# FLATHEAD COUNTY
# FLOODPLAIN DEVELOPMENT
# APPLICATION FOR A VARIANCE

*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED $_____**

**APPLICANT:** *(Please print or type)*

NAME:_____

ADDRESS: _____ Phone: _____

CITY/STATE/ZIP: _____

INTEREST IN PROPERTY: _____

**OWNER: (If different from above)**

NAME:_____

ADDRESS: _____ Phone: _____

CITY/STATE/ZIP: _____

**LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:**

Street Address _____

Legal Description: (Subdivision, Lot and Block Number, or Tract Number; and Section, Township and Range)_____
_____
_____
_____

**DATE PROPERTY ACQUIRED:** _____

I/We are requesting a variance from the Flathead County Floodplain and Floodway Management Regulations as described in Section 12.01 of the stated regulations.  Below is a summary of the project and findings as to the need and appropriateness of the variance.

**REASON FOR VARIANCE**:_____
_____
_____

**SECTION OF REGULATIONS VARIANCE REQUEST APPLIES TO**: _____
_____

**EVALUATION OF VARIANCE APPLICATION:**

*Variances shall only be issued by the Board of Adjustment if **all** of the following findings are met. Please describe in detail on a separate document how your project meets each of the following required findings:*

   a.   A Floodplain permit and Variance shall only be issued upon a determination that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met:

   1. There is a good and sufficient cause. Financial hardship is not a good and sufficient cause;

   2. Failure to grant the variance would result in exceptional hardship to the applicant;

   3. Residential and nonresidential buildings are not in the Floodway except for alterations or substantial improvement to existing buildings, Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;

   4. Any enclosure including a crawl space must meet the requirements of Section 10.02(O) if the enclosure interior grade is at or below the Base Flood Elevation;

   5. Granting of a variance will not result in increased flood heights to existing 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;

   6. The proposed use is adequately flood proofed;

   7. The variance is the minimum necessary, considering the flood hazard, to afford relief;

   8. Reasonable alternative locations are not available;

   9. Crawl spaces are no more than two (2) feet below the exterior lowest adjacent grade and must have an inside dimension from the interior grade to the bottom of the next 43 highest floor of less than five (5) feet. The crawl space shall meet the wet flood proofing requirements in Section 10.02(O);

   10. The Montana Department of Natural Resources and Conservation (DNRC) has considered and provided comments, based on technical review.

   11. An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and

   12. All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.

**OTHER SUBMITTALS:**

1. Completed application with appropriate fee payable to FCPZ.

2. An 'Adjoining Property Owners List' <u>request form</u> must be submitted with each application, with a separate fee *(see form below)*.  The list will be sent directly to the Planning & Zoning office and is valid for a period of 6 months from the date generated. You may also get a certified adjoining landowners list from a title company if you choose.

3. Detailed plans and specifications for the project.

Applicant signature: _____ Date: _____

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***ATTENTION:***

*A <u>Certified</u> adjoining landowners <u>request form</u> must be included upon submission of your application. The cost is $75, payable to the GIS office. The list will be sent directly to the Planning & Zoning Office.  You may also get a certified adjoining landowners list from a title company if you choose.*

*Incomplete applications will not be accepted.*

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*Updated 5/2/2024*