

**FLOOD PLAIN
VARIANCE
APPLICATION**
Fee: \$268.00



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Applicant: _____ Owner: _____
Address: _____ Address: _____

Telephone: _____ Telephone: _____
Fax: _____ Fax: _____
Email: _____ Email: _____

Legal relationship of applicant to property: _____
Purpose of application: _____

Property location: _____
Tax Map _____ Block _____ Lot _____
Lot Size _____ Total square feet _____ Zoning District _____
No. of Buildings Existing _____ Gross Floor Area Existing _____
No. of Buildings Proposed _____ Gross Floor Area of Proposed Buildings _____
Total Square Footage of Land to be Disturbed _____
Estimated Cost of Project \$ _____

- **List all required site plans, specifications and documents included as exhibits to this application.**
- **A certified elevation certificate and fifteen (15) copies of the site plan must be submitted with application.**

Signature Date

Application due twenty-one (21) days before the Board of Adjustment meeting, which is held on the last Monday of each month to be placed on the agenda.

APPLICATION FOR A VARIANCE

TO THE CITY OF NEW BERN BOARD OF ADJUSTMENT:

I, _____, hereby petition the Board of Adjustment for a **FLOOD PLAIN VARIANCE** from the literal provisions of the Land Use Ordinance because, under the interpretation given to me by the Flood Plain Administrator, I am prohibited from using the parcel of land described in the General application form (attached) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the flood plain ordinance (cite paragraph numbers): _____ so that the above-mentioned property can be used in a manner indicated by the plot plan, or if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested.) _____

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a flood plain variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance of the flood plain ordinance:

- a. That there is good and sufficient cause;
- b. That failure to grant the variance will result in exceptional hardship;
- c. That granting the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

In the spaces provided, indicate the **facts** that you intend to show and the **arguments** that you intend to make to convince the Board that it can properly reach these three required conclusions. An affirmative vote of at least 4/5 of the Board's membership on each of the three required conclusions is mandatory for approval of a variance application.

A. There is good and sufficient cause for issuing the variance.

B. Failure to grant the variance will result in exceptional hardship. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land.)

C. Granting the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

D. In passing upon flood plain variances, the Board shall consider all technical evaluations, all relevant factors and all standards specific to the City flood plain ordinance. On separate paper, please address each of the following factors which the Board will consider with your application.

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 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, 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 flood plain 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 transport of the flood waters 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.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief.

Signature

Date