



APPLICATION FOR A VARIANCE FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS

A *variance* is a grant of relief given by the Stillwater County Commissioners from the terms of the specific standards required in the County's *Flood Plain Hazard Management 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 STILLWATER COUNTY COMMISSIONERS MUST BE CONSISTENT WITH THE COUNTY'S *FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS*.

Variance fee of \$150.00 must accompany this application per current fee schedule.

Date of Application: _____ Application No: _____

Property Address of Request; _____

Lot No.: _____ Subdivision: _____ Parcel No. _____

Name of Property Owner: _____ Phone Number: _____

Name of Applicant: _____ Phone Number: _____

Address (if different than Owner): _____

SECTION 1 - VARIANCE REQUESTED:

Cite the minimum development standard of the *Flood Plain Hazard Management Regulations* from which a variance is sought: _____

Explain how proposed development would vary from the provision of the *Flood Plain Hazard Management Regulations*: _____

SECTION 2 – APPLICATION FOR VARIANCE: Complete a Joint Permit Application and the attached worksheet to address the submittal requirements of the County's *Flood Plain Hazard Management Regulations*.

☐ Worksheet completed and attached

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 PERSONS AGGRIEVED BY THE DECISION MAY APPEAL SUCH DECISION IN THE COURTS OF COMPETENT JURISDICTION (MCA 76-5-209(1))

SECTION 3 – AFFECTED LANDOWNERS:

List the names, addresses and telephone numbers of all property owners within and contiguous to and directly across the street from the parcel or parcels of property referenced by this application:

(Attach additional sheets as necessary.)

RECORD OF VARIANCE ACTIONS: TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

Variance Request submitted on _____ Fee Paid: \$ _____

Public Notice Given: _____ Variance Hearing held on: _____

The Board 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 Stillwater County, *Flood Plain Hazard Management Regulations*, the Stillwater County Commissioners hereby [] approves, [] denies the request for variance by a vote of _____ for the variance and _____ against the variance.

Special Provisions of the Variance Approval:

Floodplain Administrator

Date

APPLICATION WORKSHEET FOR VARIANCES TO THE
FLOOD PLAIN HAZARD MANAGEMENT REGULATIONS

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.

The Stillwater County Flood Plain Hazard Management Regulations provides the criteria that must be considered and met before a variance may be granted. The Stillwater County Commissioners must consider the following items when determining a variance request. State in detail the manner in which you believe each of these standards are met in this case:

1. Will the structure or proposed activity/use reside on 0.5 acre or less? **YES NO**
If NO, what is the size of the lot or parcel? _____

(If the new construction or substantial improvements on a lot of 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 acre, additional technical justification may be required.)

2. Are the surrounding properties pre-FIRM? **YES NO**

3. Are the lowest floor of the pre-FIRM structures on the adjoining and contiguous lots below the base flood elevation? **YES NO**

(Attach documentation which show the contours and lowest floor elevations of the surrounding property)

4. Is the proposed work on a recognized historic structure? **YES**
NO

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.)

5. Is the proposed work 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. Basements and/or the lowest floor elevation of a residential structure are not below the Base Flood Elevation?

8. If crawl spaces or enclosures are proposed, they must meet the requirements of Section 10 of the Flood Plain Hazard Management Ordinance. Explain why the minimum building standard cannot be met.

9. Describe your analysis or supporting information that the granting of this variance does not result in increased flood heights to the existing insurable buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

10. Describe how the structure is adequately flood proofed. _____

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

12. Describe the data or information 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 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 in such a manner is designed as to lessen the danger. _____

15. Describe the permanence of the obstruction or use.

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

17. Describe if the failure to comply with the Flood Plain regulations results in an exceptional hardship to the applicant.

18. Describe how the granting of a variance does not adversely affect existing properties or structures.

19. Describe the impacts to the BFE of the Floodway and/or Flood Plain. Provide supporting data and analysis that the variance will not increase the BFE of the Floodway by more than 0.00 and/or increase to the Flood Plain is 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. _____

I hereby certify that the facts, statements, and information presented within this application form 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 in this application form may result in my application being delayed or not approved by the county.

Signature of Applicant

Date

Signature(s) of Owner(s)
(Must be Notarized)

Signature(s) of Owner(s)
(Must be Notarized)

***Agent must provide documentation that they are legally representing the property owner.**

***Approval does not validate the responsibility of the property owner to meet all 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 DNRC Floodplain Program and FEMA Region VIII.**