

## **ARTICLE X. WAIVER**

**SECTION 1001. GENERAL PROVISIONS** -- The Board shall have the authority to waive certain requirements of this Ordinance when there is sufficient documented proof that such regulations should not be applied to the proposed use or development. Sufficient documented proof shall include evidence that application of said regulations will cause an undue hardship, and that as a result of time constraints or other prohibitive factors, utilization of the variance procedure in Article IX would be impracticable or disruptive to the purpose of the development.

**SECTION 1002. PROCEDURE FOR GRANTING A WAIVER** – The granting of a Waiver shall conform to the following procedure:

1. The applicant shall notify the Administrator in writing of any request for Waiver. Notification shall include:
  - a. The requirement to be waived;
  - b. The reasons for the request;
  - c. Proof of undue hardship;
  - d. Any additional information requested by the Administrator, including, but not limited to, construction schedules, delivery schedules, maps, contract drawings and specifications, or contracts, purchase orders, or other agreements.
2. The Administrator shall transmit all application materials to the Board within ten (10) days of receipt, and shall include a recommendation for Board action;
3. The Board shall conduct a public hearing, as provided in Article XV, at which the applicant shall be present, to determine whether the waiver is necessary and proper, and shall by majority vote recommend approval, recommend approval with conditions, recommend disapproval, or postpone a decision (until a new public hearing shall be called) on the application;
4. The Board shall, within ten (10) days of its decision, notify the applicant of said decision in writing specifying:
  - a. The Ordinance and Statutory standards used in evaluating the application;
  - b. The reasons for approval or denial;

Any conditions to be met by the applicant to maintain compliance.