

**19-6-111 Variances -- Requirements for application -- Procedure.**

- (1)
  - (a) If the board determines that the application of, or compliance with, any requirements of this part would cause undue or unreasonable hardship to any person, it may issue a variance from any of those requirements.
  - (b) No variance may be granted except upon application for it.
  - (c) Immediately upon receipt of an application for a variance, the board shall give public notice of the application and provide an opportunity for a public hearing.
  - (d) A variance granted for more than one year shall contain a timetable for coming into compliance with this part and shall be conditioned on adherence to that timetable.
- (2)
  - (a) Any variance granted under this section may be renewed on terms and conditions and for periods which would be appropriate for the initial granting of a variance.
  - (b) No renewal may be granted except on application for it.
  - (c) Immediately upon receipt of an application for renewal, the board shall give public notice of the application and provide an opportunity for a public hearing.
- (3)
  - (a) The board may review any variance during the term for which it was granted.
  - (b) The procedure for review is the same as that for an original application and the variance previously granted may be revoked upon a finding that the conditions and the terms upon which the variance was granted are not being met.
- (4)
  - (a) Any variance or renewal exists at the discretion of the board and is not a right of the applicant or holder.
  - (b) However, any person adversely affected by the granting, denying, or revoking of any variance or renewal by the board may obtain judicial review of the board's decision by filing a petition in district court within 30 days from the date of notification of the decision.
  - (c) The decision of the board may not be overturned upon review unless the court finds that the actions of the board were arbitrary or capricious.

Renumbered and Amended by Chapter 112, 1991 General Session