

AUXILIARY CONSTRUCTION APPLICATION - BANNISTER LAKES SUBDIVISION

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Date: \_\_\_\_\_ Case Number: \_\_\_\_\_  
Name: \_\_\_\_\_ Lot# \_\_\_\_\_  
Address: \_\_\_\_\_

Have you thoroughly read the Bylaws and understand the requirements pertaining to your proposed project?  Yes  No

Is this new construction or improvement to an existing structure?  New  Existing

Proposed Construction:

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Detailed Description of Project: (including height, width, length, size, shape, color, material and location of the proposed improvement)

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Have you obtained a Building Permit?  Yes  No

Who will perform the work?  Homeowner  Contractor

Have you discussed the project with your neighbors?  Yes  No

**After approval by the Board of Directors the homeowner shall obtain all necessary building permits for the auxiliary construction. Approval of a plan or project by the Board of Directors does not eliminate the requirement for obtaining all necessary building permits and of complying with all applicable township ordinances. Nor does a township building permit eliminate the requirement for approval by the Association.**

REMEMBER: The bylaws state that the board will consider:

1. If any addition, exterior alteration, modification, or change to an existing building is compatible with the design character of the original building. Any new detached structure shall be compatible with the parent structure.
2. Only the exterior materials existing on the parent structure or compatible with the architectural design character of the community will be approved.
3. Exterior color changes will be approved only if the proposed color is in harmony with the other existing homes in the community or if the color is similar to the colors originally employed in the community.
4. In general, only those areas that are painted may be repainted; only those areas that are stained may be re-stained; unpainted surfaces and unstained areas such as brick shall remain unpainted and unstained.
5. The quiet and panoramic view of adjoining property owners.
6. The potential reduction in property value of adjoining parcels and of any parcels within the subdivision if the structure is erected.
7. The architectural compatibility of the structure with existing structures.
8. The size of the structure sought to be erected.

You must contact your neighbors about the project and provide written documentation that they are in agreement. It should be in the form of a letter that has a description of your project, the name(s) and address of the neighbor(s), and a place for their signature to verify that they have been informed of the project. The Board will not consider the application if proof from the neighbors is not included.

If you have answered "No" to any of the above questions, it is strongly advised that all proposed construction be immediately suspended until all requirements are met. If application is denied, you may re-apply after corrections are made or required written documentation is obtained, or petition for a variance or relief from the requirements. Refer to the section of the Bylaws identified as "Appeal and Variance Procedures" for a detailed explanation of the process.

My signature below certifies that I will comply with the BLHA Bylaws. If I fail to comply, I will be responsible for all legal fees incurred by the Association to enforce compliance.

Signature of Applicant \_\_\_\_\_

Received By \_\_\_\_\_ Date Received \_\_\_\_\_

Date: \_\_\_\_\_ Case Number: \_\_\_\_\_  
Name: \_\_\_\_\_ Lot# \_\_\_\_\_  
Address: \_\_\_\_\_

Proposed Construction:

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**The approval of the above mentioned project is subject to and assumes that it will be completed per the plans, specifications, and the application supplied to the BLHA Board of Directors for our review. Any alterations or deviations from the supplied plans or application will nullify this approval.**

**Furthermore, this approval is subject to and assumes that all necessary permits and approvals from the Township, County, or State have also been obtained, if necessary, and that the surrounding property owners have been notified as to the scope of this project and are in total agreement and approve its creation. Any omissions or failure to gain the necessary approvals from any governing authority or from the surrounding property owners constitutes a breach of this agreement and all approvals are considered null and void.**

### **Signature of Board Members**

President \_\_\_\_\_

Vice President \_\_\_\_\_

Architectural Committee \_\_\_\_\_

Secretary \_\_\_\_\_

## **APPEAL AND VARIANCE PROCEDURES**

Whenever any member of the BLHA, deems themselves aggrieved by a decision or determination of the Board of Directors or wishes an exception to or exemption from any previously established criteria or guidelines for auxiliary construction, the procedures contained herein shall apply.

### **I. THE PETITION**

There shall be prepared in written or typed form, a letter to the Board of Directors of the BLHA, which shall contain the following:

1. The name(s) and address(es) of the members seeking the relief, and their signatures.
2. The decision or determination of the Board of Directors, or the criteria or guidelines for auxiliary construction from which relief is sought, and shall enumerate the relief sought.
3. A thorough description of the proposed auxiliary construction or structure desired, accompanied by detailed drawings, if practical, and all information necessary for the initial application.
4. A list of all lots potentially affected by the proposed structure or development.
5. Any unique or special condition or needs of the petitioning member(s).
6. Potential impact upon adjoining property owners, specifically:
  - A. The structure's or development's visibility
  - B. The effect upon the peace and/or panoramic view of adjoining landowners
  - C. The effect, potential or otherwise, upon property value of adjoining parcels or parcels within the subdivision
  - D. Aesthetic compatibility with existing structures or developments
7. Any other information the petitioner(s) deem(s) relevant.

### **II. THE SERVICE OF THE PETITION**

1. The petition shall be served upon each member of the Board of Directors personally or by first class mail.
2. The Board will notify any member listed in I (4) above as well as the owners of each parcel or lot that is contiguous to the parcel or lot upon which the proposed structure or development is to be located.
3. If the petition seeks relief from a particular decision or determination of the Board of Directors, the petition must be served, as above, within thirty (30) days of that decision or determination.

### **III. THE REVIEW AND DECISION BY THE BANNISTER LAKES HOMEOWNERS ASSOCIATION'S BOARD OF DIRECTORS**

1. Within twenty-one (21) days of receipt of the petition, the Board of Directors shall conduct a meeting of those members affected by the project.
2. Notice of the meeting shall be given by first class mail.
3. The Board of Directors shall, upon receipt of the petition, review the same, conduct whatever independent inquiries or investigations it deems appropriate

to confirm, deny or supplement the information required by items one (1) through seven (7) of I above.

4. Conduct of meeting and scope of inquiry:
  - A. This hearing will be a re-examination of finds and recommendations made upon the first application, or if the petition is an application for variance from the existing criteria or guidelines for auxiliary construction or structures, it will act as the initial inquiry.
  - B. Members in attendance shall be provided an opportunity to review any recommendations which may have previously been made by the architectural committee and/or any independent inquiry or investigation made by the Board of Directors pursuant to the application for variance or appeal.
  - C. An open meeting will be conducted where the petitioner can present any statement or information he (she) deems necessary in the furtherance of the petition.
  - D. All interested homeowners, including the homeowner seeking relief, will be afforded a reasonable opportunity to express their position on the petition.
  - E. Within seven (7) days after the conclusion of this meeting the Board of Directors shall serve the petitioner with a written decision granting or denying the request for relief setting forth written findings of fact, conclusions therefrom and an enumeration of the reasons underlying the decision. Service shall be sufficient if made by first class mail to the petitioner at the address provided in the petition for relief. Service shall be completed upon mailing.
5. The decision made by the Board of Directors shall be final.

**This form is provided to assist with project review by neighbors as required by the BLHA Auxiliary Construction Application Process.**

**PART 1.** To be completed by project applicant:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Detailed description of proposed project (including height, width, length, size, shape, color, material and location of the proposed improvement):

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Supporting documents attached (color samples, diagrams, photos, sketches, etc.)

**PART 2.** To be completed by adjacent lot owners and neighbors with a view of the project:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

I/we have reviewed the details above and are in agreement with this project.

I/we have reviewed the details above and are not in agreement with this project.

Signature of Approver: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Co-Approver: \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)

Comment: \_\_\_\_\_