

RULE L: VARIANCES

1. **VARIANCES AUTHORIZED.** The Board of Managers may hear a request for variance from a literal provision of these rules where strict enforcement would cause undue hardship or practical difficulty because of circumstances unique to the property under consideration. The Board of Managers may grant a variance if an applicant demonstrates that such action will be in keeping with the spirit and intent of these rules and in doing so may impose conditions on the variance as necessary to find that it meets the standards of section 2, below. A variance request must be addressed to the Board of Managers as part of a permit application and must address each of the four criteria listed in the standard.
2. **STANDARD.** In order to grant a variance, the Board of Managers must determine that:
 - (a) Special conditions apply to the structures or lands under consideration that do not apply generally to other land or structures in the District.
 - (b) Because of the unique conditions of the property involved, undue hardship or practical difficulty to the applicant would result, as distinguished from mere inconvenience, if the strict letter of the rules were applied. Economic considerations alone do not constitute undue hardship or practical difficulty if any reasonable use of the property exists under the terms of the District's rules.
 - (c) The proposed activity for which the variance is sought will not adversely affect the public health, safety or welfare; will not create extraordinary public expense; and will not adversely affect water quality, water control or drainage in the District.
 - (d) The intent of the District's rules is met.
3. **PRACTICAL DIFFICULTY DEFINED.** In evaluating practical difficulty, the Board of Managers will consider the following factors:
 - (a) How substantial the variation is from the rule provision;
 - (b) The effect of the variance on government services;
 - (c) Whether the variance will substantially change the character of watershed resources or be a substantial detriment to neighboring properties;
 - (d) Whether the practical difficulty can be alleviated by a technically and economically feasible method other than a variance;
 - (e) How the practical difficulty occurred, including whether the landowner created the need for the variance; and
 - (f) In light of all of the above factors, whether allowing the variance will serve the interests of justice.
4. **TERM.** A variance expires on expiration of the CAPROC approval or permit associated with the variance request.
5. **VIOLATION.** A violation of any condition set forth in a variance is a violation of the District permit that it accompanies and automatically terminates the variance.