

FLOODPLAIN VARIANCE APPLICATION

CASCADE COUNTY FLOODPLAIN REGULATIONS

A *variance* is a grant of relief given by the Board of Cascade County Commissioners from the terms of the specific standards required in the *Cascade County Floodplain Regulations*. The issuance of the variance is for floodplain management purposes only. Insurance premium rates are determined by the Federal government according to actuarial risk and are not modified by the granting of a variance. ANY VARIANCE GRANTED BY THE BOARD OF COUNTY COMMISSIONERS MUST BE CONSISTENT WITH THE CASCADE COUNTY FLOODPLAIN REGULATIONS.

SECTION 1: Applicant and Property Information

Applicant Name:	Email:
Applicant Address:	Phone:
Property Owner Name:	Email:
Property Owner Address:	Phone:

Legal Description and Address of Property:

SECTION 2: Variance Requested

Cite the Section of the Cascade County Floodplain Regulations from which a variance is sought:

Explain why a variance is needed for the proposed development:

SECTION 3: Application for Variance

Completed the *Joint Permit Application* and *Variance Application Worksheet* to address the submittal requirements of the Cascade County Floodplain Regulations.

Joint Permit Application

Variance Application Worksheet

An Applicant receiving a variance to build a structure not meeting the minimum standards of the regulations, especially if the lowest floor is constructed below the base flood level, may result in increased premium rates for flood insurance. Construction below the base flood level increases risk to life and property. (44 CFR § 60.6(a)(5)).

APPLICANT'S SIGNATURE

DATE

Any person or person aggrieved by the decision may appeal such decision in the courts of competent jurisdiction. MCA § 76-5-209(1).

Section 4: Affected Landowners

List the names, addresses, and telephone numbers of all property owners adjacent to the parcel(s) referenced in this Application. Attach additional sheets as necessary.

Name & Address:	Telephone No.:

OFFICIAL USE ONLY – RECORD OF VARIANCE ACTION

Completed Variance Application submitted on: _____	Fee Paid: \$ _____ Application No.: _____
Public Notice Given:	Variance Hearing Held on:

The Board of County Commissioners has made a determination that the variance **is** or **is not** the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and **meets** or **does not meet** the criteria in the regulations for approval.

In accordance with the criteria and guidelines of the Cascade County Floodplain Regulations, the Board of Cascade County Commissioners hereby **approves** or **denies** the request for variance.

Special Provision of the Variance Approval:

_____ **CHAIR, BOARD OF CASCADE COUNTY COMMISSIONERS** _____ **Date**

VARIANCE APPLICATION WORKSHEET

PLEASE NOTE: Your statements and supporting data and information, including a completed Montana Joint Application or Floodplain Permit Application, will be used to evaluate your variance request. If these questions are not answered, the variance may be denied due to insufficient information to support it. The following will be used as a guide to evaluate your petition. Additional information may be requested.

<p>1. Will the structure or proposed use reside on a parcel or lot of 0.5 acres or less?</p> <p><i>If the new construction or substantial improvements on a lot one-half acres or less is contiguous to and surrounded by lots of existing structures constructed below the base flood level, a variance may be approved. However, as lot sizes increase beyond one-half acres, additional technical justification may be required.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>2. Are the surrounding properties pre-1997 (pre-FIRM)?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>3. Is the lowest floor of pre-1997 (pre-FIRM) structures on the adjoining and contiguous lots below the Base Flood Elevation?</p> <p><i>Attach documentation which shows the contours and lowest floor elevations of surrounding property.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>4. Is the proposed work on a recognized historic structure?</p> <p>If yes, will the improvements maintain the historic integrity of the structure and not preclude the structure's continued designation as a historic structure AND the variance is the minimum necessary to preserve the historic character and design of the structure?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. Explain how the proposed work is the minimum necessary, considering the flood hazard, to afford relief?

6. Does the project show good and sufficient cause for the variance? Financial hardship is not a good and sufficient cause. Describe the exceptional hardship.

7. Is the basement and/or the lowest floor elevation of the residential structure below the Base Flood Elevation? If yes, please describe.

<input type="checkbox"/> YES
<input type="checkbox"/> NO

8. If the crawl space(s) or enclosures are proposed, they must meet the requirement of Section 9 of the Cascade County Floodplain Regulations. Explain why the minimum building standard cannot be met.

9. Describe your analysis or supporting information that supports that a granting of this variance will not result in: (1) increased flood heights to the existing buildings; (2) additional threats to public safety; (3) extraordinary public expense; (4) create nuisances; (5) cause fraud on or victimization of the public; or (6) conflict with other existing local laws and/or ordinances.

10. Describe how the structure is adequately flood proofed.

11. Describe why reasonable alternative locations outside the floodplain are not available or possible.

12. Describe the data or information showing that there is no danger to life and property by erosion damage or water that may be backed up or diverted by the obstruction or use.

13. Describe your supporting information that demonstrates there will not be a danger of materials being swept onto other lands to the injury of others.

14. Describe how the construction or alteration of the obstruction or use is designed in such a manner to lessen danger.

15. Describe the permanence of the obstruction or use.

16. Describe the impacts of the obstruction or use as they affect the anticipated development of the surrounding area in the foreseeable future.

17. Describe how the failure to comply with the floodplain regulations results in an exceptional hardship to the Applicant.

18. Describe how granting the variance would not adversely affect existing properties or structures.

19. Describe the impacts to the Base Flood Elevation of the Floodway and/or Floodplain. Provide supporting data and analysis that the variance will not increase the Base Flood Elevation of the Floodway by more than 0.00 and/or increase the Floodplain 0.5 feet or less.

20. Describe the estimated cost and damage of the proposed facility and its contents to flood damage and the effect of such damage on the owner.

21. Describe the importance of the services to be provided by the facility to the community.

22. Describe the public services, including fire and rescue, that may or may not be provided during various flood events.

23. If this facility is located on the waterfront, describe the necessity for that location.

24. Describe the safety and access of emergency vehicles to the property during times of various flood events.

Notarized Certification

I hereby certify that the facts, statements, and information presented within this Floodplain Variance Application and Variance Application Worksheet are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required as part of this Floodplain Variance Application may result in my Application being delayed or not approved by Cascade County.

SIGNATURE OF APPLICANT

DATE

SIGNATURE(S) OF OWNER
(Must be Notarized)

SIGNATURE(S) OF OWNER
(Must be Notarized)

- *Agent(s) must provide documentation that they are legally representing the property owner.
- *Variance approval does not nullify the responsibility of the property owner to meet any other laws, regulations, ordinances, restrictions and covenants that are on that property.
- *A record of all actions involving a Floodplain Permit and Variance, including the findings and decision must be submitted to the DNRC Floodplain Program and FEMA Region VIII.