

VARIANCE APPLICATION

FROM THE Enter County Name

FLOODPLAIN HAZARD MANAGEMENT REGULATIONS

A *variance* is a grant or relief from the development requirements of these regulations which would permit construction in a manner that would otherwise be prohibited by these regulations. A variance from the minimum development standards must have approval. An approved variance would permit construction in a manner otherwise as required or prohibited by these regulations. ((44 CFR 59.1) (ARM 36.15.218)).

A variance issued by this local authority is for floodplain management purposes only. Insurance premium rates are determined according to actuarial risk and may or may not be modified by a variance. *ANY VARIANCE GRANTED BY THE LOCAL AUTHORITY MUST ALIGN WITH LOCAL FLOODPLAIN HAZARD MANAGEMENT REGULATIONS.*

Date of Application:

Contact Person:

Contact Number:

Applicant Name:

Email:

Applicant Address:

Property Owner:

Phone/Email:

Address (if different from Applicant):

Physical Address/Location of Project Site:

Legal Address (Lot/Parcel/Subdivision etc.):

Legal Address(Sec./Township,Range Geocode)

Is this project located in the floodway: Please Select

Name of Waterway: Name

SECTION 1 – VARIANCE REQUESTED:

Cite the minimum development standard of the *Floodplain Hazard Management Regulation* from which a variance is sought:

Explain how proposed development would vary from the provision of the *Floodplain Hazard Management Regulations*:

SECTION 2 – APPLICATION FOR VARIANCE:

Complete a Joint Permit Application and the attached Variance Application Worksheet addressing the County's *Floodplain Hazard Management Regulations*

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Joint Permit Application – All other proposed activities/development not seeking a variance

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Joint Permit Application – Proposed variance activity/development

- ☐ Joint Permit Application – Completed/Submitted to FPA Variance
- ☐ Application Worksheet – Completed and attached

ACKNOWLEDGEMENT:

THE APPLICANT IS HEREBY NOTIFIED THAT THE ISSURANCE OF A FLOODPLAIN PERMIT AND VARIANCE TO CONSTRUCT A STRUCTURE NOT MEETING THE MINIMUM BUILDING REQUIREMENTS IN THESE REGULATIONS, ESPECIALLY IF THE LOWEST FLOOR IS CONSTRUCTED BELOW THE BASE FLOOD ELEVATION, MAY RESULT IN INCREASED PREMIUM RATES FOR FLOOD AND THAT FLOOD INSURANCE PREMIUMS ARE DETERMINED BY ACTUARIAL RISK AND WILL NOT BE MODIFIED BY THE GRANTING OF A VARIANCE. (44 CFT 60.6(a)).

Applicant's Signature

DATE

Co-Applicant's Signature

DATE

SECTION 3 – AFFECTED LANDOWNERS:

ANY PERSON OR PERSONS AGGRIEVED BY THE DECISION MAY APPEAL SUCH DECISION IN THE COURTS OF COMPETENT JURISDICTION (MCA 76-5-209(1))

List the name, address, and contact information (phone/email) for EACH property owners adjoining, adjacent, contiguous, directly across or impacted by the referenced property or project.

In addition, you may include a property map indicating the locations of these property owners.

Name	Address	Contact Phone/Email

(If needed, attach additional sheet or map)

THIS SECTION TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

SECTION 4 – RECORD OF VARIANCE ACTIONS

Variance Number:

Application Name or Party:

Fee Paid:

Date Variance
application received:

Public Notice Given:

Additional Information

Variance Hearing Held:

Additional Information

VARIANCE CONSIDERATION:

A Floodplain permit and Variance shall only be issued upon a determination that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all the following criteria are met. The variance request Please Select the minimum standard necessary to afford relief from these regulations and the variance Please Select the criteria in the regulations.

VARIANCE DECISION:

In accordance with the criteria and guidelines of the Enter County Name Floodplain Hazard Management Regulations, Approving Authority hereby Please Select the request for variance by vote of for the variance and against the variance.

Special Conditions for Variance Approval Include:

SIGNED:

Enter Title/Name of Approving Authority

DATE

APPLICATION WORKSHEET FOR A VARIANCE TO THE

Enter County Name

FLOODPLAIN HAZARD MANAGEMENT REGULATIONS

Your completed Montana joint permit application (aka floodplain permit application), plus any information and supporting materials specific to the variance request, will be used to evaluate your variance petition. Failure to provide information may result in variance denial due to insufficiency.

The Enter County Name Floodplain Hazard Management Regulations provides the criteria that must be considered and met before a variance may be granted. (See the Variance Section). The Enter County Name Commissioners must consider the following items when determining a variance request.

PLEASE ANSWER THE FOLLOWING:

1. Is the property and/or structure located in the floodway? Please Select
 2. Is this a substantial improvement or an alteration of a structure? Please Select
 3. Will the structure or proposed activity/use reside on one-half acre Please Select
Or less? If **no**, what is the size of the lot or parcel?
 4. Will the new construction, substantial improvement, alteration, or proposed activity be contiguous to
and surrounded by lots with existing structures constructed below the Base Flood Elevation?
Please Select
- NOTE: If the lot size is greater than one-half acre, additional technical justification may be required.*
5. Are any surrounding properties with structures pre-FIRM? Please Select
 6. Is the lowest floor of the pre-FIRM structure(s) on the adjoining and /or contiguous lots below the
base flood elevation? Please Select
Please provide documentation showing the contours and lowest floor elevations of the surrounding property
 7. Is the proposed work on a designated or preliminary historic structure? Please Select
 8. Does the proposed project show good and sufficient cause for the variance? Financial hardship is not
a good and sufficient cause. Please Select
 9. Describe how failure to grant the variance would result in exceptional hardship for the applicant.

10. Is lowest floor elevation of the residential dwelling, including basement and attached garage, below the Base Flood Elevation?
11. If crawl spaces or enclosures are proposed, they must meet the requirements of Section 10 of the Flood Plain Hazard Management Ordinance. (See Development Requirements)/ Explain why the minimum building standard cannot be met.
12. Describe your analysis or supporting information how 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 or victimization of the public, or conflict with other existing local laws or ordinances.
13. Describe how the structure is adequately flood proofed.
14. Is the proposed project the minimum necessary, considering the flood hazard, to afford relief?
15. Describe why reasonable alternative locations outside the Floodplain are not or available or possible.
16. Describe or use supporting information to show how granting the variance does not increase flood risk, endanger property or life by erosion damage or water that may be backed up or diverted by the proposed project or use.

17. Describe the actions or steps that will be taken to ensure project materials will not be eroded, destroyed or swept onto adjoining property, thereby avoiding adverse impacts to property or life

18. Describe how the construction or alteration of the proposed project or use will lessen flood risk.

19. Describe the permanence of the proposed project use.

20. Describe the impacts or how the proposed project or use will affect anticipated development in the or in the surrounding area.

21. Describe how failure to comply with local Floodplain regulations will be an exceptional hardship to the applicant

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

23. Describe the impacts to the BFE of the Floodway and/or Floodplain. 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 Floodplain is 0.5 feet or less.
24. Describe the estimated cost of the proposed facility and its susceptibility to flood damage and loss.
25. Describe the importance of the proposed project and its essential use or service provided by the project, facility or infrastructure to the community?
26. Describe the public services, including fire and rescue, that may or may not be provided during various flood events.
27. Is the proposed project or use located on a waterway? Describe why it is necessary to site the project or use in that location.
28. Describe the safety and access of emergency vehicles to the property or project site during times of disaster – flood events, fire, earthquake, etc.

29. Did the applicant submit an application for any additional activity/development that did not need a variance?

I hereby certify that the statements, documents, and information provided in this application form are true and correct to the best of my knowledge. I hereby understand and certify that any omissions or misrepresentation of any information may result in delayed processing or denial by the local authority.

_____	_____
*Signed by: Applicant	Date

_____	_____
*Signed by: Property Owner(s)	Date

_____	_____
*Signed by: Property Owner(s)	Date

****It is recommended that applicant and property owner signatures should be notarized***

ADDITIONAL:

- 1. Property owner’s agent must provide documentation that they legally represent the property owner.
- 2. Variance approval does not remove the owner’s responsibility met all property restrictions and covenants.
- 3. The floodplain permit and variance, including all applications, supporting documents, findings, decisions, and completion certificate records must be copied and submitted to the State of Montana DNRC Floodplain Program and FEMA Region VII.