

# **CITY UTILITIES DESIGN STANDARDS MANUAL**

**Book 1  
General Requirements (GR)  
GR3 Variances**

June 2015

### GR3.01 Purpose

This Chapter outlines the requirements, processes, and procedures for acquiring variances from the City design standards.

Variances from the City Utilities Design Standards Manual (Standards) shall be considered on a project-by-project basis. A variance may be granted if an applicant makes a substantial showing that:

- the design standard is infeasible or unreasonably burdensome;
- an alternative plan submitted by the applicant will achieve the same objective and purpose as compliance with the minimum requirements contained in the Standards;
- the alternative plan will not increase the direct annual and/or life cycle cost of operation and/or maintenance to the City; and
- the alternative plan does not violate any other permits, statutes, or regulatory requirements.

Cost to the applicant shall not be the sole factor used to determine whether the design standards are infeasible or unreasonably burdensome.

The variance requirements, processes and procedures in this chapter supersede all variance requirements, processes and procedures that may be included in other Books and/or Chapters of the Standards.

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### GR3.02 Authority to Approve Variances

The Senior Engineer for each of the fields of discipline (e.g. stormwater, sanitary and water) with the recommendation of the Project Manager for CUE and the Development Services Manager (DVS) or Program Manager, has the authority to modify or waive any requirement found in the Standards. The Senior Engineer for each of the fields of discipline may delegate approval authority to the DVS Program Manager.

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### GR3.03 Types of Variances

There are two types of variances: Technical and Material. The requirements of Section 3.01 apply to both types of variances using the procedures described in Sections 3.04 Technical Variance Procedures and Section 3.06 Material Variance Procedures.

#### 1. Technical Variance

A Technical Variance applies to deviations from the process and/or requirements of General Requirements, Stormwater, Sanitary and/or Water Books of the Standards.

#### 2. Material Variance

A Material Variance applies to deviations from the standard design materials as required by the Materials Book of the Standards.

### GR3.04 Technical Variance Procedures

Variances for deviations from the General Requirements, Stormwater, Sanitary Sewer, and/or Water Standards shall use the following procedure. This procedure is graphically represented in [Exhibit GR3-1](#).

1. Variance Request Form.

All variance applications shall be made using the Variance Request Form ([Exhibit GR3-2](#)). The form must be fully completed and include all attachments to substantiate and demonstrate the requirements of Section 3.01. The form must be sealed by a Professional Engineer licensed in the State of Indiana.

2. Variance Application.

A. DVS Projects

Variance applications shall be submitted to DVS as part of a standard submittal package.

- Development Submittal packages must include completed Variance Request Forms.
- It is the responsibility of the applicant to understand the requirements of the City Utilities design standards and to know if a variance is required.
- Where review of the submittal package identifies that a variance is needed, the applicant will be notified through the review comment process. The timely submittal of the variance request is encouraged to avoid delays in the issuance of permits.

B. CUE Projects

Variance applications shall be submitted to the Project Manager of that project.

- It is the responsibility of the design engineer to understand the requirements of the City Utilities design standards and to know if a variance is required.

3. Variance Decision.

A. DVS projects,

- Variance requests submitted as part of a standard submittal package will be responded to within the timeframes established for review by DVS. Responses include approvals, denials or the need for additional review time.
- Variance requests submitted as part of a standard submittal package that are incomplete will be returned for additional information. When the additional information is received, the request will be decided upon within fourteen (14) calendar days.

- Variance requests received outside the standard submittal package will be decided upon within fourteen (14) calendar days. Incomplete variance requests will have the process suspended and the request returned for additional information. After the completed application is submitted, the review time will resume, beginning with the time remaining at the point of suspension.
- The Senior Engineer for each CUE field of discipline will reply in writing to the applicant within the timetables listed in this section.

B. CUE projects,

- The Senior Engineer for each CUE field of discipline will respond in writing with a decision on the variance request within fourteen (14) calendar days from receipt of the variance request by the Project Manager.
- In the event the application is not complete, it will be returned to the applicant and the application time will be suspended. After the completed application is submitted, the review time will resume, beginning with the time remaining at the point of suspension.

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### GR3.05 Technical Variance Appeals

Any person affected by the exercise of the discretionary authority delegated by Section 3.04, including a decision to deny or partially deny a variance, and who objects to the decision made is entitled to appeal the decision. The appeal procedure is as follows.

1. Appeal Filing

The appeal of denied or partially denied variance decision shall be filed with the Deputy Director of CUE in writing within twenty one (21) calendar days following the date of the decision.

2. Appeal Review

Within thirty (30) calendar days of the appeal submittal, the Deputy Director of CUE shall make a final ruling on the variance request. The applicant can request an in-person meeting with the Deputy Director as part of the appeal process. The decision of the Deputy Director will be provided directly to the applicant and to the CUE or DVS Manager.

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### GR3.06 Materials Variance Procedures

Variances for deviations from the Materials Standards shall use the following procedure:

1. Variance Request Form

All variance applications shall be made using the Variance Request Form ([Exhibit GR3-2](#)). The form must be fully completed and include all

attachments to substantiate and demonstrate the requirements of Section 3.01.

2. Variance Application

A. DVS Projects

Variance applications shall be submitted to DVS.

B. CUE Projects

Variance applications shall be submitted to the CUE Project Manager of that project.

3. Variance Decision.

The Senior Engineer for each CUE field of discipline will respond in writing with an estimate of the time required to review the request. The required time will be determined on a case-by-case basis.

Materials variance requests for new materials may be required to go through the City Utilities New Products Committee before a decision is made. The review requirements will be determined on a case-by-case basis depending on the complexity of the request. All costs associated with the New Products Committee review are the responsibility of the applicant.

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### GR3.07 Material Variance Appeals

Any person affected by the exercise of the discretionary authority delegated by Section 3.06, including a decision to deny or partially deny a variance, and who objects to the decision made is entitled to appeal the decision. The appeal procedure is as follows.

1. Appeal Filing

The appeal of denied or partially denied variance decision shall be filed with the Deputy Director of CUE in writing within twenty one (21) calendar days following the date of the decision.

2. Appeal Review

Within thirty (30) calendar days of the appeal submittal, the Deputy Director of CUE will make a final ruling on the variance request. The applicant can request an in-person meeting with the Deputy Director of City Utilities Engineering as part of the appeal process. The decision of the Deputy Director of City Utilities Engineering will be provided directly to the applicant and to the CUE/DVS Project Manager.