

PROCEDURES FOR APPLYING FOR A SEWAGE DISPOSAL VARIANCE

You can apply for a variance from any requirement of the sewage disposal ordinance or regulations. However, a variance can **only** be given to reduce or modify a requirement, not eliminate it entirely. In reviewing a variance, sufficient information must be provided by the applicant to enable the Director to make a finding that there will not be a health hazard or pollution created, along with additional requirements listed below (from the Regulations):

- (1) No variance can be approved that constitutes a grant of a special privilege inconsistent with limitations placed upon other properties in the vicinity and zoning district. An application for a variance must show:
 - (A) Special circumstance(s) exist(s) for the property that create(s) a unique hardship, or that will deprive the owner of privileges enjoyed for other property in the vicinity and zoning district in which such property is located; and
 - (B) The hardship was not intentionally caused by the action of the applicant; and
 - (C) Granting the variance would not have any significant adverse environmental effect and would not significantly affect use of adjoining property; and
 - (D) Reduction of requirements would not present a public health hazard or the pollution or degradation of public waters.
- (2) The procedure for applying for a variance is as follows:
 - (A) Read this information handout from the Department. It includes useful and helpful information to assist you. Read carefully any materials you receive to help you make a complete application.
 - (B) Submit the completed "Application for a Variance from the Sewage Disposal Ordinance" and any needed supplemental information to the Department. You must pay a review fee at that time. The Nevada County Board of Supervisors sets the fee. Note that time spent is charged at an hourly rate, so make sure the application is complete to keep your costs down.
- (3) The Director or designated staff will review and investigate the variance application and it will either be approved, conditionally approved, or denied in writing within fifteen (15) working days from the date a completed application was received. For unique, lengthy, or complex variances, the applicant may choose to waive the 15-day time period in writing to the Department. California Environmental Quality Act (CEQA) time frames apply to projects where CEQA review is required for that variance. Variances are reviewed on a case-by-case basis.
- (4) After conclusion of the investigation, the Director will prepare a written order of specific findings of fact and reasons for granting or denying your variance.
- (5) An applicant or any person interested in the variance may appeal any decision of the Director regarding the variance to the Sewage Disposal Technical Advisory Group.