

**MINNEHAHA CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

14. VARIANCES AND EXCEPTIONS RULE

Adopted XXXX

Effective XXXX

- 1. VARIANCES and EXCEPTIONS AUTHORIZED.** An applicant may request to be excused from strict compliance with a provision of the District rules. The request must be submitted on a variance or an exception application form maintained by the District. A variance or exception requires a favorable vote of two-thirds of the Board of Managers present and voting.
- 2. VARIANCE STANDARD.** An applicant for a variance must demonstrate that strict compliance with an identified provision of the District rules is practically difficult, as a result of an unusual feature of the property or its setting. The Board of Managers, in its judgment, will decide whether a practical difficulty has been shown, and whether a variance to relieve this practical difficulty may be granted. The Board's decision whether to grant a variance will rest on the following:

 - a. the cause of the difficulty, and whether the applicant played a role in creating it;
 - b. whether the proposal reasonably may be modified to avoid the need for a variance, or there otherwise is a practical way to avoid the difficulty;
 - c. the extent to which the applicant seeks to diverge from the rule, and the extent to which the divergence would cause impact to water resources; and
 - d. whether the variance would shift a burden to a neighboring property or to the broader public.
- 3. EXCEPTION STANDARD.** The Board of Managers may grant an exception from a particular water resource standard, specification or management method in the District rules, if it determines that an alternative approach proposed by the applicant would achieve water resource outcomes of the type that the Board intends the standard, specification or method to achieve, and would do so to at least the same degree.
- 4. CONDITIONS.** The Board of Managers may place conditions on the granting of a variance or exception as it finds necessary to determine that the standard for the variance or exception has been met.
- 5. TERM.** A variance or exception has the same term as the underlying permit. Unless it specifically states otherwise, a District action renewing, terminating or transferring a permit has the same effect on an associated variance or exception.