

Section 500

Variations

Section 500 – Variances

501. Variances

501.01. Purpose: Any variance to these Standards may be allowed by the individual Highway Districts when special conditions exist on a project-by-project basis. The Highway District may grant variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships as would result from a literal interpretation and enforcement of the regulations prescribed by these Standards.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of: (1) special characteristics applicable to the site and (2) the variance is not in conflict with public interest. Hardships must result from special site characteristics, from geographic, topographic or other physical conditions, or from population densities, existing street locations or traffic conditions.

501.02. Findings Required for Variance:

The Highway District may grant a variance if, on the basis of application, investigation and evidence submitted, the Highway District makes the following findings:

1. That literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of these Standards.
2. That there are extraordinary site characteristics applicable to the property involved or to the intended use of the property, which do not apply generally to other properties.
3. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties.
4. That the granting of the variance will not be detrimental to the public health, safety or welfare or be materially injurious to properties or improvements in the vicinity.

501.03. Duration of Approval: The use or construction permitted under the terms of any variance shall be commenced within a six-month period. If such use or construction has not commenced within such time period, the variance shall no longer be valid. Prior to the expiration of the six-month period, the Highway District, upon request of the applicant, may extend the variance for up to an additional six months from the original date of approval.

501.04. Application: Application for a variance shall be filed with the Highway District and shall include sufficient information to explain the need and reasoning for the variance request and payment of review fee established by the respective Highway District.

The application shall also be accompanied by an accurate scale drawing of the site and all adjacent property, showing all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.