

# VARIANCE AND APPEAL RECORD

A variance is a grant of relief from the terms of the specific standards required in the community's floodplain management ordinance. Variance requests must be considered carefully. Once granted, a variance can establish a dangerous precedent. A variance should be granted only for unique situations on a specific site. Under no circumstance should granting a variance establish a pattern that is inconsistent with the intent of floodplain regulations. A variance action could result in the community's suspension from the National Flood Insurance Program (NFIP).

**ANY VARIANCE GRANTED BY THE BOARD OF APPEALS MUST BE CONSISTENT WITH NFIP GUIDELINES AND WITH THE COMMUNITY'S FLOODPLAIN MANAGEMENT ORDINANCE.**

Date of Application: \_\_\_\_\_ Application No. \_\_\_\_\_

Property Address of Request: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Address (if different from Owner): \_\_\_\_\_

Type of Building and Intended Use: \_\_\_\_\_

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1. Is the proposed development located in the regulatory floodway? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, continue to 2.

If yes, proceed with caution. The applicant must possess an engineering analysis that demonstrates NO increase in the base flood elevation because of the proposed development. An Engineering "No-Rise" Certificate must accompany the variance application. If the applicant does not have this documentation, DO NOT grant the variance.

2. Can the development be located outside of the 1% annual chance (100-year) floodplain? (Hereafter referred to as the Special Flood Hazard Area [SFHA]) Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, then the variance should not be granted.

If no, continue to 3.

Every effort must be made to ensure that the development does not take place in the SFHA. This may involve relocating the actual building site on the parcel or revising construction plans to minimize the chances of flooding. In some cases, this may also involve using a separate parcel that is not located in a SFHA.

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If the development cannot be located outside of the SFHA, state why:

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3. Has the applicant shown that the proposal will cause no additional threats to public safety, no additional public expense, create no nuisances, cause no fraud or victimization of the public or not conflict with existing laws or ordinances? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, the variance should not be granted.

If yes, then continue to 4.

A building permitted below the flood protection elevation (BFE plus freeboard) has an increased risk of flood damage. This will add to the local government's responsibilities for many years. Future owners of the property and the community as a whole are subject to all the costs, inconveniences, danger, and suffering that these increased flood risks may bring. In addition, future owners may purchase the property without knowing that the building is subject to flooding. Potential public expenses such as rescue costs, utility shut-off costs, employee overtime, fuel costs, and road repair costs may be incurred.

State why the development will not increase flood heights, create additional threats to public safety, or cause additional public expense:

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4. Has the applicant shown that the terms of the floodplain ordinance will constitute an exceptional hardship? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, the variance should not be granted.

If yes, continue to 5.

The hardship that would result from failure to grant a variance must not be routine but rather exceptional, unusual, and peculiar to the property.

Economic or financial hardship, inconvenience, aesthetic considerations, physical handicaps, personal preferences, the disapproval of one's neighbors, or homeowners association restrictions DO NOT, qualify as exceptional hardship. Only physical characteristics and **not personal** matters should be considered.

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List the nature of the exceptional hardship:

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5. Do the conditions of the proposed variance give the minimum relief? Are they such that the maximum practical flood protection will be given to the proposed construction?

Yes \_\_\_\_\_ No \_\_\_\_\_

The variance board should consider every available means to ensure that the structure is not subject to flooding. This may involve elevating the structure, raising all utilities to or above the base flood elevation, using flood damage resistant materials, or using watertight sealant.

List the applicant's requirement in order to provide the maximum practical flood protection.

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6. Is the requested variance or exception for the construction or restoration of a structure listed on the National Register of Historic Places? (Note: Missouri does not have a State Historic Register). Yes \_\_\_\_\_ No \_\_\_\_\_

If no, continue to No. 7.

If yes, attach a letter or documentation from the Missouri Department of Natural Resource's State Historic Preservation Office.

If yes, will the improvements maintain the historic integrity of the structure?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Is the area of the lot of record where the structure will be measure 0.5 acres or less?

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, what is the size of the parcel? \_\_\_\_\_

8. Will there be a danger of harmful materials from this property swept by flooding events to other properties?

Yes \_\_\_\_\_ No \_\_\_\_\_

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9. State the susceptibility of the proposed facility (and its contents) to flood damage and the effect of such damage on the applicant.

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10. Will emergency vehicles be able to safely access the property during times of flooding?

Yes \_\_\_\_\_ No \_\_\_\_\_

11. What are the costs of providing governmental services during and after flooding events on the property, including maintenance and repair of public utilities and facilities such as gas, water, sewer and electrical systems, streets and bridges?

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12. Will granting the variance request confer on the applicant any special privilege that is denied by the Floodplain Management Ordinance to other lands or structures in the area?

Yes \_\_\_\_\_ No \_\_\_\_\_

**NOTE: If a variance is granted, the community is required to notify the applicant in writing that a variance will lessen the degree of protection and will:**

13. Result in an increased risk to life and property due to flooding or erosion damage. From a public safety standpoint, the applicant must be aware that the structure and its contents will be susceptible to flooding and its occupants subject to flood risk.

14. Result in increased flood insurance premium rates. From a financial standpoint, the applicant must be aware that the premium rates to be applied can be much higher than for structures built in compliance with minimum NFIP standards.

Flood insurance is required for direct or federally insured loans. Although the present applicant may not be obtaining a loan or wish to purchase flood insurance. A future buyer/owner will likely be required to carry flood insurance coverage. Flood insurance for non-complaint structures is expensive. Flood insurance costs may be so high that the home becomes virtually unsellable. Furthermore, without flood insurance the homeowner may not be eligible for disaster assistance. If seriously damaged during a flood, the result may be an abandoned or poorly repaired building.

# VARIANCE AND APPEAL RECORD

AS AN APPLICANT REQUESTING A VARIANCE TO BUILD A STRUCTURE WITH THE LOWEST FLOOR ELEVATION BELOW THE BASE FLOOD ELEVATION, THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE REDUCED FLOOD ELEVATION WILL RESULT IN INCREASED PERMIUM RATES FOR FLOOD INSURANCE AND THAT CONSTRUCTION BELOW THE BASE FLOOD ELEVATION INCREASES THE RISKS TO LIFE AND PROPERTY.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

## RECORD OF VARIANCE ACTIONS

Variance request submitted to \_\_\_\_\_ on

(Community Appeal Board)

\_\_\_\_\_.

(Date)

In accordance with the criteria and guidelines of the floodplain regulations in Floodplain

Management Ordinance No. \_\_\_\_\_ for \_\_\_\_\_

(Community Name)

Hereby [ ] approves, [ ] denies the above request for a variance to the requirements of the Floodplain Management Ordinance.

By: \_\_\_\_\_,

(Signature)

(Title)

\_\_\_\_\_.

(Date)

Decision of the Board: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Special provision of Variance Approval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Floodplain Administrator's Signature

Date

**\*\*Approval does not invalidate the responsibility of the property owner to meet all restrictions and covenants that are on the property.**