



VARIANCE REQUEST

1

Introduction:

In situation where someone wishes to deviate from the District's requirements, an Applicant may submit a Request for Variance. See Section 11 of the District's [Rules, Regulations, and Guidelines](#).

2

MyGov Portal:

To make an application, an Applicant must first create a [MyGov](#) account and access the Brazoria Drainage District No. 4 portal.

3

Submittal

Fill out the application form, cite the required rule and proposed deviation, upload reference exhibits, and submit online using MyGov.

4

Application Review:

Within a few days of submitting online, District Staff will review the application for completeness and issue an invoice for any application or review fees.

5

Pay Invoice:

After being notified by MyGov, the Applicant must pay the invoice. No further action will be taken on the application until the District has received the required fees.

6

Engineer Review:

The District Engineer will complete a technical review of the Request for Variance and any other supporting documentation. In some instances, the Applicant may be required to provide further clarification or additional information.

7

Board Eligible:

When the Applicant sees a "Board Eligible" notification, this means that the District Engineer and Staff have completed the review. This request will now be placed on an upcoming meeting agenda. Meeting dates are [here](#).

8

Board Decision:

Only the Board of Commissioners can approve or deny the request. See the criteria on the following pages which is used in the evaluation of each request.

See the following pages for detailed instructions and criteria.



Brazoria Drainage District No. 4

A Political Subdivision of the State of Texas

Procedure for Submitting a Request for Variance from BDD # 4

Introduction

In situations where someone wishes to deviate from the District's Rules, Regulations, and Guidelines, an Applicant may submit a Request for Variance. A complete set of procedures and requirements for obtaining approval for a Request for Variance are contained in Section 11 of the District's Rules, Regulations, and Guidelines.

Each proposed deviation must be submitted as a separate application. Do not submit multiple requests in a single application.

Procedure

NOTE – This application includes a requirement to upload plan sheets, exhibits, or other relevant attachments. Be sure to have those ready prior to initiating this process.

1. All applications must be made online using the [MyGov portal](#).
2. All Applicants must have a collaborator account to file an application in MyGov. This [video](#) will assist new Applicants with creating a MyGov account.
3. Click "Create New Project".



+ Create New Project

4. For the Project Template, select "Variance Request".
5. Fill in the project information form.
6. If you have difficulty in entering the Location, please refer to this [FAQ document](#).
7. Enter the project description. Be thorough and specific in this section.
8. Enter the Applicant information. NOTE – Responses and notifications will be sent to the Applicant email address you provided.
9. Enter the Project information.
10. Enter the Rule or Requirement. Cite the specific District Rule or Requirement that the Applicant seeks to deviate from. Provide a reference to the Section and Page Number of the Rules, Regulations, and Guidelines.
11. Enter the Hardship. State the specific reason(s) why compliance with the District's rule or requirement creates an undue hardship. Financial hardship to a Developer alone will not constitute undue hardship.

The District website can be found at www.bdd4.org

12. Enter the Requested Deviation. Be specific about how the Applicant wishes to deviate from the rule or requirement.
13. Click “Create Project”
14. Upload any document(s). The document(s) are your chance to give the District a clear understanding of your project and why a Request for Variance should be approved. You are allowed only three attachments. Combine multiple files into a single file as needed. Note that some file types are not allowed. PDF and JPG files are recommended.
15. Within a few business days, District Staff will review the application for completeness and issue an invoice for the application fee. The Applicant is responsible for monitoring their application in MyGov and any alerts regarding status changes. Further review of the request will not take place until any required fees have been paid.
16. After any fees have been paid, the District Engineer will review the submission. In some instances, the District Engineer may request clarification or additional information regarding the request. Applicant should watch for status updates and alerts. See Item # 8 above.
17. After the District Engineer has completed his review, the item will be forwarded to District Staff for placement on an upcoming meeting agenda. District meetings typically occur on the first Tuesday of the month. Click [here](#) for a current list of meeting dates and submittal deadlines.

Only the Board can approve or deny a Request for Variance. For Requests for Variance associated with a Plan or a Plat, the Request for Variance must be approved by the Board at a separate meeting prior to the meeting where a Plat, Plan, or other submittal requiring that approved Request for Variance will be considered by the Board.

Section 11 – Request for Variance from the District’s Rules, Regulations, and Guidelines is provided on the next page. This includes the criteria used for approving or denying each request.

SECTION 11 - REQUEST FOR VARIANCE

The DISTRICT may approve a Request for Variance to these Rules, Regulations, & Guidelines. The Request for Variance must be prepared by the Developer / Owner and submitted along with any engineering reports, drawings, etc. to the DISTRICT for consideration. The Request for Variance will be presented to the Board at a DISTRICT meeting and must show substantial and credible evidence that:

1. There is no available alternative or option that would allow compliance with the Rules, Regulations, & Guidelines in lieu of an approved Request for Variance; and
2. There are special circumstances or conditions affecting the Applicant's land involved such that strict application of the provisions of the Rules, Regulations, & Guidelines would deprive the Applicant of all reasonable use of their land; and
3. The Request for Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant; and
4. The approval of a Request for Variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
5. The approval of the Request for Variance will not result in an increase the 100-year base flood elevations on property upstream or downstream of the Applicant's property; and
6. The approval of the Request for Variance will not have the effect of preventing the orderly development of other land in the vicinity in accordance with the provisions of these Rules, Regulations, & Guidelines.

The DISTRICT may approve a Request for Variance to the Rules, Regulations, & Guidelines if it determines, based upon the evidence presented to the Board that an undue hardship may result from strict compliance with said Rules, Regulations, & Guidelines. Pecuniary (financial) hardship to the Developer, standing alone, shall not be deemed to constitute undue hardship.

Approval of a Request for Variance may be granted so that substantial justice is done and the public interest secured, provided that such Request for Variance shall not have the effect of nullifying the intent and purpose of these Rules, Regulations, & Guidelines.

Each variance shall be approved by the Board of Commissioners and entered into the minutes of the meeting. Within three business days of the meeting, DISTRICT staff will issue a written notice of approval (or denial) and any special conditions attached to the approval of the request.

For Requests for Variance associated with a Plan or a Plat, the Request for Variance must be approved by the Board at a separate meeting prior to the meeting where a Plat, Plan, or other submittal requiring that approved Request for Variance will be considered by the Board.

DISTRICT approval of a Request for Variance does not relieve the Applicant of the responsibility for obtaining the approval of other agencies or third parties.