

APPLICABLE CODE AND VARIANCES REQUESTED

- I. LDC Section 25-12-3, (Local Amendment to the Building Code), Section 1612.4.2 Provision of Safe Refuge provides that no floor level lower than one foot above the design flood elevation (100-year floodplain) shall be used residentially.

***VARIANCE REQUESTED:** The applicant requests a variance to Building Code Section 1612.4.2, to allow construction of a structure lower than one foot above the design flood elevation. The proposed lowest finished floor elevation is 672.3 ft. above MSL, which is approximately 0.43ft. below the design flood elevation (100-year floodplain elevation).*
- II. LDC Section 25-12-3, (Local Amendment to the Building Code), Section 1612.4.3 Means of Egress provides that normal access to a building shall be by direct connection with an area that is a minimum of one foot above the design flood elevation.

***VARIANCE REQUESTED:** The applicant requests a variance to Building Code Section 1612.4.3, to allow construction of a structure without normal access by connection with an area that is a minimum of one foot above the design flood elevation. Access to the residence from Cherry Creek Drive will be within the 100-year floodplain with a depth of 4.73 feet of water at the curb line and water depths of approximately 1.73 feet around the structure.*
- III. LDC Section 25-7-152 (Dedication of Easements and Rights-of-Way) requires that the owner of real property proposed to be developed dedicate to the public an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain.

***VARIANCE REQUESTED:** The applicant requests a variance to exclude the footprint of the proposed enlarged structure from the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain.*
- IV. LDC Section 25-12-3, (Local Amendment to the Building Code), Section G102.3 Non-Conforming Uses provides that a structure which was lawful before the adoption of the Building Code, but does not conform with the requirements of these regulations, may be continued subject to the following condition:
 - A. (1) No such use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
***VARIANCE REQUESTED:** The applicant proposes to increase the non-conformance of the existing residence by enlargement and expansion, thereby increasing human occupancy potential.*
- V. LDC Section 25-7-2, Obstruction of Waterways Prohibited prohibits the placement of an obstruction in a waterway.

VARIANCE REQUESTED: *The applicant requests a variance to place an additional obstruction to an already existing obstruction (the existing house) in a waterway.*

PREREQUISITES FOR GRANTING VARIANCES:

Per LDC Section 25-12-3, Technical Codes, Section G 105 Variances, variances shall only be issued upon an affirmative finding of the five conditions described below:

- 1.) A technical showing of good and sufficient cause based on the unique characteristics of the size, configuration or topography of the site;
- 2.) A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;
- 3.) A determination that granting of a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws or conflict with existing laws or ordinances;
- 4.) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
- 5.) Notification to the applicant in writing over the signature of the building official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.