

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 and the 100-year floodplain.

VARIANCE REQUESTED: *The applicant requests a variance from LDC Section 25-7-92(A) and (B) to allow encroachment of a building into the 25-year and the 100-year floodplain. The property's subdivision plat was recorded in 1985, after the 1983 qualifying exemption date, thereby disqualifying the property from the exemption that might allow one building per lot in the 100-year floodplain.*

- 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. The depth of water at the curb lines of Latta Drive during the 100-year flood event will be up to 3.9 feet deep. The structure will be surrounded by up to 4.7 feet of water during the 100-year flood event.*

- 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 not dedicate drainage easement to the full extent of the 100-year floodplain by means of defining the easement boundary as outside of the building footprint.*

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 local laws or ordinances.
- 4.) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 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.