



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:

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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.