

Antelope Meadows Property Owner's Association, Inc.

c/o Wallace & Associates

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POLICY FOR SETBACK WAIVERS

1. All construction on all properties is subject to the set back rule as set forth in the CC&Rs.
2. Any application for case by case waiver of this rule is subject to consistently applied criteria.
3. County setbacks are presumptive and may not be waived absent action by the County.
4. Any adjacent property owner to the proposed construction **MUST** consent to the modification of the set back requirement. Consent is required but all other criteria must be considered. In other words, the neighbor's consent **is not** enough, in and of itself. All other criteria **must** be considered and evaluated. Absent a demonstration of hardship, consent alone is not enough for a waiver.
5. The construction inside the 60 foot presumptive limit may not influence drainage, or subject any neighboring property to offensive smells, insects or other nuisances unless consent is given by adjacent property owner.
6. There must be a demonstrated hardship for allowing any deviation from the 60 foot limit. Hardship may arise but would not necessarily be limited to:
 - a. Size of the parcel;
 - b. Drainage issue on the parcel, (for example, placement of the structure at the 60 foot limit subjects the building to excessive drainage where closer placement to the adjacent property elevates the structure out of the drainage);
 - c. Ingress and Egress issues on the parcel; the placement of underground utilities, septic tanks, wells, or water lines.
7. The burden to demonstrate any hardship is on the property owner and must be demonstrated by clear and convincing evidence. Any A-Mac member who adjoins the applicant's property or who would otherwise be affected by the request must remove themselves from any deliberations on the request. The same would be true for any Board member.
8. Board approval by resolution must be given after A-Mac recommends approval. A-Mac must set out all reasons it believes justifies the deviation in making its approval recommendation for the setback waiver to the Board.