

Article VII – Variances

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Article VII — Variances

§ 24-701 In General.

If a prospective builder, developer, or landowner (“Applicant”) believes that compliance with any of the requirements of this Chapter would result in an exceptional hardship, the Applicant may request, and the Board may grant, a variance from the strict application of the requirements. Requests for a variance shall be considered by the Board in accordance with the procedures for an appeal from the Building Permit Officer under § 24-412 and the provisions of this Article VII. A complete record of all variance requests and related actions shall be maintained by the Borough, and a report of all variances granted during a year shall be included in the annual report to the Federal Insurance Administration.

[Ord. 415 10-29-2003]

§ 24-702 Minimum Standard for Variance.

The Board shall grant a variance under this Article VII only if the Applicant sustains his/her burden of proving, at a minimum, each of the following:

- (a) That there is good and sufficient cause.
- (b) That failure to grant the variance would result in exceptional hardship to the Applicant.
- (c) That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.
- (d) That the granting of the variance will not create any nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local laws, regulations, or ordinances.
- (e) That all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.
- (f) That the variance is not prohibited under any of the provisions of this Article VII.

[Ord. 415 10-29-2003]

§ 24-703 Increase in Flood Elevation.

No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

[Ord. 415 10-29-2003]

§ 24-704 FE Areas.

No variance shall be granted for any construction, development, use, or activity within any FE—Special Floodplain Area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation by more than one foot (1') at any point..

[Ord. 415 10-29-2003]

§ 24-705 Prohibited Activities.

No variance shall be granted to the prohibitions of § 24-507 (relating to prohibited activities).

[Ord. 415 10-29-2003]

§ 24-706 Dangerous Activities.

No variance shall be granted to the requirements of § 24-505 (relating to development which may endanger human life), other than a possible modification of the one and one-half foot (1.5') freeboard requirement of the regulatory flood elevation.

[Ord. 415 10-29-2003]

§ 24-707 Least Variance Necessary.

If granted, a variance shall involve only the least modification necessary to provide relief.

[Ord. 415 10-29-2003]

§ 24-708 Conditions.

In granting any variance, the Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.

[Ord. 415 10-29-2003]

§ 24-709 Notification.

Whenever a variance is granted, the Borough shall notify the Applicant in writing that—

(a) The granting of the variance may result in increased premium rates for flood insurance; and

(b) Such variances may increase the risks to life and property.

[Ord. 415 10-29-2003]