



**COUNTY OF LINCOLN
FLOOD VARIANCE AND APPEAL APPLICATION**

A variance is a waiver of one or more of the specific standards of the floodplain ordinance. Variance requests should be considered very carefully. Once granted, a variance can establish a dangerous precedent. Therefore, a variance should be granted only for a unique situation on a specific site. Under no circumstance should the granting of variances establish a pattern that is inconsistent with the intent of the floodplain regulations. Such a pattern could result in the community's suspension from the National Flood Insurance Program (NFIP).

Name of Applicant:

Property Address:

Type of structure and intended use:

1) Is structure in the floodway?

If no, continue.

If yes, proceed with caution.

The variance applicant must meet state and federal floodway permit requirements. The applicant should have a certificate of "no-rise". If the applicant does not have this documentation, DO NOT grant the variance.

2) Can the development be located outside of the floodplain?

If yes, then the variance should not be granted.

If not, continue

State why the development cannot be located outside of the floodplain_____

3) Any building which is permitted below the flood protection elevation has an increased risk of flood damage. The building will add to the local government responsibilities for many years. Future owners of the property and the community as a whole are subject to all the cost, inconvenience, danger, and suffering that those increased flood risks may bring. In addition,

future owners may purchase the property and be unaware that it is subject to flooding. Potential public expenses such as rescue costs, utility shut off costs, employee overtime, fuel costs, and road damage are all common during flood events.

State why the development will not increase flood heights, create additional threats to public safety, cause additional public expense:

4) The hardship that would result from failure to grant a requested variance must be exceptional, unusual, and peculiar to the property involved. Economic or financial hardship, inconvenience, aesthetic considerations, physical handicaps, personal preferences, the disapproval of one's neighbors, or homeowners association restrictions DO NOT, as a rule, qualify as exceptional hardship. As "heartless" and difficult as it may be, only physical characteristics and not personal matters will be considered.

Please state what the exceptional hardship is: _____

5) Is the requested variance or exception for the construction or restoration of a structure listed on the National Register of Historic Places or the State Historic Register?

If no, continue

If yes, Attach a letter or appropriate documentation from either agency that shows that structure is an historic building.

6) Conditions for Approving Variances for Agricultural Structures

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 4, Section D(4) & (5) of ordinance 60.3(d).

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-proofed.

- a) All agricultural structures considered for a variance from the floodplain management regulations of ordinance 60.3(d) shall demonstrate that the varied structure is located in wide expansive floodplain areas and no other alternate location outside of the special

flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, can not be considered agricultural structures.

- b) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- c) For any new or substantially damaged agricultural structure, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 5, Section A(2) of ordinance 60.3(d).
- d) The agricultural structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structures in accordance with Article 5, Section A(1) of ordinance 60.3(d). All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- e) Any mechanical, electrical or other utility equipment must be located at the base flood elevation or flood proofed so that they are contained within a watertight flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 5, Section A(4) of this ordinance.
- f) The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 5, Section D(3)(a) & (b) of ordinance 60.3(d).
- g) The agricultural structure must comply with the floodplain management floodway encroachment provisions of Article 5, Section E(1) of ordinance 60.3(d). No variance may be issued for agricultural structure within any designated floodway, if any increases in flood levels would result during the 100-year flood.
- h) Major equipment, machinery or other contents must be protected from any flood damage.
- i) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

7) Conditions for Approving Variances for Accessory Structures

Any variance granted for an accessory structure shall be decided individually based case by case analysis of the buildings unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set for in Article 4, Section D(4) & (5) of this ordinance.

In order to minimize flood damages during the 100-year flood and threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-flood proofed.

- a) Use of the accessory structures must be solely for parking and limited storage purposes in zone A as identified on the community's Flood Insurance Rate Map (FIRM).

- b) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 5, Section A(2) of ordinance 60.3(d).
 - c) The accessory structures must be adequately anchored to prevent flotation, collapse or lateral movement of the structure in accordance with Article 5, Section A(1) of ordinance 60.3(d). All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
 - d) Any mechanical, electrical or other utility equipment must be located at the base flood elevation or flood proofed so that they are contained within a watertight flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 5, Section A(4) of ordinance 60.3(d).
 - e) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NIFP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 5, Section D(3)(a) & (b) of ordinance 60.3(d).
 - f) The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 5, Section E(1) of ordinance 60.3(d). No variance may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
 - g) Major equipment, machinery or other contents must be protected from any flood damage.
 - h) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
- 8) Wet floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.
- 9) Inspections will be performed by the floodplain manager or designated representative. Inspections may be performed during and will be performed at the conclusion of all improvements.

“I certify that I have read this document and that the facts contained therein are true and complete to the best of my knowledge.”

Applicant's Signature

Date

OFFICE USE ONLY

-RECORD OF VARIANCE ACTIONS-

Variance request submitted to _____ on
_____ (community and appeal board)
_____ (date).

In accordance with the criteria and guidelines of the floodplain regulations in Ordinance
No. _____ the _____
_____ (appeal board)

Of Lincoln County hereby () approves, () denies the above request for variance.

By: _____,
_____ (signature) _____ (title)

(date)

Decisions of the board:

Special provisions of Variance Approval:

Administrator's Signature

Date