

**MINNEHAHA CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**REVISIONS  
PURSUANT TO MINNESOTA STATUTES §103D.341**

**Adopted May 26, 2011  
Effective June 1, 2011**

**VARIANCES AND EXCEPTIONS RULE**

1. **VARIANCES AUTHORIZED.** The Board of Managers may hear requests for variances from strict compliance with provisions of the District rules.
2. **STANDARD.** To grant a variance, the Board of Managers must determine, based on a showing by the applicant:
  - (a) that because of special conditions inherent to the property, which do not apply generally to other land or structures in the District, strict compliance with a provision of a District rule will cause undue hardship to the applicant or property owner;
  - (b) that the hardship was not created by the landowner, the landowner's agent or representative, or a contractor. Economic hardship is not grounds for issuing a variance;
  - (c) that granting such variance will not merely serve as a convenience to the applicant,
  - (d) that there is no feasible and prudent alternative to the proposed activity requiring the variance; and
  - (e) that granting the variance will not impair or be contrary to the intent of these rules.
3. **TERM.** A variance or exception will remain valid only as long as the underlying permit remains valid.
4. **VIOLATION.** A violation of any condition of approval of a permit subject to a variance shall constitute grounds for termination of the variance.
5. **EXCEPTIONS.** The Board of Managers may grant an exception from a provision of these rules requiring a particular treatment or management method, or setting forth a design specification of such a method, on a determination that the proposed application, with such further conditions as the Board may impose, will achieve a greater degree of water resource protection than would strict compliance with the provision.
6. **SUPERMAJORITY REQUIREMENT.** A variance or exception must be approved by a two-thirds majority of managers voting.