

SEC. 36.423. VARIANCES.

(a) A person who proposes to perform non-emergency work on a public right-of-way, public utility facility, public transportation facility or some other project for the benefit of the general public, who is unable to conform to the requirements of this chapter may apply to the County for a variance authorizing the person to temporarily deviate from the requirements of this chapter.

(b) The noise control officer shall only grant a variance if the officer makes findings that the applicant's proposed activity cannot feasibly be done in a manner that would comply with this chapter and the applicant has no other reasonable alternative available.

(c) When evaluating a request for a variance the noise control officer shall determine the impact any noise that does not comply with the limits of this chapter will have on each property likely to be affected by the noise. The evaluation shall include the uses on each property on which the non-complying noise will be received, what activities will be impacted on the property and the duration of each impact. The evaluation shall also include the value to the community of the work being done by the applicant, the cost to the community if the applicant is unable to perform the work, the cost to the applicant for mitigating the non-complying noise and any cost to the occupant of the impacted property during the time the period of the impacted property will be subject to the non-complying noise.

(d) If the noise control officer grants a variance under this section the variance may impose time limitations on the non-complying activity and may include mitigation measures that the applicant is required to adopt.