

2500.5050 VARIANCE.

Subpart 1. **Right to request a variance.** A person subject to the rules of the board may request that the board grant a variance from any rule of the board.

Subp. 2. **Submission and contents of request.** A request for a variance must be submitted to the board in writing. Each request must be on a form prepared by the board, and must contain the following information:

- A. the specific rule for which the variance is requested;
- B. the reason for the request;
- C. the alternative measures that will be taken if a variance is granted;
- D. the length of time for which a variance is requested; and
- E. any other relevant information necessary to properly evaluate the request for the variance.

Subp. 3. **Decision on variance.** The board shall grant a variance if it determines that:

- A. the variance will not adversely affect, directly or indirectly, the health, safety, or well-being of the public;
- B. the alternative measures to be taken, if any, are equivalent to, or more protective of the public, than those prescribed in the rule from which the variance is requested; and
- C. compliance with the rule from which the variance is requested would impose an undue burden on the applicant.

The board shall deny, revoke, or refuse to grant or renew a variance if the board determines that either item A, B, or C has not been met. Any decision made relative to this provision shall be final.

Subp. 4. **Notification.** The board shall notify the applicant in writing within 30 days of the board's decision. If a variance is granted, the notification shall specify the period of time for which the variance will be effective and the alternative measures or conditions, if any, to be met by the applicant. All such requests, as well as the board's response to the requests, shall be public information.

Subp. 5. **Withdrawal.** The board shall have the right to withdraw the variance if the conditions for which the variance is granted become no longer applicable. The board shall mail a notification of withdrawal no less than 14 calendar days prior to the effective date of the withdrawal.

Statutory Authority: *MS s 148.08*

History: *24 SR 1210*

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