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POLICY CLARIFICATION

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SUBJECT: VARIANCE REQUESTS  
DATE: JANUARY 31, 2017

**OVERVIEW:**

This clarification seeks to document what constitutes acceptable justification for a variance request, as well as to incorporate an updated list of elements that are required in a variance request letter.

**DETAILS:**

**DCM Volume 1, Chapter 1, Section 10 states:** "The guidance provided herein is intended to address the majority of stormwater planning and design issues. However, when deviation from the standards described in this Manual is desired by an Applicant a request for a variance must be submitted. Variances must show that the guidance provided in this Manual does not adequately address a specific site condition or design issue or that implementation of the requirements will impose undue financial burdens or cause undue time delays, or that a superior approach is available. A request for variance from these standards must be submitted and approved in writing prior to implementation of the proposed variance. Whenever this Manual refers to alternatives that may be acceptable with approval or that need to be evaluated on a case-by-case basis the variance process described in this section must be followed.

"Variance requests must be submitted in writing and must, at a minimum, contain the following:

- Identification of Applicant and project for which the variance is being requested.
- Recitation of criteria or standards from which the Applicant seeks a variance.
- Justification for not complying with the requirements in this Manual.
- Alternate criterion or standard that is proposed to comply with the intent of the criteria in this Manual and other applicable guidance documents.
- Supporting documentation, including necessary calculations, reference materials, software, design plans, details, specifications, installation and maintenance requirements, etc., adequate to evaluate how the proposed variance satisfies the intent of the criteria in this Manual.
- Signature and stamp of a Professional Engineer licensed in the State of Colorado.

"Additional information may be requested in order to more fully understand the proposed variance and the implications of its implementation. A pre-submittal conference is advisable to discuss the proposed variance and submittal contents prior to the formal request being submitted.

"A request for a variance does not guarantee approval. The right to deny any request for a variance is reserved. Approval of a variance is based on the specific conditions of a particular project or situation and is limited to the circumstances for which it is requested and approved. Approval of a variance does not constitute an amendment to this Manual. Subsequent applications of an approved variance require the submittal of a separate variance request and approval prior to its application to a project.

"When a variance involves a permanent or temporary BMP as described in Section 5.0, Chapter 4 or Section 4.5, Chapter 7 of Volume 2 of this Manual, additional requirements defined in these sections shall

Chapter 1 General Provisions May 2014 City of Colorado Springs 1-6 Drainage Criteria Manual, Volume 1 be followed. **Variations cannot be granted in a manner that effectively negates the minimum requirement of the Four Step Process as previously described in this chapter. The variance process cannot be implemented in a manner that would create a condition of non-compliance with the City's MS4 permit.**

"The variance process is not intended to address changes to reports or plans that are made subsequent to approval if those changes are consistent with the criteria contained in this Manual. However, review of these changes may be required as specified elsewhere in this Manual or in other Regulations."

**POLICY:**

Variance requests must be justified based on technical evidence, sound engineering, or extenuating circumstances such as exceptional site conditions. Financial impacts or time delays may not be used as the sole justification for a variance.

**Variations cannot be granted in a manner that effectively negates the minimum requirement of the Four Step Process as described in the Drainage Criteria Manual. The variance process cannot be implemented in a manner that would create a condition of non-compliance with the City's MS4 permit. Variations to reduce or remove detention requirements for a site will not be granted.**

Variance request letters must be submitted in writing and must, at a minimum, contain the following:

- Identification of Applicant and project for which the variance is being requested.
- Recitation of criteria or standards from which the Applicant seeks a variance.
- Justification for not complying with the requirements in this Manual.
- Alternate criterion or standard that is proposed to comply with the intent of the criteria in this Manual and other applicable guidance documents.
- Supporting documentation, including necessary calculations, reference materials, software, design plans, details, specifications, installation and maintenance requirements, etc., adequate to evaluate how the proposed variance satisfies the intent of the criteria in this Manual.
- **Statements on whether the variance will result in a change in peak flows and water quality in Fountain Creek.**
- Signature and stamp of a Professional Engineer licensed in the State of Colorado.
- **Vicinity map attached on a separate page.**

Variance request letters can address multiple deviations from criteria in a single document. Variance request letters must act as stand-alone documents, and may not reference separate reports or plans. Letters are submitted to the project review engineer. If a variance is approved by the Variance Review Committee, the letter is added to the Final Drainage Report or Channel Design Report as an appendix.