

875—66.3(17A,89A) Criteria for waiver or variance. In response to a petition completed pursuant to this chapter, the board may, in its sole discretion, issue an order waiving, in whole or in part, the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

66.3(1) The application of the rule would impose an undue hardship on the person for whom the waiver is requested;

66.3(2) The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;

66.3(3) The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law;

66.3(4) Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested; and

66.3(5) There is a reasonable relationship between the age of the conveyance and the variance requested.