

**CIVANO I NEIGHBORHOOD I ASSOCIATION, INC.**  
**RESOLUTION OF BOARD OF DIRECTORS**  
**VARIANCE FOR CERTAIN LOTS WITH GUEST HOUSES (“CASITAS”)**  
**08-03**

RECITALS

WHEREAS the developer of Civano 1, while in control of the Civano 1 Neighborhood I Association, Inc. (the “Association”) permitted a number of Lots in Civano 1 to be built with secondary dwelling units (“Casitas”) on them as part of the original construction on the subject Lots; and

WHEREAS the construction of Casitas on certain lots in Civano I was approved by the City of Tucson and is allowed by the Civano I zoning, as embodied in the Neighborhood I Planned Area Development; and

WHEREAS many of the Owners of the subject lots are currently renting, and may in the future rent, the Casitas; and

WHEREAS Section 5.3.2.1 of the *Amended and Restated Declaration of Covenants, Conditions and Restrictions for Civano 1: Neighborhood 1* (the “Declaration”) states that: “No portion of a Dwelling Unit, Lot or Parcel may be rented, other than the entire Dwelling Unit, Lot or Parcel; and

WHEREAS Section 5.5 of the Declaration permits the Association’s Board of Directors, in its sole discretion, to grant variances from the restrictions set forth in Article 5 of the Declaration if certain conditions are met; and

WHEREAS the Association’s Board believes that present and future Owners of the lots described in these Recitals, which have Casitas, should be granted a variance from Section 5.3.2.1 of the Declaration.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of Civano 1: Neighborhood I Association, Inc. does hereby adopt the following policy on granting variances from the requirements of Section 5.3.2.1 of the Declaration:

1. Current and future Owners of lots with Casitas will be asked by the Board to request a permanent variance from the restriction in Section 5.3.2.1 of the Declaration, on a form to be provided by the Association. Consideration for future Casitas will be made by the Board, provided that their design and construction has been reviewed and approved by the Civano I HOA Design Review Committee, and all applicable City of Tucson permits and licenses have been obtained for the structure.
2. For the purposes of this Resolution, “Casita” is defined as a structure that is separate from or attached to the main dwelling on a lot, and has its own kitchen facilities or other features that allow it to be completely separate from the main dwelling.
3. The Board will grant variances to all Owners described in Section 1, with the provisions described in Section 1; and said variance will apply to all future owners of the lot.
4. Owners of lots that have a Casita may apply for and be granted a variance at any time, even if the Casita is not currently used as rental. The Board will make efforts to assure that all such lots are granted variances within the next 60 days so the records of the Association are clear with respect to which lots are covered by this Resolution.