

REQUEST FOR VARIANCES/EXCEPTIONS – INFORMATION SHEET

This information sheet was prepared by the voluntary members of the Architectural Review Committee (ARC) as an aid to Ocean Pines Association (OPA) owners considering requesting a variance to the Declaration of Restrictions (DRs) or an exception to the ARC Guidelines (Guidelines). It briefly defines our mission and obligation to the community and the process by which requests will be adjudicated. The Committee urges you to review the appropriate sections of this document before submitting your request. Also, please read the following:

- The mission of the ARC is to ensure the quality of life and protect the property values through the interpretation and enforcement of the Ocean Pines Association standards of residential design and maintenance as prescribed in the DRs and the Guidelines.
- The ARC recognizes that property owners have different needs and, within the standards of the DRs and Guidelines, and tries to help them meet these needs.
- The ARC evaluates each DR variance and Guideline exception request on individual case-by-case basis.
- Past rulings and the fact that other owners may have had requests similar to yours approved (or disapproved), or the requested variance/exception exists elsewhere in Ocean Pines, are not relevant. Each request will be considered on its own merits.
- The ARC will consider a variance if convinced that denial of the request will result in a practical difficulty and/or an unreasonable hardship to the owner. The ARC will consider an exception to the Guidelines when the request will not be materially detrimental or injurious to adjacent properties (“does not harm”), does not exceed any Worcester County Codes, meets the needs of the owners, and makes sense.
- The ARC reserves the right to notify adjoining and other relevant property owners about your request and the date of the hearing.
- At the hearing, the applicant will be asked to present a rationale for granting the variance/exception. Others having standing may present their positions germane to the request. The ARC members may ask questions and discuss the issue seeking to find agreeable common ground.
- The ARC may then take a vote on the request or postpone its decision to seek further information. When a decision is reached the applicant will be presented with a document that delineates the request and the result of the vote with any comments the ARC believes are relevant to their decision.
- Should the ARC deny the request, there is an established appeal procedure that will be provided in writing with the denial. An appeal for a second review must provide additional or new information related to your request in order for the ARC to rehear the request.
- You have a right to be represented by an attorney and you may call witnesses on your behalf. If you intend to be represented by an attorney, the ARC must be notified two weeks prior to the Committee meeting in order for the OPA attorney’s presence to be arranged.
- ARC meetings are open to the public. OPA owners are welcome to observe as the ARC hears requests at regular meetings held on the first and third Tuesdays of each month, starting at 1:00 PM.

CHECKLIST OF INFORMATION REQUIRED FOR VARIANCE AND EXCEPTION
REQUESTS

REQUIRED FOR ALL APPLICATIONS

_____ All application information must be completed and supplied only by the property owner, including any attachments needed to support the request.

_____ No outstanding Violations exist on the property.

_____ All fees due to OPA are current.

_____ The property has not been declared a “Nuisance”.

_____ The application must accurately describe the request.

1. NEW CONSTRUCTION

_____ Floor Plans and Specifications , including elevations.

_____ Proposed Site Plan/Survey completed by a licensed surveyor meeting the requirements of Section 200.2 C3 of the Guidelines. The Site Plan/Survey provided must include the date and surveyor stamp.

2. ADDITIONS/ALTERATIONS TO EXISTING IMPROVEMENTS

_____ Plans and Specifications for the contemplated improvements.

_____ Current Site Plan/Survey completed by a licensed surveyor showing all existing improvements and the location of the contemplated improvement and meeting the requirements of Section 200.2 C3 of the Guidelines. The Site Plan/Survey provided must include the date and surveyor stamp.

3. OUTBUILDING AND OTHER STRUCTURES

_____ Plans and Specifications for the contemplated improvement, if being constructed.

_____ Current Site Plan/Survey completed by a licensed surveyor showing all existing improvements and the location of the contemplated improvement and meeting the requirements of Section 200.2 C3 of the Guidelines. The Site Plan/Survey provided must include the date and surveyor stamp.

_____ Picture and color sample of any prefabricated structure to be moved or placed on the property.

4. FENCES

_____ Current Site Plan/Survey completed by a licensed surveyor showing all existing improvements and the location of the proposed fence and location of the proposed plantings used to screen the fence. This must meet the requirements of Section 200.2 C3 of the Guidelines. The Site Plan/Survey provided must include the date and surveyor stamp.

_____ Picture of the fence to be constructed showing the style and color.

_____ The application must include the linear footage, number of gates, height and material used.

5. DOCKS AND LIFTS

_____ The application must include a picture of the type of lift to be constructed.

_____ Current Site Plan/Survey showing the existing conditions and the proposed location of the Dock/Lift to be built, including measurements showing the distance to the side BRL's, the lot lines and the distance extending into the waterway. The area of any dock and walkway must also be included.

6. HOME-BASED BUSINESSES

_____ Applicant must acknowledge compliance with all conditions in Section 700.2 of the Guidelines.

_____ Current Site Plan/Survey completed by a licensed surveyor meeting the requirements of Section 200.2 C3 of the Guidelines. The Site Plan/Survey provided must include the date and surveyor stamp.

_____ If a vehicle related to the business is to be parked on the property, a picture of the vehicle must be included.

_____ The Applicant must provide evidence that the Homeowner's Insurance Company is aware that a business is being operated on the property.

_____ A copy of the Business License issued by Worcester County is required.

7. OVERSIZE VEHICLE/VEHICLE STORAGE

_____ The application must include a picture of the subject vehicle.

_____ Current Site Plan/Survey completed by a licensed surveyor meeting the requirements of Section 200.2 C3 of the Guidelines. This must show the proposed location of the vehicle to be stored. The Site Plan/Survey provided must include the date and surveyor stamp.