

**APPLICATION FOR VARIANCE FROM APPLICABLE
FLOOD DAMAGE PREVENTION ORDINANCE**

- 1) APPLICANT _____
PHONE (____) _____
ADDRESS _____
NAME OF AGENT (if any) _____
PHONE (____) _____
ADDRESS _____
- 2) APPLICANT'S INTEREST IN PROPERTY (OWNER, TENANT OTHER) _____
- 3) FLOOD ZONE _____
- 4) PRESENT USE OF PROPERTY _____
- 5) PROPERTY LOCATION _____
- 6) LEGAL DESCRIPTION _____

- 7) DESIRED IMPROVEMENT, CONSTRUCTION OR ACTIVITY FOR WHICH VARIANCE IS BEING SOUGHT: _____
- 8) LIST REASONS FOR THE REQUESTED VARIANCE: _____

- 9) LIST MAPS, CHARTS, SKETCHES AND OTHER DOCUMENTS SUBMITTED _____

- 10) APPLICANT AGREES TO FURNISH ANY ADDITIONAL INFORMATION REQUIRED FOR REVIEW AND PROCESSING OF THE APPLICATION FOR FLOODPLAIN DEVELOPMENT.

The owner/applicant/agent hereby declares that all information above is true to the best of his/her knowledge, that all conditions and standards set out in the Zoning Regulations pertaining to this use have been met or have been proposed to be met and that along with this application sketch maps, drawings or survey and the appropriate filing fee have been submitted.

APPLICANT

AUTHORIZED AGENT

Signature

Signature

Date

Date

(Applicant or his legal representative must be present at the hearing or the matter will be tabled.)

DISCLAIMER: THIS PERMIT WAS REVIEWED AND CONSIDERED BASED UPON THE INFORMATION PRESENTED AT THE TIME OF THE HEARING. IF ANY OF THE INFORMATION PRESENTED FOR CONSIDERATION IN DETERMINING THE GRANTING OF THIS PERMIT IS INCORRECT OR FALSE, THIS PERMIT BECOMES NULL AND VOID.

NOTICE

I fully understand that if the variance is granted, the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

I further understand that this form and any other forms furnished are done as a courtesy of the City of Ellis. My representative or myself is responsible for presentation of any information I deem appropriate to the Board of Zoning Appeals.

Applicant's Signature

-----**FOR OFFICIAL USE ONLY**-----

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Case No: _____
Date Received: _____
Fee Paid: _____
Received by: _____

DATE ADVERTISED FOR HEARING: _____

PUBLIC HEARING DATE: _____

ACTION BY BOARD OF ZONING APPEALS: _____

APPEALED TO DISTRICT COURT: _____ DATE: _____

DECISION OF DISTRICT COURT: _____ DATE: _____

FLOODPLAIN VARIANCE CHECKLIST

The board of zoning appeals as established by the city shall hear and decide appeals and requests for variances from the requirements of the flood damage prevention ordinance.

The board of zoning appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the zoning administrator in the enforcement or administration of the flood damage prevention ordinance.

Applicant or his legal representative must be present at the hearing or the matter will be tabled.

Any person aggrieved by the decision of the board of zoning appeals or any taxpayer may appeal such decision to the District Court of Ellis County, Kansas.

In passing upon such application the Board of Zoning Appeals shall consider all technical evaluation, all relevant factors, standards specified in other sections of the ordinance, and:

____1) the danger that materials may be swept onto other lands to the injury of others;

____2) the danger to life and property due to flooding or erosion damage;

____3) the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

____4) the importance of the services provided by the proposed facility to the community;

____5) the necessity to the facility of a waterfront location, where applicable;

____6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

____7) the compatibility of the proposed use with existing and anticipated development;

____8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

____9) the safety of access to the property in times of flood for ordinance [ambulance] and emergency vehicles

____a) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable expected at the site; and,

____b) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as

sewer, gas, electrical, and water systems, and streets and bridges.

Conditions for Variances:

- ____1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2-6 below) have been fully considered. As the lot size increases beyond one acre, the technical justification required for issuing the variance also increases.
- ____2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- ____3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- ____4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- ____5) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- ____6) Any applicant to whom a variance is granted shall be given a written notice (certified mail) that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.