APPLICATION FOR A VARIANCE
FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS

A variance is a grant of relief given by the Board of Zoning Appeals from the terms of the specific standards required in the City’s Flood Plain Hazard Management Regulations. The issuance of the variance is for floodplain management purposes only. Insurance premium rates are determined by the Federal government according to actuarial risk and are not modified by the granting of a variance. ANY VARIANCE GRANTED BY THE BOARD OF ZONING APPEALS MUST BE CONSISTENT WITH THE CITY’S FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS.

Per Section 22.45 of the Zoning Code, a non-refundable fee of $150 must accompany this application.

Date of Application: __________________________ Application No: __________________

Property Address of Request: ______________________________________________________

Lot No.: ____ Subdivision: ____________________ Parcel No. ____________________

Name of Property Owner: ____________________________________________________________________________ Phone Number: __________________

Name of Applicant: ____________________________________________________________________________ Phone Number: __________________

Address (if different than Owner): ______________________________________________________________________________________

SECTION 1 - VARIANCE REQUESTED:
Cite the minimum development standard of the Flood Plain Hazard Management Regulations from which a variance is sought: ____________________________________________________________________________

________________________________________________________________________________________

Explain how proposed development would vary from the provision of the Flood Plain Hazard Management Regulations: ____________________________________________________________________________

________________________________________________________________________________________

SECTION 2 – APPLICATION FOR VARIANCE: Complete a Joint Permit Application and the attached worksheet to address the submittal requirements of the City’s Flood Plain Hazard Management Regulations.
☐ Worksheet completed and attached

AN APPLICANT RECEIVING A VARIANCE TO BUILD A STRUCTURE NOT MEETING THE MINIMUM STANDARDS OF THE REGULATIONS, ESPECIALLY IF THE LOWEST FLOOR IS CONSTRUCTED BELOW THE BASE FLOOD LEVEL, MAY RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE. CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISK TO LIFE AND PROPERTY. (44 CFR 60.6 (a)(5))

__________________________________________    _____________________________
APPLICANT’S SIGNATURE     DATE
ANY PERSON OR PERSONS AGGRIEVED BY THE DECISION MAY APPEAL SUCH DECISION IN THE COURTS OF COMPETENT JURISDICTION (MCA 76-5-209(1))

SECTION 3 – AFFECTED LANDOWNERS:
(Some communities may require certified list)
List the names, addresses and telephone numbers of all property owners within and contiguous to and directly across the street from the parcel or parcels of property referenced by this application:

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<th>Telephone</th>
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(Attach additional sheets as necessary.)

RECORD OF VARIANCE ACTIONS: TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

Variance Request submitted on _____________________________ Fee Paid: $____________________

Public Notice Given: _______________ Variance Hearing held on: __________________________

The Board has made a determination that the variance [ ] is or [ ] is not the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and [ ] meets or [ ] does not meet the criteria in the regulations for approval.

In accordance with the criteria and guidelines of the City of Floodville, Flood Plain Hazard Management Regulations, the Board of Zoning Appeals hereby [ ] approves, [ ] denies the request for variance by a vote of _________ for the variance and ________ against the variance.

Special Provisions of the Variance Approval:
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
APPLICATION WORKSHEET FOR VARIANCES TO THE
FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS

PLEASE NOTE: Your statements and supporting data and information, including a completed Montana
joint application or floodplain permit application, will be used to evaluate your variance request. If
these questions are not answered, the variance may be denied due to insufficient information to
support it. The following will be used as a guide to evaluate your petition. Additional information may
be requested.

The City of Floodville’s Flood Plain Hazard Management Regulations provides the criteria that must be
considered and met before a variance may be granted. The Board of Zoning Appeals must consider the
following items when determining a variance request. State in detail the manner in which you believe
each of these standards are met in this case:

1. Will the structure or proposed activity/use reside on 0.5 acre or less?  
   YES  NO
   If NO, what is the size of the lot or parcel? ____________________________
   
   (If the new construction or substantial improvements on a lot of one-half acres or less is contiguous to
   and surrounding by lots of existing structures constructed below the base flood level, a variance may be
   approved. However, as lot sizes increase beyond one-half acre, additional technical justification may be
   required.)

2. Are the surrounding properties pre-FIRM?  
   YES  NO

3. Are the lowest floor of the pre-FIRM structures on the adjoining and contiguous lots below the base
   flood elevation?  
   YES  NO
   (Attach documentation which show the contours and lowest floor elevations of the surrounding
   property)

4. Is the proposed work on a recognized historic structure?  
   YES  NO
   
   If yes, will the improvements maintain the historic integrity of the structure and not preclude the
   structure’s continued designation as a historic structure and the variance is the minimum
   necessary to preserve the historic character and design of the structure.)
5. Is the proposed work the minimum necessary, considering the flood hazard, to afford relief?
____________________________________________________________________________
____________________________________________________________________________

6. Does the project show good and sufficient cause for the variance? Financial hardship is not a good and sufficient cause. Describe the exceptional hardship.
____________________________________________________________________________
____________________________________________________________________________

7. Basements and/or the lowest floor elevation of a residential structure are not below the Base Flood Elevation?
____________________________________________________________________________
____________________________________________________________________________

8. If crawl spaces or enclosures are proposed, they must meet the requirements of Section 10 of the Flood Plain Hazard Management Ordinance. Explain why the minimum building standard cannot be met.
____________________________________________________________________________
____________________________________________________________________________

9. Describe your analysis or supporting information that the granting of this variance does not result in increased flood heights to the existing insurable buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.
____________________________________________________________________________
____________________________________________________________________________

10. Describe how the structure is adequately flood proofed.
____________________________________________________________________________
____________________________________________________________________________

11. Describe why reasonable alternative locations outside the Flood Plain are not or available or possible.
____________________________________________________________________________
____________________________________________________________________________

12. Describe the data or information that there is no danger to life and property by erosion damage or water that may be backed up or diverted by the obstruction or use.
____________________________________________________________________________
13. Describe your supporting information that there will not be a danger of materials being swept onto other lands to the injury of others. ___________________________________________________

____________________________________________________________________________________

14. Describe how the construction or alteration of the obstruction or use in such a manner is designed as to lessen the danger. _____________________________________________________________

____________________________________________________________________________________

15. Describe the permanence of the obstruction or use.

____________________________________________________________________________________

____________________________________________________________________________________

16. Describe the impacts of the obstruction or use affect the anticipated development in the foreseeable future of the surrounding area.

____________________________________________________________________________________

____________________________________________________________________________________

17. Describe if the failure to comply with the Flood Plain regulations results in an exceptional hardship to the applicant.

____________________________________________________________________________________

____________________________________________________________________________________

18. Describe how the granting of a variance does not adversely affect existing properties or structures.

____________________________________________________________________________________

____________________________________________________________________________________

19. Describe the impacts to the BFE of the Floodway and/or Flood Plain. Provide supporting data and analysis that the variance will not increase the BFE of the Floodway by more than 0.00 and/or increase to the Flood Plain is 0.5 feet or less.

____________________________________________________________________________________

____________________________________________________________________________________

20. Describe the estimated cost and damage of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
21. Describe the importance of the services to be provided by the facility to the community?

_____________________________________________________________________________________

22. Describe the public services, including fire and rescue that may or may not be provided during various flood events.

_____________________________________________________________________________________

23. If this facility is located on the waterfront, describe the necessity for that location.

_____________________________________________________________________________________

24. Describe the safety and access of emergency vehicles to the property during times of various flood events.

_____________________________________________________________________________________

_____________________________________________________________________________________

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the City.

__________________________________________________________   _____________________
Signature of Applicant       Date

_________________________________________________
Signature(s) of Owner(s)
(Must be Notarized)

_________________________________________________
Signature(s) of Owner(s)
(Must be Notarized)

*Agent must provide documentation that they are legally representing the property owner.
*Approval does not validate the responsibility of the property owner to meet all restrictions and covenants that are on that property.

*A record of all actions involving a Floodplain permit and variance, including the findings and decision must be submitted to DNRC Floodplain Program and FEMA Region VIII.