

Circle D Civic Association

111 N. Hasler Blvd, Rm 214, Bastrop, TX 78602-3984 • PO Box 852, Bastrop, TX 78602-0862 • contactus@circledbastroptx.org • www.circledbastroptx.org

Circle D Civic Association Variance Request Procedures

Variance Request received from member's attorney addressed to the Circle D Architectural Control Committee (ACC).

1. A cover letter explaining the variance request conditions from the requesting member's attorney is preferable.
 - a. The following documents shall be included in the variance request.
 - i. Variance form received on behalf of a member's attorney that includes the legal description of the lot in question and a description of the actual variance. (see attached form to be used)
 - ii. A survey performed by a State of Texas licensed surveyor that clearly shows the existing or proposed structure as it relates to the deed restricted setbacks for the Section and Lot for which the variance is being requested.
2. Consideration of the variance request.
 - a. The ACC is charged with the review of the variance request in accordance with controlling documents. The ACC reviews the variance request at the next scheduled meeting.
 - i. The ACC approves the Variance Request by a majority vote.
 1. The ACC Chair must have the ACC approved Variance document notarized.
 2. The approved notarized Variance request is then forwarded to the member's attorney by email or letter.
 3. The member's attorney is responsible to submit the approved Variance request to Bastrop County for recording purposes.
 4. The member's attorney is responsible as part of the approval conditions to provide a copy of the Bastrop County recorded Variance to the ACC and the Circle D Board of Directors.
 5. Circle D Board or the ACC directs staff to attach the final approval into the property file.

Note: The member is responsible for all and any fees associated with the variance request.
 - ii. The ACC denies the variance request by majority vote.
 1. The members attorney is notified of the appeal process available to the member by the controlling documents.
3. The member appeals the ACC decision to deny a variance request to the Board of Directors.
 - a. The appeal of the ACC's decision is heard by the Board at the next scheduled Board Meeting.

- b. Note: By dedicatory documents, any ACC member that also serves on the Board who takes part in an ACC vote may not vote on a ruling should there be an appeal of the ACC's ruling.
- i. The appeal is denied by the Board of Directors.
 1. The decision of the Board is final.
 - ii. The appeal reverses the ACC's denial and the Variance is approved by a majority vote of the Board.
 - iii. The Board President must have the Board approved Variance document notarized.
 - iv. The approved notarized Variance request is then forwarded to the member's attorney by email or letter.
 - v. The member's attorney is responsible to submit the approved Variance request to Bastrop County for recording purposes.
 - vi. The member's attorney is responsible as part of the approval conditions to provide a copy of the Bastrop County recorded Variance to the Circle D Board of Directors.
 - vii. Circle D Board directs staff to attach the final approval or denial into the property file.

Note: The member is responsible for all and any fees associated with the variance request.

VARIANCE REQUEST FORM

DATE: _____

OWNER: _____

OWNER'S MAILING ADDRESS: _____

COMMITTEE: Architectural Control Committee, Circle D Civic Association

COMMITTEE'S MAILING ADDRESS: PO Box 852, Bastrop Texas 78602

RESTRICTIONS: List legal restrictions documents appropriate for this property.

PROPERTY: Lot __ of Circle "D" Country Acres, Section __, a subdivision in Bastrop County, Texas according to the plat recorded in Cabinet __, Page __, of the Plat Records of Bastrop County, Texas

REASON: Describe the reason for the variance request here and submit a survey showing variance.

For a valuable consideration received by the Committee, the Committee grants Owner a variance to _____ and waives all right to maintain or enforce an action against Owner for violating such set back requirement or any other action against Owner or the Property for such violation. This variance shall apply to this specific situation and not to any other violation of the Restrictions which might exist now or in the future. This variance binds the Committee and its successors and assigns and inures to the benefit of Owner and Owners successors and assigns. This instrument shall constitute and shall be taken to be a covenant running with the Property.

Circle D Civic Association

By: _____

Name:

Title: ACC Chair

Acknowledgement

STATE OF TEXAS
COUNTY OF BASTROP

This instrument was acknowledged before me on the ____ day of _____, 2020

by _____, ACC Chair, on behalf of Circle D Civic Association.

Notary Public, State of Texas

Prepared by:

Attorneys at Law

File No. _____

After Recording Return To:

Circle D Civic Association

P.O. Box 852

Bastrop TX 78602