

## **Volusia County Water Conservation Ordinance Variance Procedures**

**Send Application to:**

**Tom Carey**

**Environmental Management**

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**386-736-5927 ext. 2073**

**A variance may also be required from the St. Johns River Water Management District. <http://sjrwmd.com/wateringrestrictions/index.html>**

### **Sec. 50-312. Variances.**

The county council, under this section, provides for variances to the provisions of this division.

- (1) When the county council finds that compliance with any of the requirements of this division would result in undue hardship for a specific user, a variance from any one or more such requirements may be granted by the county council provided the variance is the minimum necessary to alleviate such undue hardship for the user and to the extent such variance can be granted without impairing the intent and purpose of this division.
- (2) All users requesting a variance from the provisions of this division shall file a petition for variance but must conform to the greatest possible extent to the water use restrictions of this division until such variance is granted.
- (3) A petition for variance shall be in writing and contain the following:
  - a. The petitioner's name and address.
  - b. The specific provision from which the petitioner is requesting a variance.
  - c. A detailed statement of the facts which the petitioner believes demonstrate that the request qualifies for variance under subsection (4) of this section.
  - d. A description of the variance desired.
  - e. The period of time for which the variance is sought, including the reasons and facts in support thereof.
  - f. The damage or harm resulting or which may result to the petitioner from compliance with the provision.
  - g. The steps the petitioner is taking to meet the provisions from which the variance is sought and when compliance could be achieved.
  - h. Other relevant information the petitioner believes supports his petition for

variance.

(4) No petition for variance shall be approved unless the petitioner affirmatively demonstrates that one or more of the following circumstances exists:

- a. The variance is essential to protect health or safety;
- b. Compliance with the provision from which a variance is sought will require measures which, because of their extent or cost, cannot be accomplished;
- c. Compliance with the provision from which a variance is sought will result in a substantial economic, social or health burden on the petitioner or those served by the petitioner; or
- d. Alternative restrictions which achieve the same level of demand reduction as the provision are available and reflect the intent and purpose of this division.

(5) No variance shall be granted from section 50-314 to allow a single irrigation zone to be irrigated more than two days per week during Daylight Savings Time, or more than one day per week during Eastern Standard Time.

(Ord. No. 88-15, 5-19-88; Ord. No. 90-7, § II (806.00), 3-22-90; Ord. No. 91-25, §§ III, VI, 8-15-91; Ord. No. 00-34, § 3, 10-5-00; Ord. No. 2009-16, § I, 5-21-09)

**Editor's note:** Ord. No. 2009-16, § I, adopted May 21, 2009, deleted § 50-312, which pertained to penalty and derived from: Ord. No. 88-15, adopted May 19, 1988; Ord. No. 90-7, § II(808.00), adopted Mar. 22, 1990; and Ord. No. 91-25, §§ III, VII, adopted Aug. 15, 1991. Furthermore Ord. No. 2009-16 renumbered sections 50-313--50-316 as 50-312--50-315. See section 50-317 for further amendatory provisions.