective September 18, 2024)