

Bonita Lakes Property Owners Association, Inc.

Variance Agreement for installation of permanent basketball hoop

Standard variance is hereby approved and granted as a specific permission for installation of a permanent exterior basketball hoop and support pole only on the premises of: _____ located at the physical address _____ in Bonita Lakes, subject to the following restrictions, conditions and specifications which are not subject to any modification.

Permit uniformly selected/approved as to make and model, **permanent** hoops on private property.

- a. Homeowner is absolutely responsible for consequences of use, as the item cannot be moved onto common or public right of way premises, or accidentally fall onto neighbors property or any common element or public right of way.
- b. Items will be uniform as to placement, construction and features, make and model.
- c. Item will be well maintained in good order, no frayed netting or damaged hardware
- d. No semi-permanent or portable basketball devices will be permitted **AT THIS ADDRESS** after the effective date of this rule, any such items owned must be removed upon exercise of this agreement.
- e. Only approved make/model/color/type/manufacturer etc may be installed.

Placement of hoop support pole to be governed by rule.

- a. Support to be no less than 10' inside the homeowners property as measured from the inside edge of the street/valley/sidewalk back to the garage front wall as is measured back from the street; or where the driveway is more than 20' total depth, the placement of the improvement is to be at the 50% point measured from the street edge back to the garage wall and within 12" of the edge of the driveway; all within the limits of (b) below.
- b. Support placement must not be within the utility easement as defined by the homeowners official survey. No encroachments to the easement will be permitted.
- c. Support to be anchored within all published guidelines and using all required hardware as provided for by the manufacturer. Any concrete to be covered over with grass, support pipe to be painted black and maintained free of marks and abrasions.
- d. Support to be installed on the homeowners yard side of the driveway, NOT on the zero lot side.
- e. Installer must contact the management company for inspection when the hole is dug, to insure that the location on the lot complies with section (a) above. Homeowner and installer warrant that they will install the equipment within the guidelines set forth by the manufacturer. No concrete may be poured until management team has signed off on location on the lot . _____

Inspected, OK to pour.

Use of hoops to be governed by rule, homeowner responsible for enforcement.

- a. Children playing must be properly instructed to remain out of the street.
- b. Bonita lakes expressly denies any responsibility for the consequences of children disobeying this rule and playing on the street at any time for any reason. Your children and their safety is your responsibility, not ours.
- c. Ball may not be allowed to go onto neighbors property. Accidents are not allowed, nor will they be forgiven. It is the homeowners responsibility to require the children to fully respect and protect the property rights of neighbors which take precedence OVER the rights of the ball players.

- d. Complaints from neighbors concerning basketball playing on your property may result in you receiving a notice of violation, and your ACC Approval may be revoked if the property rights of your neighbors are not fully observed and insured. This section applies also to motorists who are inconvenienced by play on or emanating from your premises or the consequences of the cause of any accident or injury.
- e. Outside play should cease at sundown to respect the peaceful use intent of the bylaws and the property rights of other homeowners. Lighting of court area is not permitted, direct or indirect.
- f. You are financially responsible for any damage to plants by ball, children chasing ball onto neighboring properties, and you will be expected to fully reimburse the damage caused from your premises.
- g. Children may not chase their ball on to neighbors property without first seeking permission from the neighbor to pass on their premises. A lost ball is NOT an excuse to trespass, nor is a lost ball as important as sovereign property right. Your children must be so educated and guided.
- h. Homeowner must not allow more than 10 children to congregate on their premises, creating a public nuisance due to noise and excessive activity.
- i. Homeowner **may not park cars in the street or the grass** to make room for basketball hoop usage. Cars must be parked inside the garage or temporarily in guest parking if they are registered with the Management Office for such parking. Unregistered vehicles in guest parking is a violation.
- j. Homeowner agrees to remove the backboard, hoop, net and all hardware upon issuance of a Hurricane Warning.

Your basketball hoop is your CHOICE, not your RIGHT. With this approval come conditions and restrictions which you must abide by in order to continue to enjoy this PERMISSION. Permission can and will be revoked, and the basketball hoop must be removed upon notification to you by the Board of any complaint by another homeowner as to your exercise of permissions granted by this variance.

I (we) have read and understand these rules and agree to abide by them. I understand that my (our) ACC approval may be revoked for infractions of rules or complaints from neighbors. In the event my ACC approval is revoked and any appeal does not result in a reversal, I agree now in advance, to at that time, remove the item from my premises. Agreement is effective on _____.
Agreement is valid for present owner, agreement terminates upon transfer of deed. Subsequent owners must petition if they wish to maintain the variance.

 Homeowner.

 President

 Secretary

 Homeowner

 Vice President

 Board Member