



Town of Ponce Inlet
 Planning & Development Dept.
 4300 S. Atlantic Avenue
 Ponce Inlet, FL 32127
 386-236-2181 (voice)
 386-322-6717 (fax)

**FLOODPLAIN VARIANCE
 APPLICATION**
 Pursuant to Chapter 18, Article X, Division 3, Section
 18-341 of the Code of Ordinances

Submittal Receipt # and Date: _____

Application #: _____

FEE PAID: _____

Authority to approve a variance is given to the Town Council pursuant to Chapter 18, Article X, Division 3, Section 18-341 of the Code of Ordinances following a recommendation by the Board of Adjustment.

Please Note: Failure to *fully complete* all the applicable items will result in the application being deemed incomplete and no further action will be taken.

SECTION 1: PROPERTY INFORMATION

Property Address	
Tax Parcel Number(s)	
Legal Description	

SECTION 2: PROPERTY OWNER INFORMATION

Owner's Name		Mailing Address	
Phone		Fax	
Email			

Proof of Ownership provided: _____

SECTION 3: APPLICANT/AGENT INFORMATION (if not property owner)

Applicant Name		Mailing Address	
Phone		Fax	
Agent Name/Title		Mailing Address	
Phone		Fax	

SECTION 4: VARIANCE LAND INFORMATION

Description of the property to be considered for a variance	
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If a variance does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or, if its use is abandoned for 12 consecutive months from the date of rendition, it shall expire.

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SECTION 5: APPLICATION PROCEDURE

Pursuant to Article X, Section 18-343, "in passing upon such applications, the town council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the 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 for the proposed use which are not subject to flooding or erosion damage;
- (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 ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) 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.

SECTION 6: CONDITIONS FOR VARIANCES

Pursuant to Article X, Section 18-344:

- (a) Variances shall only be issued when there is:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship; and
 - (3) A determination that the granting of a variance will not result in increased flood heights or additional threats to public expense, or create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (c) If town council denies the variance, the denial shall be in writing to the applicant, stating the reasons for the denial, and shall include a citation to the applicable portions of this article and any other applicable legal authority. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (See section 18-345.)
- (d) The floodplain management administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency or the state department of community affairs upon request.

SECTION 7: NOTIFICATION

Pursuant to Article X, Section 18-345,

- (a) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates; and
 - (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain management administrator in the county office of public records management and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (b) The floodplain management administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

SECTION 8: HISTORIC STRUCTURES

Pursuant to Section 18-346, "Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure."

SECTION 9: SPECIAL CONDITIONS

Pursuant to Section 18-347, "Upon consideration of the factors listed in this division and the purposes of this article, the board of adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article."

SECTION 10: NO-IMPACT CERTIFICATION WITHIN THE FLOODWAY

Pursuant to Section 18-348, "Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result."

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant or Agent

Date

STATE OF FLORIDA
COUNTY OF VOLUSIA

Affirmed and subscribed before me this _____ day of _____, 20____ by _____,
who is personally known to me or who has produced _____ (type of ID) as identification.

Notary Public

My commission expires: