



## Landscape Variance Application

Unit Owner Name \_\_\_\_\_

*Following is an overview of the Variance process and forms associated with each step.*

<u>Process</u>	<u>Forms</u>
Do you NEED a variance? What are the criteria to use in planning?	Review the Landscape Variance Information, including the Introduction, Variance Guidelines, and Appendix A
Select a contractor, if needed. The Management Office has a file of Owner Evaluations, which may assist you.	Complete the CONTRACTOR INFORMATION FORM
Plan your work. Document your plan.	Complete the PROPOSAL FORM Attach your PLAN DRAWINGS
Do you need an architectural variance as well? If you are doing construction, paving, or hardscaping you will.	Complete an ARCHITECTURAL VARIANCE
Will neighbors view or be impacted by your proposed work?	Complete the SIGNATURE FORM
What expenses are you responsible for? Review your plan with the Condominium Landscape Representative.	Initiate the FINANCIAL AGREEMENT FORM
Review your plan with the Landscape Coordinator by the first of the month for consideration during the month. If review by the full commission is called for, attend the Landscape Commission Meeting on the 3 <sup>rd</sup> Thursday	Recommendations will be listed on the LANDSCAPE COMMISSION RECOMMENDATION FORM
Attend your Condominium Board meeting at which your plan will be considered.  Following approval, remove the CONTRACTOR EVALUATION FORM for use after your project.	Complete CONDOMINIUM BOARD OF DIRECTORS APPROVAL FORM and FINANCIAL AGREEMENT FORM
Contact J.U.L.I.E. before digging to coordinate utilities.	
After the project is complete, notify the Landscape Coordinator who will review the work, and evaluate your Contractor.	Complete the CONTRACTOR EVALUATION

### CERTIFICATION

I hereby certify that I have read (and understand) the Landscape Variance Application Information as outlined.

Unit Owner(s) Name(s) (Please Print) \_\_\_\_\_

Unit Owner(s) Signature(s) \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Condominium Association No. \_\_\_\_\_ Unit No. \_\_\_\_\_

# PREFACE

## **A General Introduction to Common Sense Landscaping at LBS:**

This document is an overview of Landscaping at LBS. As a community, we have worked to achieve policies that:

- Promote a responsible use of the landscape budget.
- Provide freedom from the obligation of lawn work and tree maintenance.
- Permit flexibility for those who enjoy the appearance and the activity of landscaping around their individual unit, and
- Respect the regulations of the Illinois Condominium Act.

The landscape budget is large at LBS, yet it has grown only 4% since 1991. In striving to keep costs down, priorities are established. Our priorities are the upkeep of the lawns and public flower beds, the health of the trees, protection of naturalized areas, maintenance and replacement of timbers to control erosion, provision and care of shrubs around the units.

Many of us want flowers in beds around our units, perhaps more interesting shrubs, or an upgraded patio or courtyard. We are also willing to pay individually to achieve the look we want. The Landscape Commission welcomes that, encourages it, and frankly, is grateful that individuals are willing to create beauty where the official budget would only provide neatness and health.

There is a great deal of landscaping you can do without a variance (a plan which is submitted to the Commission for approval). However, there are times when you will need to request a variance. Here's why. It is helpful to understand that all the land outside the unit belongs to the Common Elements (we all share it) or a subsection called Limited Common Elements. **“Limited Common Elements” is a vague term, which describes portions of the Common Elements that are provided for private use. A private deck, courtyard or patio is easy to delineate as Limited Common Element. We choose also to use this term for the existing flowerbeds outside the fences, behind or alongside the units, usually adjacent to the unit. This is an imperfect definition, because there are many variations on whether and to what extent these beds exist.**

**We hope to communicate the general idea that, although the bed at your front door feels like yours, and you want to design it, and you'll pay for it, it still belongs to all of us. We truly believe that beautifying your unit is not for personal use, but rather for all of our benefit.**

For those of you who want to garden or landscape at this level, policies have been written to maintain consistency in approach, and wisdom in our choices. These are documented and available in the Management Office.



Landscape Variance Application

**PROPOSAL FORM**

UNIT OWNER (S) NAME (S): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CONDOMINIUM ASSOCIATION: \_\_\_\_\_ UNIT NUMBER: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

**You are encouraged to attend the Landscape Commission Meeting and your Condominium Association Board Meeting to answer questions about your Variance Application. Work begun or done without the recommendation of the Landscape Commission and approval by the Condominium Board may be subject to being fined and stopped, and/or dismantled, and returned to original condition at the owner's expense.**

Architectural Variance Application is required. Completed copy attached.

Please outline the action you wish to take:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain the reason(s) for your proposal:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Unit Owner(s) Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

Attach plan drawings of proposed change as required by the Variance Guideline, the completed Signature Form, Financial Agreement Form, and Contractor Information Form. Photographs may be helpful. Allow up to 60 days for the approval process. Your Condominium President will advise you of the Condominium Board's decision.

DATE SUBMITTED TO THE MANAGEMENT OFFICE: \_\_\_\_\_

**OFFICE USE ONLY**

Submitted to:	Date:	NOTE:
Management Office		Copies are to be distributed simultaneously to the Commission involved and the Condominium President.
Landscape Commission		
Condominium President		
Public Works		



## SIGNATURE FORM

The signatures of your neighbors who will view this change are required.

**Note to those who sign this form:** This form allows you to comment on the project that is being proposed by your neighbor. Your signature indicates that you have reviewed and approve the proposed Variance Application.

1) Name: \_\_\_\_\_  
(type or print)

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

I have reviewed the proposed change and would like to make the following comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

2) Name: \_\_\_\_\_  
(type or print)

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

I have reviewed the proposed change and would like to make the following comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

3) Name: \_\_\_\_\_  
(type or print)

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

I have reviewed the proposed change and would like to make the following comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Use back for additional signatures)



*Landscape Variance Application*

**CONTRACTOR INFORMATION FORM**

**Please Print**

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

Contractor's Name: \_\_\_\_\_

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

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Business Telephone: \_\_\_\_\_

Years in Business: \_\_\_\_\_

Attach Business Card

**Note to Unit Owner(s) and Contractor:**

- Review completely the rules and criteria for unit landscaping.
- If the Landscape Variance Application involves Hardscape (including, but not limited to, bricks or pavers), it is necessary to submit an Architectural Variance Application as well. If the Landscape Variance Application involves soil erosion control, submit a duplicate of the application to Public Works for Buffalo Box relocation and/or drainage control.
- Building Permits from the Village of Lake Barrington may be required. Call 847-381-6010 for further information.
- Call J.U.L.I.E. at (1-800-892-0123) before you dig. LBS Public Works must be informed as well.
- All plan drawings, photographs, etc. submitted with this Application become the property of the Landscape Commission and are not returnable.

Contractor's Signature: \_\_\_\_\_

Sub-Contractor's Signature: \_\_\_\_\_

*Landscape Variance Application*

**FINANCIAL AGREEMENT FORM**

Because the Lake Barrington Shores Landscape Budget is planned and monitored as part of assessments, we need to document who will pay for the work and who will provide upkeep. This details the agreement and becomes a part of the Unit file, which is passed on to future buyers.

The Condominium Landscape Representative(s) is responsible to visually investigate the proposed change. It is possible that the proposed work would be addressed, in priority order, on the Condominium Association Inspection Report and paid for with funds from the Landscape Budget allocated to each condominium association annually. The Landscape Representative(s) can advise you about this probability.

Where the owner is assuming the costs, the amount need not be specified in the form below. Where the Condominium Association is paying for the work, amounts are to be provided.

Expense items that will be considered include, but are not limited to, the following:

Expense Item	Responsibility	Amount
Removal of existing plant material		
Relocation or disposal of existing plant material		
Public works (drainage, erosion control, etc.)		
Purchase and installation of new plant material		
Maintenance until established (1 year)		
Ongoing maintenance: <sup>1</sup> Non-standard stock	owner	NA
Standard stock <sup>2</sup>	budget	
Other		

I agree to accept the responsibilities outlined above as "owner". In the case of "ongoing maintenance", I agree to maintain this project independently.

I agree to gain the agreement in writing of future buyers to continue maintenance of the project.

Should they not agree, or should I no longer want to continue the project, I agree to convert the property to a standardized landscape bed as covered by the maintenance agreement with the LBS contractor.

Unit Owner(s) Name(s) (please print) \_\_\_\_\_

Unit Owner(s) Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

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

Condominium Association No. \_\_\_\_\_ Unit No. \_\_\_\_\_

Landscape Representative Signature: \_\_\_\_\_

<sup>1</sup> Regardless of plant stock, LBS assumes no responsibility for damage to plant material in the course of landscape maintenance.

<sup>2</sup> Ongoing maintenance of "standard stock" plantings requires agreement of the Landscape Coordinator:

Landscape Coordinator: \_\_\_ ( ) agree ( ) disagree \_\_\_\_\_



**LANDSCAPE COMMISSION RECOMMENDATION FORM**

On this date, \_\_\_\_\_, the Landscape Commission met and reviewed the attached Landscape Variance Application for the following address:

Address: \_\_\_\_\_ Condominium Association No: \_\_\_\_\_

The Landscape Planning Coordinator, acting as the authorized representative of the Commission, has made this decision:

Requests Full Commission Review

Recommends With No Change

Recommends with Alterations Noted:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This Variance Application was reviewed by the full Landscape Commission and received the following decision:

Favorable Recommendation

Unfavorable Recommendation

Comments to the Condominium Board of Directors:

**Architectural variance may be required.**

**Completed Financial Agreement Form is attached.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Chairperson: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE TO CHAIRPERSON: THE LANDSCAPE VARIANCE APPLICATION WITH PLAN DRAWINGS, THE SIGNATURE FORM, THE FINANCIAL AGREEMENT FORM, AND THE RECOMMENDATION FORM ARE TO BE RETURNED TO THE MANAGEMENT OFFICE FOR DISTRIBUTION TO THE CONDOMINIUM BOARD OF DIRECTORS.**



**CONDOMINIUM BOARD OF DIRECTORS APPROVAL FORM**

Condominium Association No:
Name of Unit Owner(s)
Unit Number:
Address:
Telephone – Home: <span style="float: right;">Telephone – Work:</span>

**LANDSCAPE VARIANCE DECISION BY THE LAKE BARRINGTON SHORES CONDOMINIUM ASSOCIATION NO. \_\_\_\_\_ BOARD OF DIRECTORS:**

Approved                       Approved with Contingency Below                       Not Approved

**Contingency:** \_\_\_\_\_

\_\_\_\_\_

**The signed Financial Agreement Form is attached.**

**The Board's approval is contingent upon an Architectural Variance.**

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of President: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE TO CONDOMINIUM BOARD: IT IS THE RESPONSIBILITY OF THE BOARD OF DIRECTORS TO NOTIFY THE ABOVE RESIDENT OF ITS DECISION REGARDING THIS LANDSCAPE VARIANCE APPLICATION.**

**INSPECTION** by the Lake Barrington Shores Condominium Association No. \_\_\_\_\_  
Board of Directors:

Approved    Not Approved    Signature of President: \_\_\_\_\_ Date: \_\_\_\_\_

President: Return the Variance Application Forms to the Landscape Coordinator for completion

**COMPLIANCE INSPECTION** by the Landscape Coordinator:

Complies with approved Variance                      Does not comply with approved Variance

Signature of Landscape Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_



**FOR HOMEOWNER USE: Evaluation Form For Landscape Contractors**

:Lake Barrington Shores maintains a file that may be helpful for other unit owners as they select a contractor. After your project is finished, you are encouraged to add your comments regarding the performance of your contractor.

Complete this form and return it to the Landscape Coordinator.

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

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

Date and Description of the project: \_\_\_\_\_

Contractor name: \_\_\_\_\_

Contractor telephone: \_\_\_\_\_

Contractor – primary contact: \_\_\_\_\_

For each area, put an X on the line to indicate your level of satisfaction:

1. How **efficient** was the contractor in doing your work?

\_\_\_\_\_

Dissatisfied	Satisfied	Delighted!
--------------	-----------	------------

2. How **creative/ helpful** was the contractor in planning your project?

\_\_\_\_\_

Dissatisfied	Satisfied	Delighted!
--------------	-----------	------------

3. How satisfied were you with the **price** you paid?

\_\_\_\_\_

Dissatisfied	Satisfied	Delighted!
--------------	-----------	------------

4. Were you pleased with the **availability/ responsiveness** of your contractor?

\_\_\_\_\_

Dissatisfied	Satisfied	Delighted!
--------------	-----------	------------

5. What did you think of the **quality** of the materials and workmanship?

\_\_\_\_\_

Dissatisfied	Satisfied	Delighted!
--------------	-----------	------------

Disclaimer: Evaluations are left on file for the benefit of LBS Unit Owners. LBS as a community does not make recommendations about the work of the contractors.





## LAKE BARRINGTON COMMUNITY HOMEOWNERS ASSOCIATION

64 Old Barn Road  
Barrington, Illinois 60010  
847-382-1660

### Landscape Variance Information

#### **An Introduction to Common Sense Landscaping at LBS**

Many unit owners want flowers in beds around their units, perhaps more interesting shrubs, or to upgrade plant material in their patio or courtyard. They are also willing to pay individually to achieve the look they want. The Landscape Commission welcomes that, encourages it, and frankly, is grateful that individuals are willing to create beauty where the official budget would only provide neatness and health. For those of you who want to garden or landscape at this level, policies have been written to maintain consistency in approach, and wisdom in our choices. This packet is a guide to landscaping at LBS. It will provide information for designing and getting approval for landscaping around your unit.

#### **Common and Limited Common Elements**

It's helpful to understand that all the land outside the unit belongs to either the Common Elements (we all share it) or Limited Common Elements. "Limited Common Elements" is a vague term, which describes portions of the Common Elements that are provided for private use. A private deck, courtyard or patio is easy to delineate as Limited Common Element. We choose also to use this term for the existing flowerbeds outside the fences, behind or alongside the units, usually adjacent to the unit. This is an imperfect definition, because there are many variations on whether and to what extent these beds exist.

Generally, although the bed at your front door feels and looks like yours, and you want to design it, and you'll pay for it, Illinois State Law specifies that it still belongs to all of us in common. We truly believe that beautifying your unit is not for personal use, but rather for all of our benefit. It is in this spirit that the guidelines exist.

There is a great deal of landscaping you can do without a variance (a formal plan which authorizes you to do landscaping). However, there are times when you will need to request a variance. These are outlined in "**Guidelines and Procedures for Homeowners: Requirements for Completing Variances for Additions to and Replacement of Landscape Materials**" (known as the **Variance Guidelines**), which is included with this packet. The packet itself will introduce you to the roles,

responsibilities, rules and processes needed to get a variance, and provide you with the forms necessary.

There is considerable reading and paperwork in this process, but by using the variance process, you'll design a project that:

fits the environment here,  
pleases your neighbors, and  
has clear financial agreements documented for accomplishing the project and maintaining it in the future.

Our experience is that if we look at these issues up front, we do better planning for the appearance, continuing value of our mutual investments, and general cooperation of the community.

We want to thank you for the commitment you are making to LBS.

## **Frequently Asked Questions About The Variance Application Process**

### **1) What constitutes a variance?**

The Landscape Commission reviews Unit Owner Variance Applications when an approved Variance is required for additions to and replacement of landscape materials in Landscape Beds (including areas considered to be Limited Common Elements), Naturalized Areas, and any possible enlargement which results in expansion of plant materials into Common Elements. **See the document, "Guidelines and Procedures for Homeowners: Requirements for Completing Variances for Additions to and Replacement of Landscape Materials Including Any Expansion of Such into Common Elements" (known as Variance Guideline)** to determine if a proposed change requires a Variance. **Hardscape** (including, but not limited to bricks and pavers) always requires a Variance Application submission to the Architectural Commission for a recommendation and an approved Variance by the appropriate Condominium Board of Directors. The Commissions serve as review groups for the benefit of the Individual Condominium Board of Directors. The Commissions provide a recommendation, either favorable or unfavorable, to the appropriate Condominium Board of Directors. After the Commissions make a recommendation, the Condominium Board of Directors reviews the proposal and makes the final decision.

### **2) What are the criteria used to evaluate a project?**

The Landscape Commission, in carrying out its advisory function to the Condominium Board of Directors, deliberates on Master Board approved criteria outlined in Appendix A, of the Variance Guideline. Major and significant alterations or additions to the Common Elements shall not be recommended. Limited Common Elements are informally interpreted as those portions of the Common Element which are intended for the exclusive use of the Unit Owner.

3) **What is the Condominium Landscape Representative's Role?**

The Condominium's Landscape Representative (or an alternate) prepares the financial agreement form with the unit owners before submission. This form documents any responsibility the condo budget will accept, and serves as the official documentation of the agreement the parties are making regarding commitments for ongoing maintenance.

4) **What is the Timetable for Submission and Response?**

The completed Variance Application with applicable documents, all included in this package, must be submitted to the Management Office on the first day of the month prior to the next scheduled Landscape Commission meeting, which are held on the third Thursday of each month the Commission meets. Allow at least 60 days for processing Variance Applications. If a new Buyer requests a Variance before closing, the Seller must submit the request. Variance Applications that conform to the standards of the Variance Guideline may be given a favorable recommendation by the Landscape Planning Coordinator on behalf of the Commission within the month of submission. Applications requiring a full Commission review may take longer. **Complete** Variance Applications will be copied and distributed by the Management Office simultaneously to the Landscape Commission and to the Condominium President. If the Variance Application is tabled by the Commission, it is the responsibility of the Condominium Association Landscape Representative to inform the Condominium Board. The Unit Owner will be advised by the Condominium Board of its decision after it considers the Commission recommendation and acts upon the application at a Board Meeting.

5) **Who contacts utilities and arranges permits?**

Approval from the Condominium Board may require the Unit Owner to secure a Building Permit from the Village of Lake Barrington, and/or to be responsible for calling J.U.L.I.E. (Joint Utility Locating Information for Excavators) at 1-800-892-0123 in cases where utility lines may be disturbed or involved. LBS Public Works must also be notified. Be sure to give adequate notice of the work.



## APPENDIX "A"

### Criteria for Landscape Plans

The Landscape Commission deliberates on the aesthetic compatibility and appropriateness of the proposal; conformance with existing required standards and materials; safety and workmanship, and in the case of expansion of landscape areas (expansion of Limited Common Elements into Common Elements) the appropriateness of the expansion and its effect on the privacy of neighbors. Specifics we review include:

1. Pleasing plan for all seasons, including winter
2. Retention or reuse of healthy specimens that belong to the Condo
3. Ease of maintenance
4. Consistency with the look of LBS
5. Use of plants that are successful in this climate
6. Protection of sitelines or access for you or neighbors.
7. Reasonable growth rate for the area designated
8. Resistance to disease
9. Effective erosion management
10. Access to utilities
11. Space for snow removal
12. Acceptance by neighbors who will view the area
13. Landscape Commission Guidelines currently approved by the Master Board preclude incorporating statuary, stepping stones, signage, artificial edging materials, and decorative stones

For consideration of any variance application noted "Requires Full Landscape Commission Review," the applicant must be present at the Landscape Commission meeting. Applications with this preliminary notation will receive a full review by the Commission and vote by members who have viewed the site.

The Landscape Coordinator maintains information about these Guidelines, as well as lists of plants that are especially successful here. He will also be the first to review variance requests as they are submitted.

Because the Landscape budget is planned and monitored as part of assessments, we also need to document who will pay for the work and who will provide upkeep. If the homeowner is accepting responsibility, this will be documented as part of the unit file and passed on to future buyers.

Our experience has been that if we look at these issues up front, we all do better planning for the appearance, continuing value of our mutual investments, and general cooperation of the community. Over years of success and mistakes at LBS, we have learned many lessons that hard way. We want to make each project the beneficiary of our lessons learned.

**GUIDELINES AND PROCEDURES FOR HOMEOWNERS**  
*Requirements for Completing Variances for*  
**ADDITIONS TO AND REPLACEMENT OF LANDSCAPE MATERIALS**  
**INCLUDING ANY EXPANSION OF SUCH INTO COMMON ELEMENTS**

---

**PURPOSE**

The purpose of this document is to clearly define the process and list the requirements necessary for the submission of variance requests by individual homeowners for the following:

- Landscape Beds (maintained by the maintenance contractor)
- Naturalized Areas (designated by the Master Board)
- Lake Buffer Strip
- Any possible enlargement which results in expansion of plant materials into Common Elements.

Project plans advanced by an individual Condominium Association will be considered separately by the Landscape Commission. See the Landscape Coordinator for Project Plan requirements.

**BASIS FOR THESE REQUIREMENTS**

Illinois case law, Appeals Court findings, the Illinois Condominium Property Act and the Lake Barrington Shores property declarations do not grant the Master Board, the Landscape Commission or the individual Condominium Boards the right to reallocate the existing Common Elements into Limited Common Elements by permitting the expansion of any existing Limited Common Element, such as landscape beds surrounding Condo units, naturalized areas and the lake buffer strip. These Limited Common Elements and the Common Elements are owned as undivided property Tenants in Common by ALL unit owners within a Condominium.

**PROCEDURAL REQUIREMENTS**

1. Except as noted in II B below, no landscape area may be modified, replaced or enlarged without the:
  - A. completion of Landscape Variance Application forms.
  - B. expense responsibility being defined and accepted
  - C. future maintenance responsibility being defined and accepted
  - D. the recommendation from the Landscape Commission
  - E. the approval of the unit owner's Condominium Board
  - F. completion of additional requirements for variances proposing enlargements
  
- II. LANDSCAPE BEDS:
  - A. **Common Area – No Variance Allowed; No Changes Allowed (outlying beds).**
  - B. **Limited Common Area – No Variance Required**  
(Those portions of the Common Elements which are intended for the exclusive use of the Unit Owner. See details in Preface).
    1. To plant annuals in an existing bed where the expectation is that no permanent care extending beyond the growing season will be required.
    2. To plant perennials, bulbs or shrubs when such planting is to be done in bare soil within an existing landscape bed and where no movement or removal of healthy plant material is involved. Consult with the Landscape Coordinator before planting for advice about material suitable for Lake Barrington Shores.
    3. When planting in a courtyard, no variance is required unless the homeowner intends to plant a tree. If a tree planting is contemplated, a variance will be required. Any "hardscape" changes must be approved by the Architectural Commission. "Hardscape" refers to such items as stone or brick paving, etc., but not exclusively limited to such items.

**C. Limited Common Area – Variance Required:**

1. Any other alternation of Limited Common Area landscape beds, such as, but not limited to removal of or repositioning plant materials will require a variance.
2. Any expansion beyond the perimeter of an existing landscape bed will require a variance along with additional requirements (see VI)
3. Please refer to Appendix A for criteria the landscape Commission uses to recommend variances.

**D. Naturalized Areas – Variance Required:**

A variance will ALWAYS be required when ANY type of work is contemplated by an individual homeowner in a naturalized area. A listing of these areas is maintained in the LBS Management Office. Plant material for these areas must meet the guidelines stated in the document “Native Plants for Naturalizing” maintained by the Landscape Coordinator.

Naturalized areas are the responsibility of the Landscape Commission, it’s contractors, and the Conservators. Improving a Naturalized Area may be a project of considerable magnitude. Therefore, a homeowner may want to appeal to the Condo Association Board for assistance. In such case, after financial responsibility is ascertained (perhaps working with funds from interested homeowners), a Condominium Board may develop a Project Plan to submit to the Landscape Commission. In addition, a Condo may request assistance from the Conservators in caring for or reclaiming its naturalized area from aggressive, non-native plants.

**E. Lake Buffer Strip – No Variance Allowed:**

Maintenance of the Lake Buffer Strip is the responsibility of the Lake and Ponds Commission, the Landscape Commission and the Conservators. No variance will be issued for homeowner work in the Lake Buffer Strip.

**Guidelines and Procedures for Homeowners  
Additions to and Replacement of Landscape Materials  
Including Any Expansion of Such Into Common Elements**

---

Page 4

- III. Unit owners requesting a variance must:
- A. Review the rules, Landscape Commission Guidelines No. 1-5 and 7-12, available from the Management Office.
  - B. Consult with the Landscape Coordinator about the appropriateness of the plant material to be used.
  - C. Complete the Landscape Variance Application forms available at the Management Office, including signatures from your neighbors who will view this change.
  - D. Submit, with the variance request form, plan drawings which clearly show the following:
    - 1. **Existing conditions** with DIMENSIONS-photographs of existing conditions will NOT qualify as substitutes for dimensional sketches, but can be helpful.
    - 2. **Detailed and accurately dimensioned** sketches in 1/4" scale and in plan view. This plan must contain, besides accurate dimensions, the following information:
      - a). Description of all materials to be used
      - b). Size, in feet and inches, of all structural elements including foundations or footings
      - c). Location on plan of all visible utilities in relation to proposed work including, but not limited to water; sewer; sump drain; down spout and down spout drains, if any; power cable runs; telephone cable; TV cable; and water shut off valve (Buffalo Box). Also indicate the locations of heat pumps or A/C condensers; on-the-building dryer vents; hose bibs; electric meters; electric shut-off switches; any other appliance or appurtenance impacted by or located near intended work; and, where applicable, area for snow removal from the driveway.

- d) Copies of completed variance request forms with applicable documents must be submitted to the Management Office by **no later than the 1<sup>st</sup> of the month prior to the next scheduled Landscape Commission meeting.**
  
- e) The Landscape Coordinator will review the variance application, and it will not be presented to the Landscape Commission until it is completed. The Coordinator will visit the site, and indicate to the homeowner and the Landscape Commission a preliminary notation:
  - A). Acceptance Recommended With No Change
  - B). Acceptance Recommended With Alterations Noted
  - C). Requires Full Landscape Commission Review

For consideration of any variance application noted "Requires Full Landscape Commission Review", the applicant must be present at the Landscape Commission meeting. Applications with this preliminary notation will receive a full review by the Commission and vote by members who have viewed the site.

The Landscape Coordinator maintains information about these guidelines, as well as lists of plants that are especially successful here. He will also be the first to review variance requests as they are submitted.

Because the Landscape budget is planned and monitored as part of assessments, we also need to document who will pay for the work and who will provide upkeep. If the homeowner is accepting responsibility, this will be documented as part of the unit file and passed on to future buyers.

- IV. The homeowner must receive the recommendation of the Landscape Commission on the intended work, either favorable or unfavorable. Some variances may be recommended with a stipulation that the current homeowner assumes maintenance responsibility and secure the buyer's written agreement; or, if not, return the area to its original state.
- V. Upon recommendation of the proposed work by the Landscape Commission (which deliberates on the aesthetic compatibility and appropriateness of the proposal; conformance with existing required standards and materials; safety and workmanship), the variance request will be discussed.

NOTE: NO WORK may begin until applicant has received notice of the recommendation of the Landscape Commission AND approval of the Condominium Board. Work begun or done without the recommendation and approval may be subject to being fined and stopped, and/or dismantled and returned to original condition at the owner's expense. Upon completion of the work in an approved variance, the Landscape Coordinator will sign off on the variance and the documents for the homeowner's file.

**ADDITIONAL REQUIREMENTS FOR VARIANCES REQUESTING EXPANSION**

- VI. Variance requests proposing the expansion of Limited Common Elements into the Common Elements (expansion of an existing landscape bed or movement into a naturalized area, for example) require the applicant(s) requesting the variance to be present at the Landscape Commission meeting. Absent the presence of the requesting applicant(s), the variance will be tabled until such time as the requesting party appears before the Landscape Commission. These variance applications will be noted "requires Full Landscape Commission Review".

- VI. The Landscape Commission deliberates on the aesthetic compatibility and appropriateness of the proposal; conformance with existing required standards and materials; safety and workmanship; and *in the case of expansion* of landscape areas (expansion of Limited Common Elements into Common Elements), the appropriateness of the expansion and its effect on the privacy of neighbors. ***The decision of the Commission is a recommendation for or against any proposal made to the involved Condo Board and is not an approval.***
- VII. The Condominium Board has jurisdiction over approval for expansion. The enlargement or expansion of any existing EXTERIOR LIMITED COMMON ELEMENT into the COMMON ELEMENTS requires unanimous (100%) approval of ALL of the owners of ALL units existing within a given Condominium. The homeowner is guided to consult with the Condominium Board regarding additional requirements for variances proposing expansion.

**PROCEDURAL MODEL  
EXPANSION OF LIMITED COMMON ELEMENT LANDSCAPE BEDS  
INTO COMMON ELEMENTS**

---

**Page 1**

*This format is a procedural model that homeowners and Condominium Associations may use to obtain approval of the expansion from all (100%) of the homeowners in their Condominium Association.*

- I. Obtain from the Management Office a copy of the Property Assent Form and a computer printout or list of the names and addresses of ALL current unit OWNERS within the requesting party's condominium. This includes the name, address and telephone number of ALL absent owners.

This additional information must accompany the variance application submitted to both the Landscape Commission and subsequently, after recommendation by the Landscape Commission, it must also be part of the variance application presented to the unit owner's Condo Board.

- II. Recommendation of the Landscape Commission for a proposed expansion is limited to a simple majority.

Approval of the unit owner's Condo Board MUST be obtained by a two-thirds vote. If the approval is denied, the project may NOT be approved to be constructed in the original form without first resubmitting a new proposal, showing the original form, for re-recommendation by the Landscape Commission.

- III. Upon the recommendation of the Landscape Commission and the approval of the unit owner's Condo Board, the owner MUST do the following.
  - A. At unit owner's expense, the Assent Form must be reproduced to provide sufficient copies of the form to have duplicates for each unit within the Condo. Each Assent Form must be duplicated on both sides of a single sheet of paper. (Duplication will not be done on LBS equipment or at LBS cost.)

**PROCEDURAL MODEL  
EXPANSION OF LIMITED COMMON ELEMENT LANDSCAPE BEDS  
INTO COMMON ELEMENTS**

Page 2

III.

- B. The forms must be typed or printed in block letters for each unit within the Condo. Hand-written forms completed in cursive form will NOT be accepted.
1. All unit owner's names shall be copied as they appear on LBS printout.
  2. The names of all owners must be listed on form.
  3. Telephone numbers must appear even if they are unlisted in LBS directory.
  4. Complete address must be shown including manor house designations if applicable.
  5. Title of ownership must be shown, i.e. Trustee with Trust number and date, JTWRs (Joint Tenants with Right of Survivorship), etc.
  6. Name and phone number of current non-owner resident if applicable (in the case of absent ownership). Tenants may NOT sign in place of the owners. Signatures must be dated.
  7. Tenant purchasing units under purchase contracts may NOT sign in place of legal owners unless title to property is registered at County in their name (or trust).
  8. Lake Barrington Shores-designated unit number shall appear on the Assent Form (may be provided on printout list).
- C. Each Assent Form, in duplicate, must be accompanied by a single set of sketches or drawings in plan view, clearly showing the existing landscape area, the proposed enlarged landscape area, where enlarged, clearly marked, the length and width of existing and proposed in feet and inches and the total square footage of existing and proposed square footage of enlargement.

Square footage of increase MUST be inserted onto Assent Form.

IV.

- A. The unit owner proposing the expansion must then present the completed forms (in person or by mail with cover letter to resident or absent owners) and obtain the signed approval of ALL LEGAL owners of each unit within the condominium, each signature showing the legal title of the owner(s) as previously stated above. Both forms for each unit must be signed.

**PROCEDURAL MODEL  
EXPANSION OF LIMITED COMMON ELEMENT LANDSCAPE BEDS  
INTO COMMON ELEMENTS**

**Page 3**

**IV.**

- B. Unit owners proposing expansion of any outdoor living surface, whether new or rebuilt, **MUST**, as previously stated, receive unanimous (100%) approval of ALL legal owners owning property within the Condominium.

One no vote ends the process. Construction may NOT take place of either the enlarged version or the original without resubmittal of a new variance request to both the Landscape Commission and unit owner's Condo Board.

- C. The inability to obtain an absent owner's signature because owner is: gone over the winter, traveling for an extended period of time, unable to be contacted, does not respond or any other reason, ends the process and the expansion may NOT proceed.

Unit owners have six months to obtain all signatures. Recommendations and approvals automatically expire six months from the date of Condo Board approval.

- D. Renters or lessees do not qualify as substitutes for the signature of the legal owner(s).
- E. The signature of one spouse/owner in a Joint Tenancy Title is insufficient; all owners must sign.
- F. Property held in title by institutions must be signed by persons authorized to sign by such institutions.
- G. Property of deceased parties in or out of probate must be signed by the estate administrator or executor.
- H. Persons owning property who cannot be contacted for their signatures because they are living elsewhere for the winter, traveling overseas or out-of-town cannot be used as an excuse for the absence of 100% consent by ALL unit owners owning property within the Condominium.

- V. Upon receiving 100% or unanimous consent for the expansion as attested by assenting signatures on the Assent Form, the unit owner must present one copy (of the two completed) for each unit, to his Condo Board and the duplicate copies to the Management Office for AUDIT and retention.

**PROCEDURAL MODEL  
EXPANSION OF LIMITED COMMON ELEMENT LANDSCAPE BEDS  
INTO COMMON ELEMENTS**

---

**Page 4**

- V. After the AUDIT, the unit owner and his Condo Board will be notified of the approval and the Condo Board will notify the unit owner that he has permission to proceed.

Upon receipt of permission, the unit owner may proceed with the work.  
WORK BEGUN PRIOR TO THIS PROCESS IS SUBJECT TO FINES,  
DISMANTLING OF ANY WORK DONE, RESTORATION TO  
ORIGINAL AT THEIR EXPENSE AND/OR LEGAL ACTION.

Management Office will retain ALL signed Assent Forms as part of the documents associated with specific Condo units.

