



VARIANCE AND NON-COMPLIANCE GUIDANCE



WHAT IS A VARIANCE?

A variance is a tool used by projects requiring an accommodation to the B3 performance thresholds and/or documentation schedule.



VARIANCES

PROVISIONAL VARIANCE

- A temporary variance that allows for a required guideline to be completed later
- Only apply to phase requested in
- May be re-requested as needed
- May not be requested during the last phase a guideline is required

FULL VARIANCE

- Permanent
- Used for conflicts with the intended use (program) of a building or site
- Used for technological limitations
- Project teams are meant to pursue creative solutions to meet the intent of the guidelines as much as possible



VARIANCES

Full variances should not be requested for the following reasons:

1. Budgetary or project schedule constraints
2. Requirements missed by a project team that cannot be addressed later
3. Conflict with typical design or construction processes
4. Small or irregular sites
5. Recommended guidelines
6. The guideline is unrelated to or outside of the project scope

NON-COMPLIANCE

- If the project team can't document compliance with a guideline and there is no satisfactory reason why a variance should be considered, the project will be designated as Not Compliant with the guideline.
- This designation is only available at the last phase the guideline is required and should be used as a last resort.
- Non-compliant designations are shown publicly on the B3 Case Studies Database.



Design Submission Status	✓	Complete – the B3 Guidelines design and construction documentation for this project is complete
Design Compliance	✗	Not Compliant – this project does not comply with the following B3 design and construction guidelines: <ul style="list-style-type: none">• M3B - Divert 75% construction and demolition waste from landfill• M3C - Reduce and recycle waste generated during building operation
Operations Submission Status	✗	Overdue – the B3 Guidelines operations documentation for this project is more than 90 days overdue
Operations Compliance	?	Undetermined – this project has not yet completed a full year of B3 Guidelines operations documentation



VARIANCE REQUEST PROCESS

Variance requests are processed within the B3 Guidelines Tracking Tool:

- 1** The project team submits a variance request
- 2** The variance request is reviewed by the project's Guideline Leader, the B3 Guidelines Administrators, and the Agency Contact
- 3** The Agency Contact determines whether to approve or reject the variance request



WHAT TO INCLUDE IN A VARIANCE REQUEST?

PROVISIONAL VARIANCE

- Clearly identify the reason for the variance.
- Describe next steps for complying with the guideline.

NON-COMPLIANT DESIGNATION

- Describe why this is necessary.

Provide supporting documentation

FULL VARIANCE

- Clearly identify the reason for the variance, describing how it meets one of the program's allowed justifications.
- Describe how reasonable alternative approaches were exhausted and creative solutions were explored.
- Identify a modified performance level or compliance method that will be pursued.

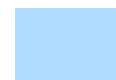


EXAMPLE: PROVISIONAL VARIANCE

“The project team has not been able to document full compliance with the daylighting requirements during schematic design. Our daylight model currently shows achievement of spatial daylight autonomy in 40% of regularly occupied space, which does not meet the minimum requirement of 50%. We will continue to work through this during design development by evaluating window size and placement and the potential for toplighting through daylight monitors and/or solar tubes.”



Reason for a variance




Next steps

EXAMPLE: FULL VARIANCE

“The project team is requesting a full variance for the 75% construction waste diversion requirement due to technological limitations of the local market. The project is located in rural Minnesota and there are limited recycling facilities available. The project team engaged a C&D waste diversion consultant to evaluate options for the primary waste streams expected from the project (concrete, wood products, cardboard/paper, and gypsum board). They found that cardboard/paper, metals, and plastics are accepted at a local recycling facility if they are source-separated. They also found a farm operator that would accept gypsum board directly to use as a soil amendment. However, they were unable to find any facilities within 60 miles that would accept concrete or wood products (other than in waste-to-energy applications). Our revised approach was to utilize on-site sorting of recyclable materials and maximize the recycling rates for these material categories, with regular status checks at construction meetings. While this approach enabled us to achieve diversion rates above 95% in these categories, due to the large volume of concrete demolished, the project’s overall diversion rate was only 68%.”

 Reason for variance

 Alternative approach/creative solution

 Modified performance level



UNACCEPTABLE FULL VARIANCE EXAMPLES

“We couldn’t meet the 75% waste diversion threshold because we are located in rural Minnesota.”

“The project schedule cannot accommodate the time required for daylight modeling.”

“The contractor did not track waste diversion for this project.”



Questions about variances?

Contact the B3 Guidelines Administrators:
guidelines@b3mn.org



CONCLUSION

1. Agency Contact's role
2. Agency Contact's responsibilities
 - Guideline Fulfillment
 - Phase Review and Approval
 - Variance and Non-Compliance Review

Visit our website:
B3mn.org

Contact the B3 Guidelines
Administrators:
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