



VARIANCE REQUEST FORM
for
DALLAS CITY CODE SECTION 49-21.1
CONSERVATION MEASURES RELATING TO LAWN
AND LANDSCAPE IRRIGATION

Assigned _____
Reviewed _____
Granted / Denied _____
Account # _____

Note: This Section of the Code allows for the application for variance to the following requirements only:

- 49-21.1(b)(1) – which restricts watering from April 1 to October 31 between the hours of 10:00 a.m. and 6:00 p.m.*
- 49-21.1(c) – which requires rain sensing and freeze gauges on any new irrigation system installed after January 1, 2002 and on systems installed prior to that date by January 1, 2005.*

Submittal of this application does not guarantee a variance will be granted and this application does not address other sections of the Code. The grant of a variance based on this application may be revoked at any time if water waste is identified, undue impact to the health safety and welfare of others is noted, or if circumstances warrant. A variance granted under this process does not allow non-conformance with the provisions of the City's Emergency Water Management Plan. If further space is required in the completion of this form, provide a note of such and attach supporting documentation with application. See instructions on page 1.

PART A – APPLICANT INFORMATION

Date of Submittal of Variance Request _____

Has a previous or separate variance been granted to applicant/account holder? YES NO UNKNOWN

If YES, to above, please provide details _____

Property Owner/Occupant/Manager Request:

Name of Applicant (Contact) _____

Billing Name (If different from above) _____

Street/Mailing Address for Variance _____ City _____ State _____ Zip _____

Street/Mailing Address for Billing (if different) _____ City _____ State _____ Zip _____

Daytime Phone Number _____ Fax _____

Dallas Water Utilities Account Number _____

PART B – BASIS OF VARIANCE REQUEST

From Dallas City Code 49-21.1:

(d) Variations. The director may, in special cases, grant variances from the provisions of Subsection (b)(1) or Subsection (c) to persons demonstrating extreme hardship and need. The director may grant variances only under all of the following circumstances and conditions:

- (1) The applicant must sign a compliance agreement on forms provided by the director, approved by the city attorney, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.*
- (2) Granting of a variance must not cause an immediate significant reduction in the city's water supply.*
- (3) The extreme hardship or need requiring the variance must relate to the health, safety or welfare of the person requesting it.*
- (4) The health, safety, and welfare of other persons must not be adversely affected by granting the variance.*

This variance request may only be based on the above conditions. Please briefly describe the basis of your request and provide documentation of need in Part C.

PART C – EVIDENCE OF NEED

Provide documentation to support your request. Documentation should concisely prove the need for a variance such as a receipt for installation of new turf with instructions on installer’s letterhead which recommends daytime watering for a brief period. Please list documents below and attach copies with your application. Original records will not be returned.

Dates for which permit requested – Temporary variances for account holders for time-of-day restrictions will not be issued for more than 45-day periods except in proven extreme hardship situations and as approved by the Director.

By this signature, the Applicant indicates understanding that the application for a variance does not guarantee a variance will be granted, and the granting of a variance does not permit waste of water nor non-compliance with any other portion of the Code. If this request for variance is approved, the applicant agrees to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.

Date _____

Signature of Applicant _____



PART D – DECISIONS OF REVIEW (for internal use by City of Dallas Only)

- o Having fully considered the above application for variance, I find that the Applicant has NOT proven by clear and convincing evidence that the requirements of Section 49-21.1(d) Variances have been met. Based on the foregoing, a VARIANCE IS NOT granted.
- o Having fully considered the above application for variance, I find that the Applicant has proven by clear and convincing evidence that the requirements of Section 49-21.1(d) Variances have been met. Based on the foregoing, a VARIANCE IS GRANTED, subject to the following conditions:
 1. This Variance is granted only to the extent necessary to relieve the extreme hardship or need of the applicant.
 2. This Variance is not transferable to another property, purpose, person or water user.
 3. This Variance may be modified or revoked by the Director at any time or if it is noted that the conditions, which were reported in the application, no longer apply.
 4. This Variance is conditioned upon compliance with reasonable conservation measures, including:
 - o Water use for irrigation should be limited to that which is required for the landscape to establish itself.
 - o Water use as permitted under this Variance will NOT result in water waste.
 - o _____
 - o _____

Date _____

Signature of Conservation Division Reviewer _____