

Utility Connection Variance

Variance requests for sewer connection are processed through the Public Works Department using the criteria identified below. With the application for project review, please submit a letter of request, with any supporting documentation, outlining conditions and facts supporting the granting of a variance to the utility connection requirement. The variance request, along with the project proposal will be presented to the Public Works Committee for recommendation, and City Council for final determination.

The burden of proof of need for a variance rests with the applicant and must demonstrate the following conditions and facts:

- 1) How regulations create a hardship for the specific property;
- 2) How granting the variance provides public benefit;
- 3) How development corrects an existing problem or makes it better;
- 4) How vision and policies of the Comprehensive Plan are fulfilled;
- 5) How granting of this variance is in the best interest of the health, safety, and welfare of the City to waive the requirement.

Please be aware that there are very limited reasons for approval of a variance, and thus are difficult to get. Any variance granted is limited to the minimum required to provide for the use of the property. A few guidelines to remember when responding to the conditions and facts:

- Cost of improvement(s) and self created hardship(s) are not grounds for granting a variance.
- Difficulties or hardships that support a variance must relate to the land itself and not the applicant or property owner.
- Tax revenue resulting from development is considered only as an additional benefit, not as the only benefit.

Above guidance prepared on this topic with the guidance of the City Attorney. Text from email Edie originated on February 17, 2012