

10.0 Variances and Exceptions

10.1 Variances

The Board of Managers may consider requests for variances from strict compliance with the requirements of a District rule. To grant a variance, the Board of Managers must find, based on demonstration by the applicant:

- 10.1.1 That because of unique conditions inherent to the subject property, which do not apply generally to other land or structures in the District, undue hardship on the applicant, not mere inconvenience, will result from strict application of the rule;
- 10.1.2 That the hardship was not created by the landowner, the landowner's agent or representative, or a contractor, and is unique to the property. 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;
- 10.1.3 That the activity for which the variance is sought will not materially adversely affect water resources, flood levels, drainage or the general welfare in the District; and
- 10.1.4 That there is no feasible and prudent alternative to the proposed activity requiring a variance.

10.2 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.

10.3 Violation

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