



**DBA**

*Floodplain Management Program*

**APPLICATION FOR A VARIANCE TO  
DEVELOP IN A FLOOD HAZARD AREA**

AND

INSTRUCTIONS

FIGURE 4-5

**APPLICATION FOR A VARIANCE  
TO DEVELOP IN A FLOOD HAZARD AREA**

**NOTE: No variance is allowed in the "FLOODWAY" if any increase in base flood discharge will result.**

1. Date: \_\_\_\_\_

2. Application No.: \_\_\_\_\_

3. Address of development site:

\_\_\_\_\_  
\_\_\_\_\_

4. Reason for requesting variance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I have read the attached "Information Regarding Variances" and I understand the consequences regarding flood insurance and flood risks. I hereby request a variance from the DBA floodplain management program standards.

6. Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**Do Not Write Below This Line. DBA Use Only**

7. Variance is:            Approved                             Disapproved

8. Signature of SAS Secretary or Designee:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

9. If a variance is granted, applicant must provide to the DBA Design Review Section documentation from a licensed surveyor, registered professional engineer or architect certifying as-built elevations.

## Information Regarding Variances

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. Therefore; while a variance initially offers relief to a developer, for example through lower construction costs, higher insurance premiums or loss of coverage may offset or exceed the reduced cost of construction.

The SAS Secretary, after examining the applicant's hardships, shall approve or disapprove a variance request. While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one half acre, the technical justification required for issuing a variance increases. Variances may be issued by DBA for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State's Inventory of Historic Places, without regard to the procedures described in this section.

Procedures for the granting of variances by DBA are as follows:

- a. Variances shall not be issued by DBA within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
- b. Variances may be issued by DBA for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the floodplain management standards;
- c. Variances shall only be issued by DBA upon:
  - 1) A showing of good and sufficient cause,
  - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations;
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

e. DBA shall notify the applicant in writing that:

- 1) The issuance of a variance to construct or substantially improve a structure below the base flood level may result in the loss of insurance coverage under the State's catastrophic loss policy and may result in a reduction or loss of Federal Disaster Assistance for sites with repeat loss histories; or:
- 2) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage, and:
- 3) Such construction increases the risk to life and property;

f. DBA shall maintain a record of variances and report the number of variances to the Federal Insurance Administrator when requested, and;

g. Variances may be issued by DBA for new construction and substantial improvements and for other development as necessary for the conduct of a functionally dependent use proved that:

- 1) The criteria of paragraphs a. through d. are met and
- 2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

The above information constitutes notification to the applicant of the criteria for, and consequences of, the issuance of a variance.

## **INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR A VARIANCE TO DEVELOP IN A FLOOD HAZARD AREA**

The Application Form (Figure 4-5) is to be completed by the Agency and submitted with the first plan review submittal to DBA Design Review Section. Applications are required for all projects located in FEMA Special Flood Hazard Areas Zones where construction of the development does not conform to 22 CAR § 111-700. Review 22 CAR § 111-714 prior to submitting a variance request. The request shall be accompanied with a letter addressing the items listed in 22 CAR § 111-714(B), a permit application to develop in the floodplain (Figure 4-1), and an elevation certificate if the development involves a structure.

Projects involving interior renovations only which are less than 50% of the current fair market value of the structure and renovations of structures or sites listed on the Historic Register are exempt from permit requirements.

DBA Design Review Section will review the application and present the request to the DBA Council at their next scheduled meeting. The Agency will be required to attend this meeting to answer questions regarding the need for this request.

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- Line 1: Enter the date of the application.
  - Line 2: Enter the DBA assigned project number for the project
  - Line 3: Enter street address, legal description, or latitude and longitude coordinates.
  - Line 4: Briefly describe the type of development (i.e. Replace an existing bathhouse with a new larger structure to meet ADA guidelines. No alternate location available within acceptable distance to existing campsites. If variance is not granted, bathing facility will not meet ADA guidelines.)
  - Line 5: The Agency Director or responsible official must sign and date the application
  - Line 6: The SAS Secretary will approve or disapprove the application.
  - Line 7: The authorized Designee will sign the application after review and determination by the SAS Secretary.
  - Line 8: If the application is approved, the Agency shall submit the required documentation and elevation certificate to the Design Review Section for record.