



Title: Permit #25-041: Whittier Park Playground Reconstruction

Prepared by: Name: Veronica Sannes, Permitting Technician
Phone: (952) 641-4580
Email: vsannes@minnehahacreek.org

Recommendation:

Approval of MCWD permit 25-041 in accordance with the submitted plans and following conditions:

- Submission of a signed maintenance agreement under the Stormwater Management rule.
- Board approval of requested variance for low entry separation.

Project Location and Scope

Location and Hydrology:

This Project is proposed by the Minneapolis Park and Recreation Board (MPRB/Applicant). The Project area is located on MPRB property at 2600 Grand Ave S, within the City of Minneapolis and the Minnehaha Creek subwatershed. The 4.01-acre site comprises a recreation center, portion of a school, a playground, and a ballfield. The site drains west through the city of Minneapolis storm sewer before entering Lake of the Isles which drains south to the Minnehaha Creek.

Project Purpose and Scope:

The MPRB proposes to reconstruct the existing playground and install two playground areas, a half basketball court, a planting area, and a filtration basin (Project).

Regulatory Framework

The MCWD's Erosion Control and Stormwater Management Rules are applicable to this project. MCWD permitting staff and District Engineer have reviewed the Project and concluded that it meets the applicable MCWD rules except for Section 6 of the Stormwater Management rule, from which the Applicant is seeking a variance.

Proposed Variance

The Applicant is seeking a variance to Section 6 of the Stormwater Management rule, which requires two feet of vertical separation between the 100-year high water elevation of a waterbody or stormwater practice and the low opening of any structure, unless the structure opening is hydraulically disconnected from the waterbody or practice. The 100-year high water elevation of the proposed filtration basin is 875.4 ft and the low opening of the nearby recreation center is 876.2 ft, resulting in a 0.8 ft vertical separation between the two elevations. The structure opening is not hydraulically disconnected from the stormwater practice due to site grades and its proximity to the building.

MCWD Rule Analysis:

Erosion Control Rule

MCWD's [Erosion Control Rule](#) applies to work disturbing more than 5,000 square feet of ground surface or excavating, filling or stockpiling 50 cubic yards or more of material. The Project proposes to disturb 0.92 acres and excavate and fill using 1,800 cubic yards of material; therefore, the rule is applicable. The Project proposes an Erosion Control Plan, shown on page 1 of Attachment A. This plan includes seeding for permanent stabilization, a rock construction entrance, perimeter control around the proposed work, and inlet protection. Staff have reviewed the permit application and have found it to be complete and compliant with all Erosion Control Rule requirements.

Stormwater Management

MCWD's [Stormwater Management Rule](#) applies to development projects that meet the criteria of site size, extent of site disturbance, and impervious surface changes as outlined in Table 1 of the rule. The proposed project is on a 4.01-acre site, proposes 0.37 acres of reconstructed impervious surface, 0.92 acres of disturbance (23% of site), and no change in overall impervious surface area on site. Therefore, the project requires the incorporation of an on-site Best Management Practice (BMP).

Sections 3 and 4 are not applicable as the project is not required to provide volume or rate control.

Under Section 5 of the rule, the proposed BMP must achieve one or more of the following: limit impervious surface increase, reduce stormwater volume, reduce pollutant discharge, or control peak flow from the site. The proposed BMP is a filtration basin designed to reduce pollutant discharge and result in no increase in peak flow rates from the site. The Applicant has selected the proposed practice in order to also conform to City of Minneapolis stormwater management requirements. The BMP must also be designed and installed in accordance with the Minnesota Stormwater Manual and accepted engineering practice. The District engineer has reviewed the permit application and has found it to be complete and compliant with all applicable Stormwater Management rule requirements.

Section 6 requires that two feet of vertical separation or hydraulic disconnection be provided between the 100-year high water level and the nearby low opening of the recreation center. The proposed BMP does not meet this requirement, and the Applicant is requesting a variance from this section of the rule, as explained in greater detail under the "Variance Request" section.

Section 7(b) requires that there be no increase in bounce for design storm events, no increase in inundation period for 1-year, 2-year, 10-year, and 100-year design storm events, and no permitted runout control elevation changes. The proposed project conforms to all of these standards. There is no increase in impervious area and drainage patterns mimic existing conditions so there is no possibility of increasing bounce or inundation period for design events.

Section 8 is not applicable as the project is not required to provide volume or rate control.

Under Section 10 of the rule, a signed agreement with the District must be provided by which the permittee assumes permanent maintenance responsibility. It is recommended that the completion of the signed agreement be a condition for permit issuance.

Section 11 is not applicable as the Applicant is a public agency and therefore financial assurance is not required.

Variance Request:

Variance Criteria:

Under the [Variances and Exceptions Rule](#), an applicant requesting a variance must demonstrate that strict compliance with an identified provision of the District rules creates a practical difficulty 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 District's Variance rule states that the Board's decision whether to grant a variance will rest of the following:

1. The cause of the difficulty, and whether the applicant played a role in creating it;
2. 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;
3. 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
4. Whether the variance would shift a burden to a neighboring property or to the broader public.

Practical Difficulty:

The cause of difficulty resulting in the variance request is a combination of the site's existing drainage patterns and topography, the elevation of the existing recreation center's low opening, and regulatory requirements from MCWD and the City of Minneapolis. The entire site is very flat with elevations at approximately 875 ft and the existing building's low opening is at the elevation of 876.2 feet, meaning it is difficult to achieve 2 feet of vertical separation anywhere on the

site, while the emergency overflow (EOF) route of the entire site is 875.55 ft, meaning that if grading is below 875.55 ft, the overland flow path will not drain off the site. The Applicant is also constrained in the type of BMP to use for treatment because it is required to provide a BMP to meet MCWD regulations, and water quality treatment and rate control to meet City of Minneapolis requirements. None of the causes of the difficulty were created by the Applicant.

Variance Avoidance:

The Applicant and MCWD staff and engineering team explored multiple alternatives in an effort to achieve the required vertical separation or demonstrate hydraulic disconnection. Four of the alternatives explored were (1) reconfiguring the size of the basin, (2) an alternative BMP method, (3) an underground BMP, and (4) moving the basin to an alternative location. These are explored in greater detail below.

1. Basin Size: If the basin were sized to be deeper or larger, the 100-year flood elevation could meet the 2-foot freeboard requirement. However, the Applicant is unable to dig the basin deeper to gain the two feet of separation without compromising the required 3:1 side slopes of the basin. The Applicant is also not able to expand the footprint to gain the 2-feet of separation without having nearby utility conflicts, losing playground area, and/or losing mature trees.
2. Alternative BMP: The MCWD Stormwater Management rule requires the incorporation of a BMP, but does not prescribe what BMP should be used. If a BMP were chosen that had no or a lower 100-year high water elevation, the variance could be avoided. Using a device such as a [St. Anthony Falls Laboratory \(SAFL\) baffle](#), or other underground treatment device may result in avoiding the need for a variance. However, after conversation with MPRB and the City of Minneapolis, two primary constraints emerged with this alternative. The first being that the City of Minneapolis Stormwater Management regulations require that the project provide water quality treatment for the reconstructed impervious surface, a more stringent requirement than the MCWD regulation. Incorporating a different BMP such as a SAFL baffle would likely result in less water quality treatment and may not be able to meet City requirements. The MPRB also intends to use the filtration basin as an educational tool, so replacing it with an underground feature wouldn't satisfy that goal of the project. The District also understands that the City has a policy preference for surface area BMPs as opposed to underground BMPs.
3. Underground Basin: A second alternative explored was changing the design of the above ground filtration basin to an underground filtration basin. However, this would require excavation and offsite disposal of a large volume of contaminated soils, as soil testing has indicated soils contaminated with lead and arsenic onsite. The over-excavation needed for an underground basin might also risk mobilizing some of the contamination. This alternative would also not meet project goals of having the educational feature of the basin.
4. Alternative Location: A third alternative explored was moving the basin south of the playground area to achieve hydraulic disconnection. However, in order to continue capturing runoff from the required 0.37 acres of impervious surface to meet City requirements, the entire site would need to be regraded to drain south. This extent of regrading would result in significant tree loss in the park, trigger the need to export large quantities of contaminated soils, and increase project cost.

Rule Divergence:

Section 6 of the Stormwater Management rule states that "There must be two feet of vertical separation between the 100-year high water elevation of a waterbody or stormwater practice and the low opening of any structure, unless the structure opening is hydraulically disconnected from the waterbody or practice". The proposed 100-year HWL of the basin is 875.4 ft and the low opening is 876.2 ft, meaning the vertical separation is 0.8 ft, a 1.2-foot deviation from the required standard. While the applicant has shown a flow path for the EOF, the project does not demonstrate adequate hydraulic disconnection due to the proximity to the low opening and the site slopes. While the proposal does not meet the Section 6 requirement, because of the flat site, widespread site flooding to a depth of 0.8 feet would need to occur before water would reach the building's low opening. This would need to occur as a result of a very substantial precipitation event overloading the area's stormwater conveyance system; in such an instance, the contribution to flooding from water in the proposed basin would be insignificant. The Project decreases flood risk from the existing condition, and therefore the variance represents a minimal departure from the rule's intent to protect structures from flooding.

Burden to Others or Public:

The requested variance would not shift the burden onto any neighboring properties or to the public. While it is a public site and building, the proposed condition does not increase burden onto the public. The proposed condition represents an improvement over the existing condition, where separation that is proposed is more than what is in the existing condition which is flat with grass and type B soils capable of some infiltration.

The decision to grant a variance lies within the judgment of the Board of Managers. MCWD Staff and the District Engineer have reviewed the application and have found that it does not increase flood risk to surrounding areas.

Where the District grants a variance from the flood separation requirement, it may consider, for the benefit of successors in title, a condition requiring the property owner to record on the title a notation of the variance granted. Because the site is institutionally owned and used, staff does not find this condition to be necessary here.

Summary:

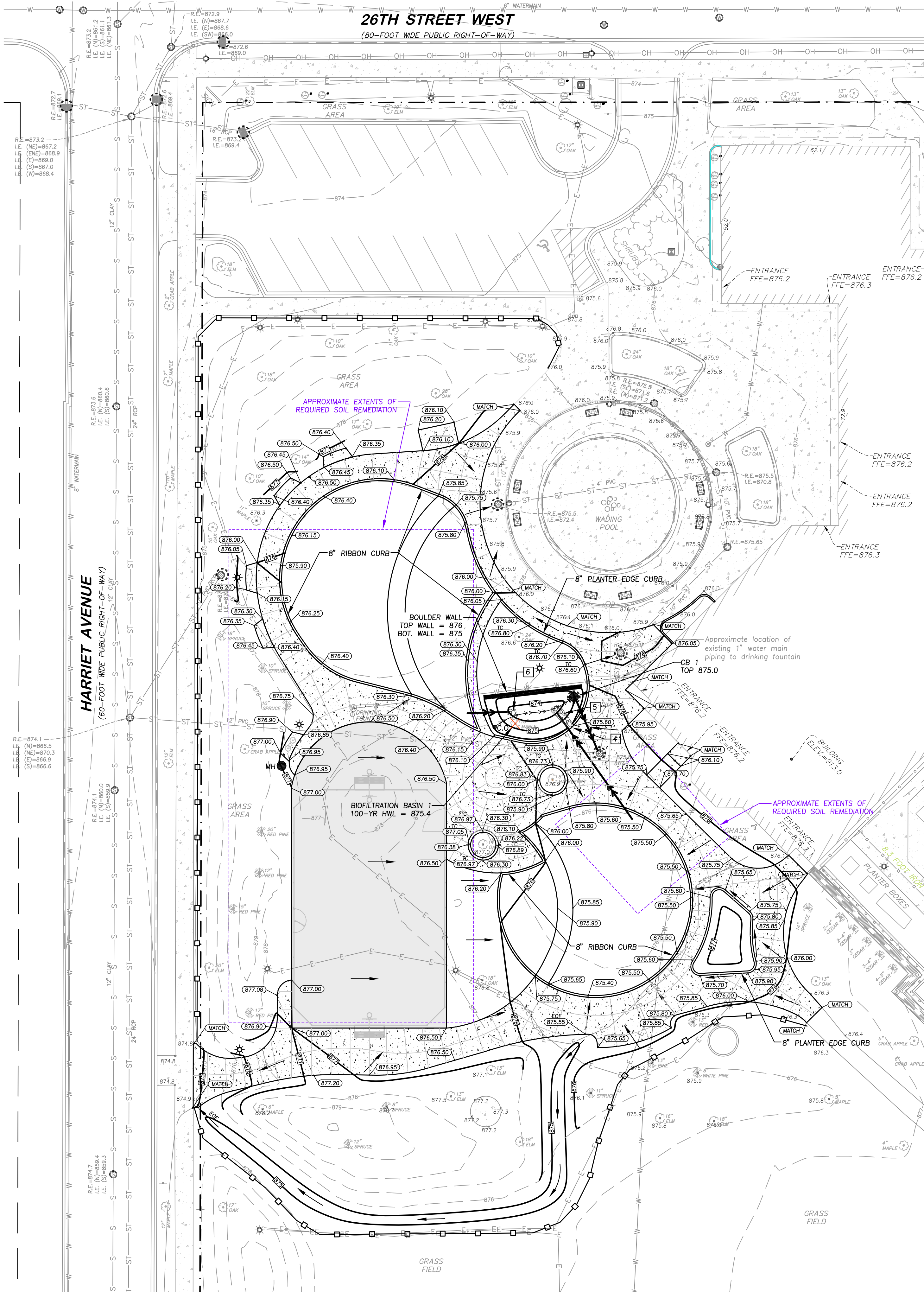
The Minneapolis Park and Recreation Board has applied for a MCWD permit under the Erosion Control and Stormwater Management rules. Based on review by staff and the District Engineer, staff finds that the application meets all Erosion Control requirements and all Stormwater Management requirements except for Section 6, for which the applicant is requesting a variance. Staff and District Engineer have presented the technical basis for a variance, which lies within the judgment of the Board of Managers.

Attachments:

Attachment A – Site Plans

Attachment B – Variance Request Form

ATTACHMENT A – SITE PLANS



MINNEAPOLIS STANDARD EROSION CONTROL NOTES

- Contractor must call a construction start 48 hours prior to any land disturbances 612-673-3867. Failure to do so may result in fines, the revocation of permit and a stop work order being issued.
- Install perimeter erosion control at the locations shown on the plans prior to the commencement of any land disturbance or construction activities.
- Before beginning construction, install a temporary rock construction entrance at each point where vehicles exit the construction site. Use 2 inch or greater diameter rock in a layer at least 6 inches thick across the entire width of the entrance. Extend the rock entrance at least 50 feet into the construction zone using a geo-textile fabric beneath the aggregate to prevent migration of soil into the rock from below.
- Remove all soils and sediments tracked or otherwise deposited onto public and private pavement areas. Removal shall be on a daily basis when tracking occurs and may be ordered by Minneapolis inspectors at any time if conditions warrant. Sweeping shall be maintained throughout the duration of the construction and done in a manner to prevent dust being blown to adjacent properties.
- Install inlet protection at all public and private catch basin inlets, which receive runoff from the disturbed areas. Contractor shall clean, remove sediment or replace storm drain inlet protection devices on a routine basis such that the devices are fully functional for the next rain event. Sediment deposited in and/or plugging drainage systems is the responsibility of the contractor. Hay bales or filter fabric wrapped grates are not allowed for inlet protection.
- Locate soil or dirt stockpiles no less than 25 feet from any public or private roadway or drainage channel. If remaining for more than seven days, stabilize the stockpiles by mulching, vegetative cover, tarps, or other means. Control erosion from all stockpiles by placing silt barriers around the piles. Temporary stockpiles located on paved surfaces must be no less than two feet from the drainage/gutter line and shall be covered if left more than 24 hours.
- Maintain all temporary erosion and sediment control devices in place until the contributing drainage area has been stabilized. Inspect temporary erosion and sediment control devices on a daily basis and replace deteriorated, damaged, or rotted erosion control devices immediately.
- Temporarily or permanently stabilize all construction areas which have undergone final grading, and all areas in which grading or site building construction operations are not actively underway against erosion due to rain, wind and running water within 7-14 days. Use seed and mulch, erosion control matting, and/or sodding and staking in green space areas. Remove all temporary synthetic, structural, non-biodegradable erosion and sediment control devices after the site has undergone final stabilization with permanent vegetation establishment. Final stabilization for purposes of this removal is 70% established cover over denuded area.
- Ready mixed concrete and concrete batch/mix plants are prohibited within the public right of way. All concrete related production, cleaning and mixing activities shall be done in the designated concrete mixing/washout locations as shown in the erosion control plan. Under no circumstance may washout water drain onto the publicright of way or into any public or private storm drain conveyance.
- Changes to approved erosion control plan must be approved by the erosion control inspector prior to implementation. Contractor to provide installation and details for all proposed alternate type devices.
- If dewatering or pumping of water is necessary, the contractor is responsible for obtaining any necessary permits and/or approvals prior to discharge of any water from the site. If the discharge from the dewatering or pumping process is turbid or contains sediment laden water, it must be treated through the use of sediment traps, vegetative filter strips, or other sediment reducing measures such that the discharge is not visibly different from the receiving water. Additional erosion control measures may be required at the discharge point to prevent scour erosion. The contractor shall provide a dewatering/pumping plan to the Erosion Control Inspector prior to initiating dewatering activities.

CODE COMPLIANCE:

- WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LAWS, CODES & REQUIREMENTS OF REGULATORY AGENCIES HAVING JURISDICTION.
- NOTIFY THE OWNER'S ENGINEER OF DISCREPANCIES BETWEEN THE WORK AND APPLICABLE CODES. DO NOT WORK IN AN AFFECTED AREA UNTIL THE DISCREPANCY HAS BEEN RESOLVED.
- VERIFY CODES IN EFFECT AT THE TIME OF THE NOTICE TO PROCEED AND STAY CURRENT WITH CODE CHANGES WHICH AFFECT THE WORK UNTIL SUBSTANTIAL COMPLETION.

GRADING NOTES

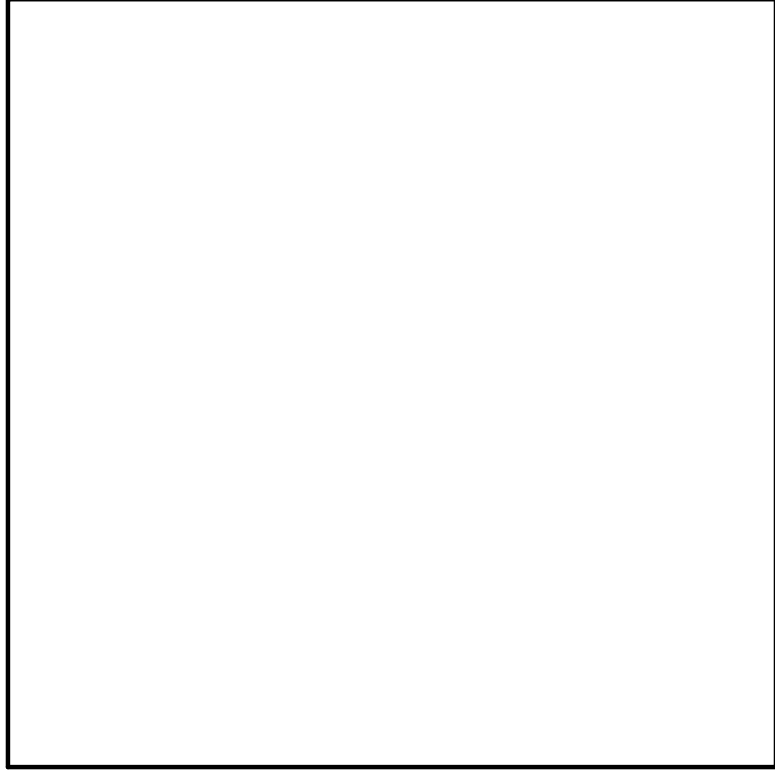
- All elevations shown are to final surfaces.
- See Landscape Plans for permanent vegetation and specific planting soils to be used.
- See Response Action Plan (RAP)/Construction Contingency Plan prepared by The Javelin Group for soil remediation work required on the site.
- 1.5 foot curb opening.
- 1 cubic yard of MnDOT Class 1 riprap on geotextile fabric.
- 0.25 cubic yards of Class 1 riprap on geotextile fabric.
- After construction, Contractor to provide quantity of clean fill imported along with the site name and address of where the fill came from.
- See Tree Protection and Soil Removal Plan (L0.2A) for protection of existing trees and required method of excavation within drip lines of existing trees.

EROSION CONTROL NOTES

- All erosion control measures shown shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
- Sweep paved public streets as necessary where construction sediment has been deposited.
- Each area disturbed by construction shall be restored per the specifications within 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- Temporary soil stockpiles must have silt fence around them and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems, or conduits and ditches.
- Excess concrete/water from concrete trucks shall be disposed of in portable washout concrete basin or disposed of in a contained area.

Boundary & Topographical information was prepared by Egan, Field & Nowak, Inc. This information has not been verified as to its accuracy or completeness by Rehder & Associates, Inc.

CITY APPROVAL



ALL CLEARING, GRADING, CONSTRUCTION OR DEVELOPMENT WILL BE DONE PURSUANT TO THE PLAN

OWNER	DATE
DEVELOPER	DATE
CONTRACTOR	DATE

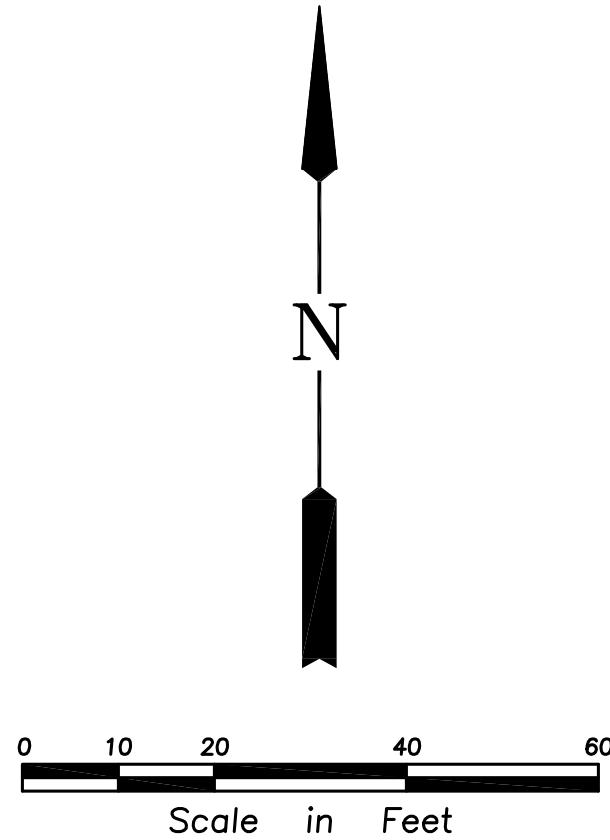
PARTY RESPONSIBLE FOR MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES

SITE SUMMARY

SITE AREA = 3.62 ACRES
DISTURBED AREA = 0.92 ACRES
EXISTING IMPERVIOUS AREA = 1.20 ACRES
POST CONSTRUCTION IMPERVIOUS AREA = 1.20 ACRES
RECONSTRUCTED IMPERVIOUS AREA = 0.37 ACRES

LEGEND

- PROPOSED CONCRETE
- PROPOSED BITUMINOUS
- PROPOSED CONTOUR
- PROPOSED ELEVATION
- PROPOSED CB/MH
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- SEDIMENT CONTROL LOG (BY OWNER)
- INLET PROTECTION DEVICE
- BOUNDARY/ROW/BLOCK LINE
- DRAINAGE ARROW
- EXISTING WATERMAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING BURIED ELECTRIC LINE
- EXISTING BURIED GAS LINE
- EXISTING CONTOUR
- EXISTING ELEVATION



client

MINNEAPOLIS PARK AND RECREATION BOARD

2117 WEST RIVER RD. NORTH
MINNEAPOLIS, MN, 55422

project

PROJECT A:

WHITTIER PARK

425 WEST 26TH STREET
MINNEAPOLIS, MN 55405

+

PROJECT B:

CLINTON FIELD PARK IMPROVEMENTS

2433 CLINTON AVE. SOUTH
MINNEAPOLIS, MN 55404

PROJECT NUMBER: 24008 + 23019

certification

I HEREBY CERTIFY that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

SIGNATURE: *Nicholas P. Adam*

TYPED OR PRINTED NAME: Nicholas P. Adam

DATE: 4/8/25 REG. NO.: 43856

issue / revision

02	04.08.25	ADDRESS MCWD COMMENTS
01	02.14.25	ISSUED FOR BID
NO	DATE	ISSUE / REVISION

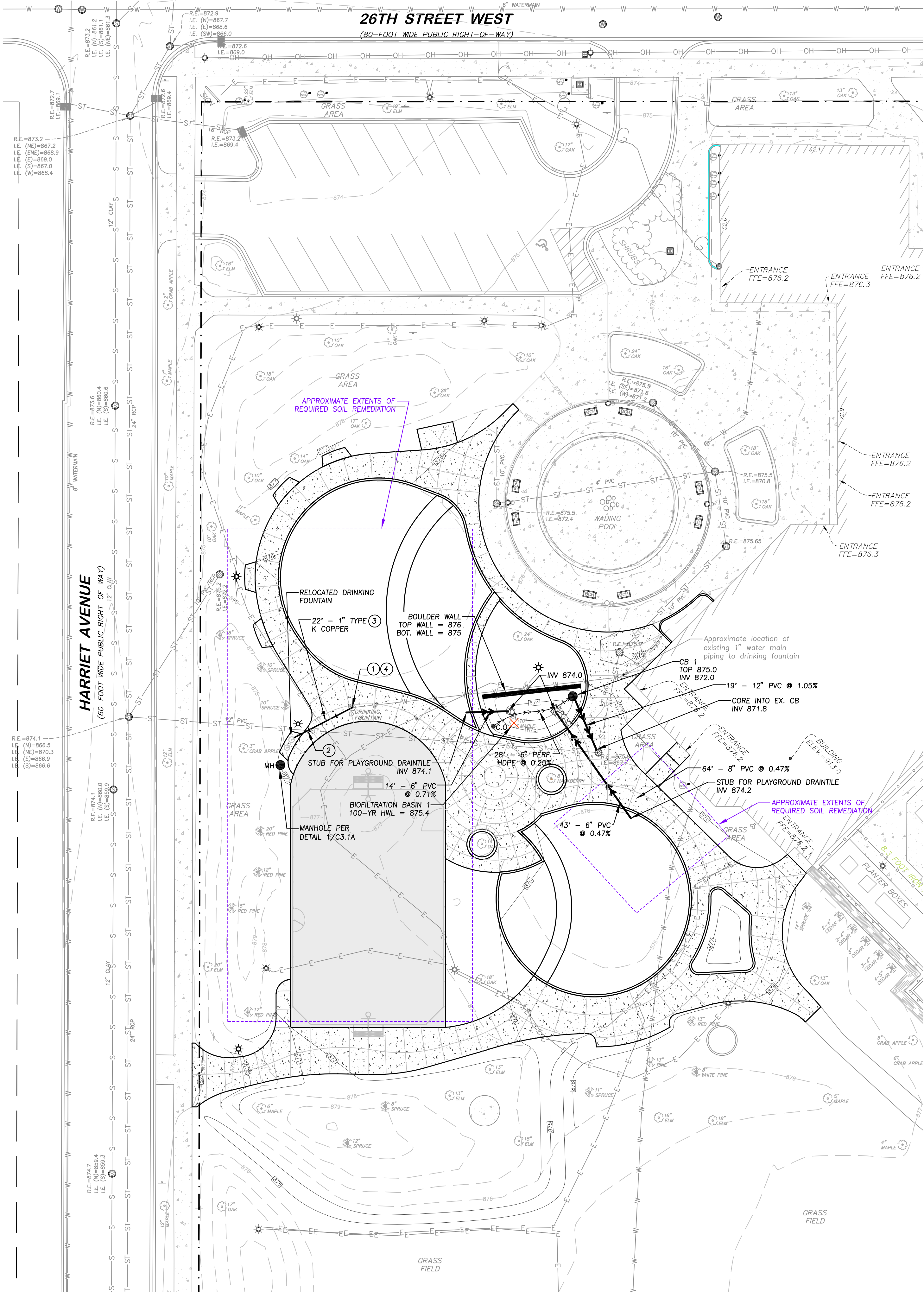
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GRADING, DRAINAGE & EROSION CONTROL PLAN

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CODE COMPLIANCE:

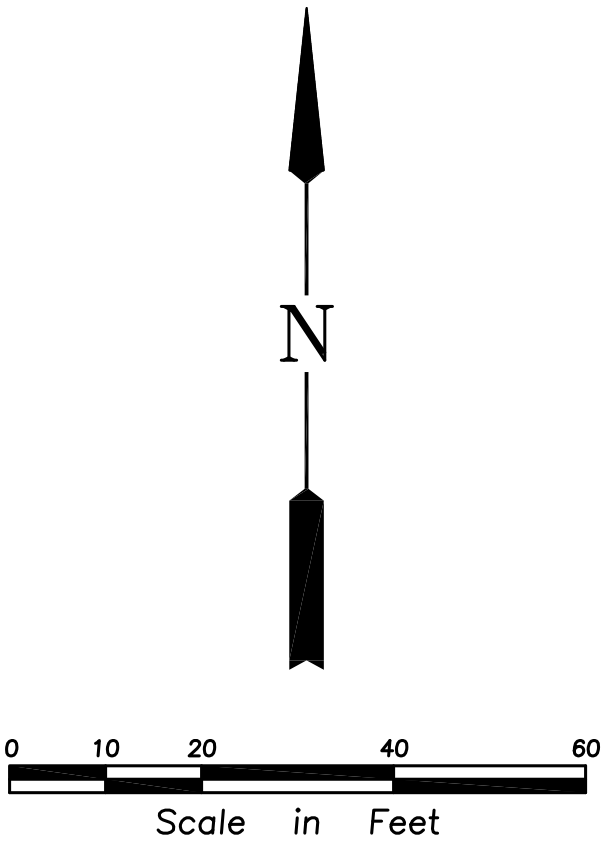
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CATCH BASIN/MANHOLE SCHEDULE		
STRUCTURE NO.	BARREL SIZE	NEENAH CASTING NO.
CB 1	27"	R-4342

- UTILITY NOTES
- 1 - Connect to existing water service and extend to new drinking fountain location.
 - 2 - Maintain a minimum vertical separation of 18" between water main and sewer.
 - 3 - All watermain to have a minimum of 7.5' of cover.
 - 4 - The contractor is responsible for connecting the fountain, regardless of the existing water supply location at no additional cost to the owner. The location of the existing water service line is approximate and not field verified.

- LEGEND
- PROPOSED CONCRETE
 - PROPOSED BITUMINOUS
 - PROPOSED CONTOUR
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 - EXISTING BURIED GAS LINE
 - EXISTING CONTOUR
 - EXISTING ELEVATION

Boundary & Topographical information was prepared by Egan, Field & Nowak, Inc. This information has not been verified as to its accuracy or completeness by Rehder & Associates, Inc.



aune fernandez
landscape architects
755 pier avenue n suite 103, st. paul, mn 55104
651.341.3611 or 651.248.6155

REHDER
& ASSOCIATES, INC.

Paulson & Clark Engineering
Structural | Mechanical | Electrical | Specialty

client

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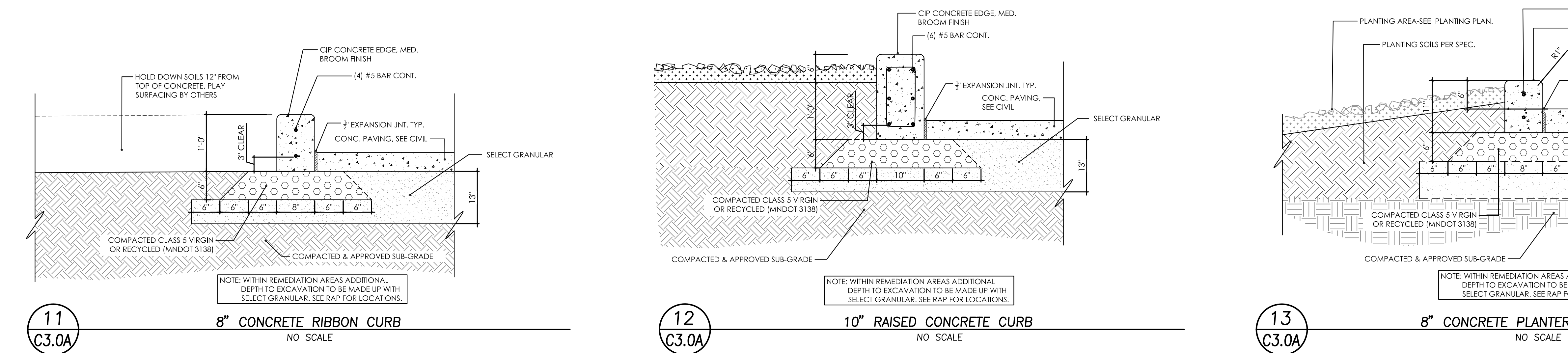
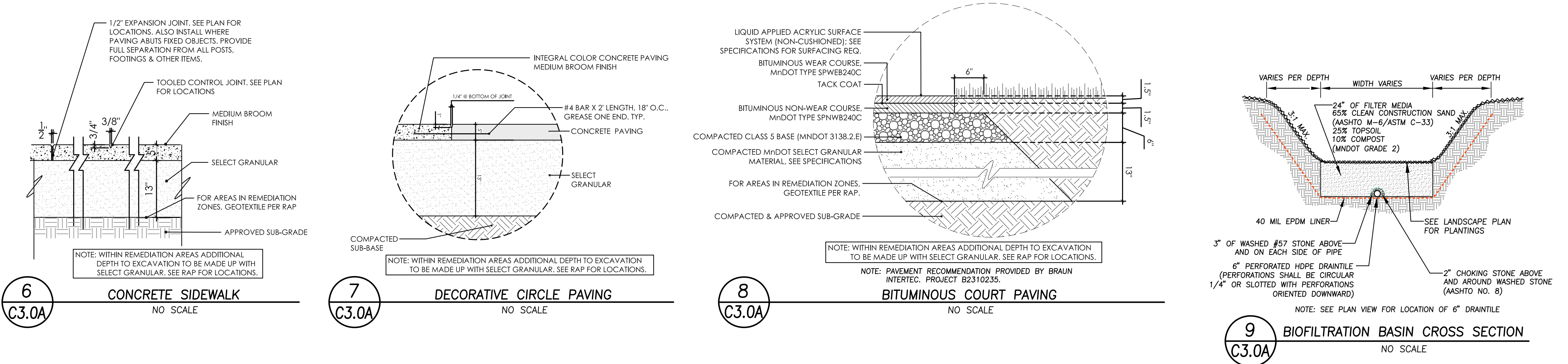
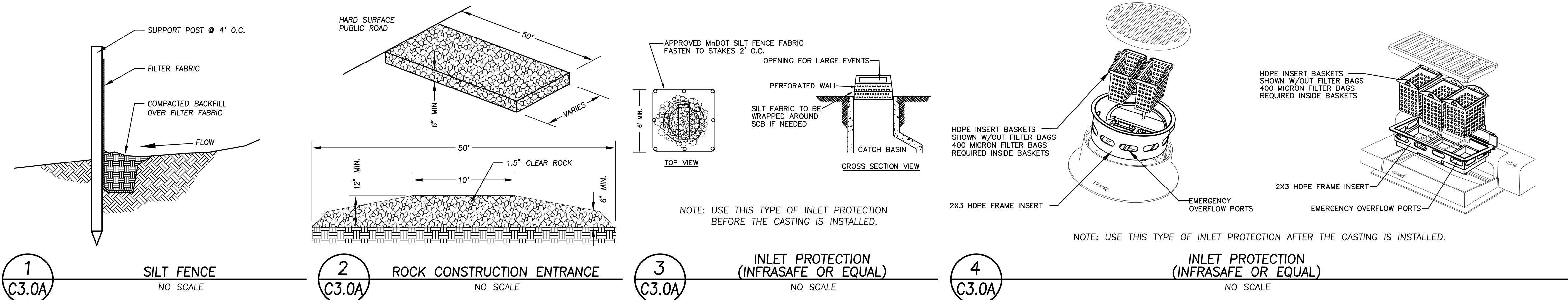
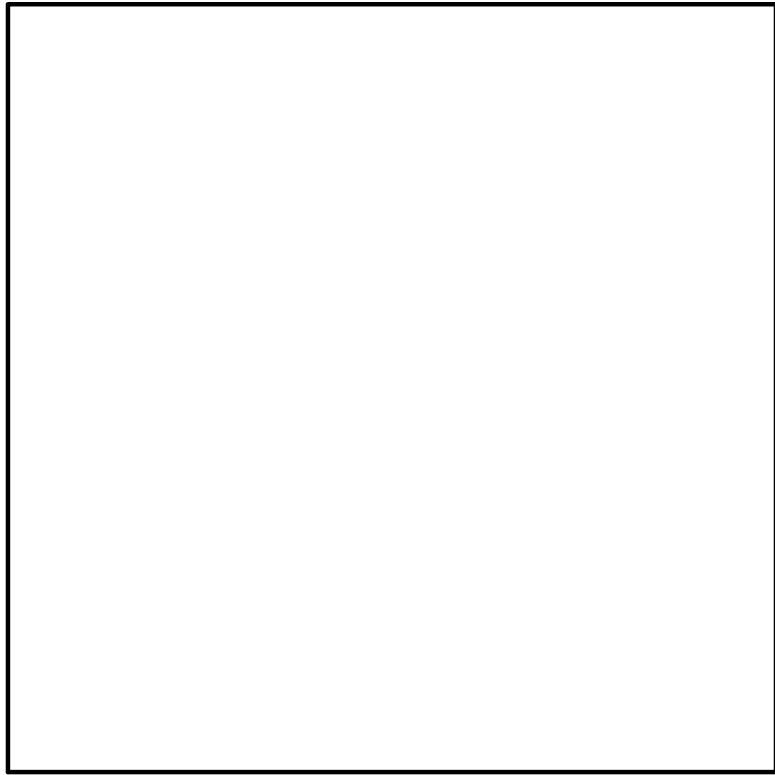
UTILITY PLAN

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CITY APPROVAL



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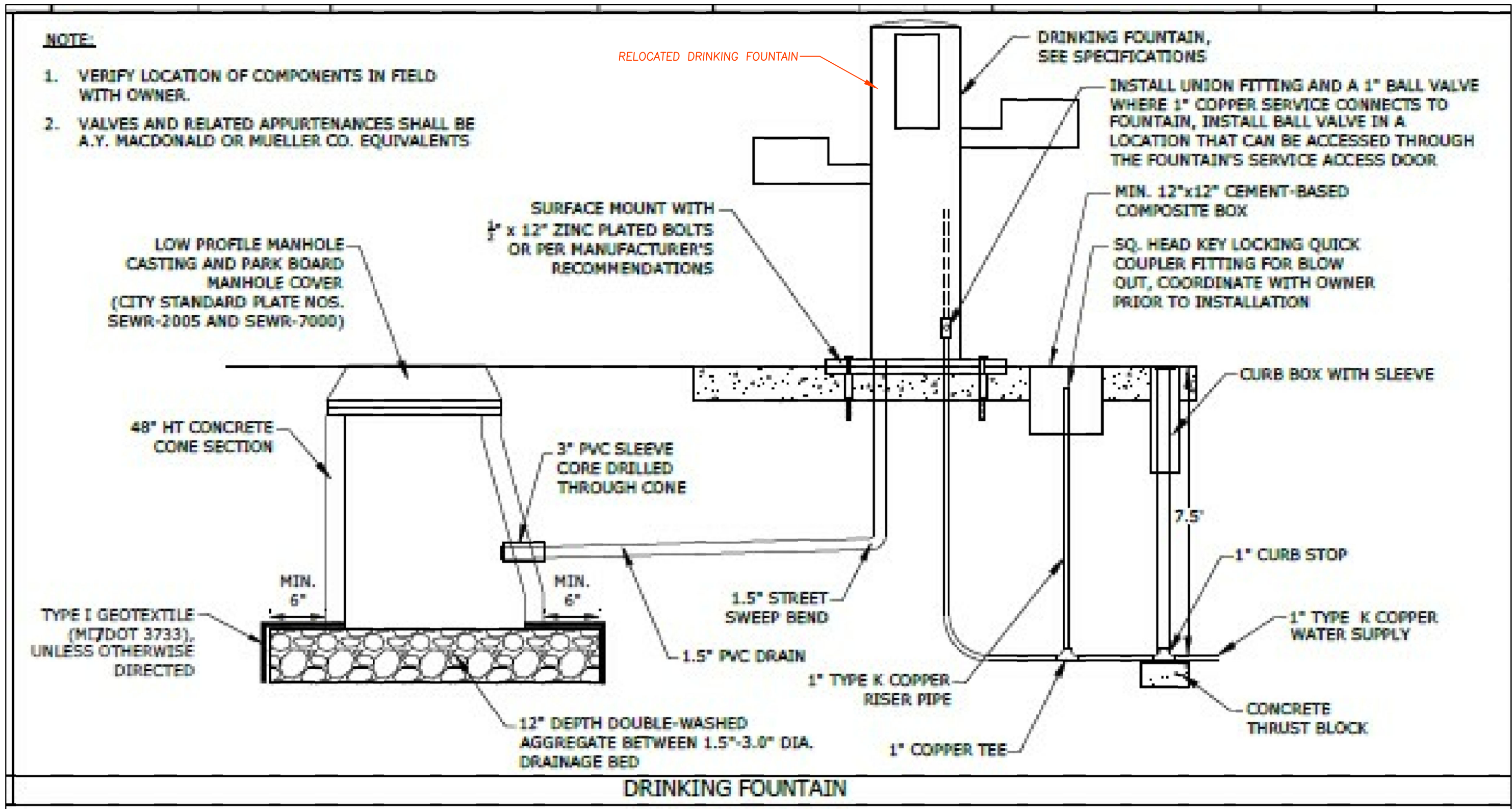
DETAILS

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CITY APPROVAL



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TYPICAL INSTALLATION DETAIL FOR RELOCATED DRINKING FOUNTAIN

NO SCALE

client

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ATTACHMENT B – VARIANCE REQUEST FORM

**VARIANCE REQUEST FORM**

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. A variance requires a favorable vote of two-thirds of the Board of Managers present and voting.

The Board's decision whether to grant a variance will rest on the following:

- The cause of the difficulty, and whether the applicant played a role in creating it;
- 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;
- 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
- Whether the variance would shift a burden to a neighboring property or to the broader public.

The Board of Managers may place conditions on the granting of a variance as it finds necessary to determine that the standard for the variance or exception has been met.

A variance 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.

The District must receive a complete permit application and variance request form at least 21 days before a scheduled Board meeting date.

Project Information

Address or PID:

Permit #:

Property Owner:

Variance Requested from MCWD Rule(s):

Erosion Control

Floodplain Alteration

Wetland Protection

Dredging

Shoreline & Streambank Stabilization

Waterbody Crossings & Structures

Stormwater Management

Requested Variance:

Rule:

Section: Part: Subpart:

Rule Text:

VARIANCE REQUEST FORM

Variance Justification

Please provide a narrative that addresses all of the following:

- The cause of the difficulty, and whether the applicant played a role in creating it.
- 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.
 - Describe 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
- 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.
- Whether the variance would shift a burden to a neighboring property or to the broader public.