

February 26, 2026

Pine Bay Homeowners Association
Variance Request Approval Application Package

Instructions for
Completing Variance Request Approval Application

1. The Amended Declaration in Article V, Section 3, addresses who, how, and when a Variance to the restrictions of Article IV of the Declaration, to the applicable setbacks on the Owner's Lot and the minimum square footage of a Dwelling on the Owner's Lot, may be requested. If a Variance is to be granted, it shall be in perpetuity. To be in perpetuity, it must be recorded among the land records of the Sussex County Recorder of Deeds ("Land Records"). The Variance is limited to the specific conditions and limitations set forth in the granted Variance.
2. While the Pine Bay Board of Directors ("Board") has the sole authority to grant a Variance, the Board does not have authority under the Declaration to directly consider an Owner's request for a variance. A Variance Request Approval Application ("VRAA") must first be submitted to the Pine Bay Architectural Review Committee ("ARC") and ARC must first make a recommendation to the Board, with ARC's rationale as to whether variance should or should not be granted. The Board and ARC will follow the [Variance Request Consideration Procedure](#) adopted by the Board at its meeting on January 22, 2026.
3. Receipt of approval from Sussex County for a Variance from any setback restrictions mandated in the approved Subdivision Plat for the Pine Bay Section of Country Manor should not be considered as a grant of Variance relief by the Board from any setback restriction.
4. Owners are encouraged to consult with ARC, before submitting a VRAA or an accompanying application, concerning whether he or she believes a proposed project would necessitate a Variance.

5. The ARC recommends the VRAA be accompanied by one of the following Approval Applications: Major Landscaping Project (MLPAA), Major Renovation Construction (MRCAA), Minor Project (MPAA), New Dwelling Construction (NDCAA) and, if necessary, a Tree Removal Request Application (TRRA). If a complete Approval Application is not submitted with the VRAA, it will require more time for all required approvals of the proposed project. These Approval Applications are available on the Pine Bay website at: <https://pinebay.net/>.
6. In all cases for the Board's execution of a Variance Agreement, a \$225 deposit shall be required and will be returned upon the Owner providing an executed copy of the recorded Variance Agreement.
7. Promptly after receipt of an initial submission of a VRAA in the ARC's email account, ARC shall use its best efforts to advise the Owner of any missing materials and/or to request any necessary clarifications of the request. Promptly after ARC's receipt of a VRAA and any missing materials and/or ARC requested clarifications, ARC will provide the Owner with a report on the status of ARC's consideration on whether it will make a recommendation to the Board that the Board should or should not grant the variance relief requested.
8. As the Board has the sole authority to grant a Variance, the Board's consideration of a request for grant of a variance is independent of ARC's consideration of any application for a proposed project. Though Variance relief, if granted by the Board, may help resolve an aspect of an application for a proposed project, it does not automatically result in ARC Approval of an application or indicate that an Owner may proceed with any work on the Structure that has necessitated the need to seek variance relief, without first having received an ARC Approval for the application.
9. All required information and submissions noted in the VRAA must be provided. A listing of required information for the variance appears as an Appendix to these Instructions.

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10. Any additional documentation or information that you believe might be helpful in evaluating the VRAA should be provided.

11. A careful review the covenants, conditions and restrictions of Article IV of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Pine Bay, as amended (the “CCRs”), and the Glossary of Defined Terms, both of which can be found in the ARC Section of the Pine Bay website: <https://pinebay.net/>, should be conducted.

12. The VRAA and associated documentation must be submitted to PineBayARC@gmail.com. Please do not submit a copy of these Instructions with the submittal of the VRAA, but instead retain these Instructions for your information.

Appendix to Instructions

Variance Request Approval Application

Required Submissions

ITEMS REQUIRED TO BE SUBMITTED WITH FILING OF VARIANCE REQUEST APPROVAL APPLICATION (“VRAA”)

(The following items to be submitted electronically to ARC at PineBayARC@gmail.com)

- 1) A COMPLETED VRAA AS NOTED IN SECTION 2 OF THE INSTRUCTIONS.
- 2) A STATEMENT DETAILING THE REQUESTED VARIANCE RELIEF SOUGHT AND THE REASONS WHY THE REQUESTED VARIANCE RELIEF IS NEEDED.
- 3) A STATEMENT AS TO WHETHER ANY TREES WOULD BE REQUIRED TO BE REMOVED.
- 4) THE \$225 VARIANCE DEPOSIT MUST BE MAILED TO THE PINE BAY BOARD.

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Pine Bay Homeowners Association
Variance Request Approval Application (“VRAA”)

OWNER INFORMATION

Owner Name(s): _____

Address: _____

Telephone: _____ **Email Address:** _____

LOT INFORMATION

Lot Number: _____ **Lot Address:** _____

Lot Area: _____

**THIS VARIANCE REQUEST APPROVAL APPLICATION
INCLUDES:**

(Please place an “X” next to each Document being provided.)

- [Required] Complete VRAA
- [Required] Statement Detailing the Need for the Variance Request relief sought and the Reasons why the requested Variance relief is needed
- [Required] Two-Dimensional Depiction of the Variance Area
- [Required] Three-Dimensional Depiction of the Structure Described in the Variance
- [Required] Submission of the \$225 Variance Deposit
- [When Applicable] A Statement as to Whether any Trees Would be Required to be Removed

OWNER(S) CERTIFICATION

By submitting a Variance Request Approval Application, I/We acknowledge and accept the following:

- I/We have read and understand the provisions of the Amended Declaration for Pine Bay as they apply to the request for a variance. The information that I/we provide to ARC in connection with this variance request is accurate to the best of my/our knowledge.
- I/We also acknowledge that no work except for normal maintenance may begin on the Lot until the Board grant of a Variance has been given and the Variance Agreement recorded.
- Physical inspections of the Lot by ARC members and the Board may be required in conjunction with ARC review of a VRAA and any Board grant of a Variance. I/we give permission to ARC members and to Board members to enter Lot property to perform these inspections from time to time.
- I/we fully release and discharge the Association and the members of ARC and the Board from all claims, damages and liabilities related to, or arising from, any action taken concerning this VRAA.
- I/we acknowledge that ARC may reach out to adjacent neighbors concerning this VRAA associated with a proposed New Dwelling, Major Renovation Construction, Major Landscaping Project, or a Minor Project to seek feedback on the proposed variance request associated with that proposed project. ARC shall consider the feedback in its deliberations about the variance request.
- Receipt of Variance relief by the Board in no way indicates that applicable federal, state, or local authorities (e.g., Sussex County) will approve any plans for a New Dwelling Construction, a Major Renovation Construction, a Major Landscaping Project or a Minor Project, based upon such Variance relief granted; conversely, approval of plans for a New Dwelling Construction, a Major Renovation Construction, a Major Landscaping Project or a Minor Project by applicable federal, state, or local authorities in no way indicates that ARC will make a recommendation to the Board to grant any required variance relief to permit the project to proceed or that on ARC's recommendation, the Board will grant the requested Variance relief.

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Submitted by: _____
Owner Signature(s)

Date