

# REQUEST FOR VARIANCE AND STATEMENT OF HARDSHIP

**MINNEHAHA CREEK WATERSHED DISTRICT (MCWD)**  
**15320 MINNETONKA BLVD.**  
**MINNETONKA, MN 55345**

**Phone: 952-471-0590**  
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A request for a Variance must be accompanied by a MCWD Water Resources Application

**Project Details:**

Project address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County: \_\_\_\_\_ Property ID number (PID): \_\_\_\_\_

The Board of Managers may hear requests for variances from strict compliance with provisions of the District Rules in instances where strict enforcement of the rules would cause an undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant variances where it is demonstrated that such action will remain in spirit and with the intent of these rules. An applicant granted a variance from full compliance with a requirement of the rules would be required to meet the requirement to the greatest degree feasible short of full compliance. A variance must be approved by a two-thirds majority of managers voting.

To grant a variance, the Board of Managers must determine, based on a showing by the applicant:

- That because of special conditions inherent to the property, which do not apply generally to other land or structures in the District, strict compliance with a provision of a District rule will cause undue hardship to the applicant or property owner;
- That the hardship was not created by the landowner, the landowner's agent or representative, or a contractor. Economic hardship is not grounds for issuing a variance.
- That granting such variance will not merely serve as a convenience to the applicant.
- That there is no feasible and prudent alternative to the proposed activity requiring the variance.
- That granting the variance will not impair or be contrary to the intent of these rules.

A variance will remain valid only as long as the underlying permit remains valid.

A violation of any condition of approval of a permit subject to a variance shall constitute grounds for termination of the variance.

Variance Requested From MCWD Rule(s):

- Erosion Control
- Floodplain Alteration
- Wetland Protection
- Shoreline & Streambank Stabilization

- Waterbody Crossings & Structures
- Stormwater Management
- Appropriations
- Illicit Discharge

Provision(s) and Requirement(s) of the Rule(s):

Requested Variance:

Please complete the below narrative to be used as the variance justification that will be considered by the Board of Managers. Please note that economic hardship is not grounds for issuing a variance.

Describe the special conditions inherent to the property and how strict compliance with the rule will cause an undue hardship.

Describe how the special condition was not created by the applicant, the representative, or a contractor.

Provide a minimum of two alternatives that were considered and why they were rejected to demonstrate that there is no feasible and prudent alternative to the proposed activity requiring the variance.

Referring to the Policy of the Rule(s), describe how the intent of the rule(s) will be met.