14.0 WAIVERS AND VARIANCES

14.1 Waivers

The District Board, Administrator or District Engineer may grant a waiver from the District requirements of this rule in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed project is not likely to impair attainment of the purpose and intent of this rule (e.g., mill and overlay work for public roads).
2. Alternative minimum requirements for on-site management of water and related land resources have been established in a plan that has been approved by the District and the implementation of the plan is required by local ordinance.
3. Provisions are made to manage stormwater by an off-site facility, such as a regional pond or wetland bank. The off-site facility is required to:
   a. Be in place,
   b. Be designed and adequately sized to provide a level of control that is equal to or greater than that which would be afforded by on-site practices
   c. Have a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
4. The District finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

14.2 Variances

The Board of Managers may grant a variance from the literal provisions of the District’s rules, regulations, and policies where:

1. The strict enforcement of the rules would cause undue hardship because of circumstances unique to the property under consideration.
2. It is demonstrated that such action will be in keeping with the spirit and intent of the District rules, regulations and policies.
3. The proposed activity for which the variance is sought will not adversely affect the public health, safety or welfare.

14.3 Term of a Variance

A variance will expire on expiration of the District’s approval or permit associated with the variance request.

14.4 Violation of a Variance

A violation of any condition set forth in a variance will be a violation of the District rules, and will automatically terminate the variance.

14.5 Conditions

The Board of Managers may require as a condition of the waiver, or variance:
1. Such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

2. An alternative analysis that clearly demonstrates that no other feasible alternatives exist and that minimal impact will occur as a result of the project or development.

3. Site design, landscape planting, fencing, signs, and water quality best management practices to reduce adverse impacts on water quality, streams, wetlands, and floodplains.