

Rule K – Variances and Exceptions

1 Variances

The Board of Managers will consider a request for a variance from strict compliance with the requirements of a District rule on submission of a request by a permit applicant. To grant a variance, the Board of Managers must find, based on demonstration by the applicant, that because of unique conditions inherent to the subject property, which do not apply generally to other land or structures in the Riley-Purgatory-Bluff Creek watershed, strict application of a rule provision will impose a practical difficulty on the applicant, not a mere inconvenience.

For purposes of the Board of Managers’ determination of whether a practical difficulty exists, the following factors will be considered:

- 1.1 how substantial the variation is from the rule provision;
- 1.2 the effect of the variance on government services;
- 1.3 whether the variance will substantially change the character of or cause material adverse effect to water resources, flood levels, drainage or the general welfare in the District, or be a substantial detriment to neighboring properties;
- 1.4 whether the practical difficulty can be alleviated by a technically and economically feasible method other than a variance. Economic hardship alone may not serve as grounds for issuing a variance if any reasonable use of the property exists under the terms of the District rules;
- 1.5 how the practical difficulty occurred, including whether the landowner, the landowner's agent or representative, or a contractor, created the need for the variance; and
- 1.6 in light of all of the above factors, whether allowing the variance will serve the interests of justice.

2 Exceptions

The Board of Managers may approve an exception from a provision of the rules requiring a particular treatment or management strategy, or setting forth a design specification, if an applicant demonstrates that better natural resource protection or enhancement can be achieved by the project as proposed, with such further conditions as the Board of Managers may impose, than would strict compliance with the provision.

3 Term

A variance or exception granted by the District is valid only as long as the underlying permit remains valid.

4 Violation

A violation of any condition of a permit approved with a variance constitutes grounds for termination of the variance.