

APPLICABLE CODE AND VARIANCES REQUESTED

- I. LDC Section 25-7-92 (Encroachment on Floodplain Prohibited) prohibits construction of a building or parking area in the 25-year floodplain.

VARIANCE REQUESTED: Pursuant to the applicant's requests, the applicant requires a variance from LDC Section 25-7-92(A) to allow encroachment of a building and parking into the 25-year floodplain.

- II. LDC Section 25-7-94 (Exceptions in Central Business Area) requires that development associated with construction of a building in within the central business area compensates for any floodplain volume displaced by that construction.

VARIANCE REQUESTED: Pursuant to the applicant's requests, the applicant requires a variance to place fill in the floodway and floodplain without compensating with excavation for the floodway and floodplain volume displacement.

- 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: Pursuant to the applicant's requests, the applicant requires a variance to exclude the footprint of the proposed structures from the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain.

- IV. LDC Section 25-7-2, Obstruction of Waterways Prohibited prohibits the placement of an obstruction in a waterway.

VARIANCE REQUESTED: Pursuant to the applicant's requests, the applicant requires a variance to place an obstruction, the proposed structures, in a waterway.

- V. 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:

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 premises by enlargement, thereby increasing human occupancy potential.*

PREREQUISITES FOR GRANTING VARIANCES:

Per LDC Section 25-12-3, Technical Codes, Section G105.7 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.