

Application for a Variance from the Flood Damage Prevention Ordinance

Property Address: 686 S Star Road

Explanation of Variance request: _____

We are extending the house and in order to maintain ADA we are requesting to match the existing finish floor elevation

Submit/Attach supporting documentation, maps, studies, etc.

Owner Name: Dieter Gruner

Owner Address: 686 S Star Road

Owner Signature: _____

Date of Application for Variance: 4/29/24

VARIANCE PROCEDURES. See Title 44 of the Code of Federal Regulations Section 60.6

- (1) The City Council (*appeal board*) as established by City of Star (*community*), hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) functionally dependent facilities if determined to meet the definition as stated in Article __ of this ordinance, provided provisions of Article __, Section __, and __ have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article ___ of this ordinance as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) 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.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including

justification for their issuance.

- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.
- (9) Conditions for Variances:
 - (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) 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; and
 - (iii) a determination that the granting of a 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.
- (10)
 - (e) The [City of Star](#) (*community*) has notified the Idaho State NFIP Coordinator & FEMA Region X of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
[The property is fenced on all sides and materials will not transfer to adjacent properties.](#)
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STAFF COMMENT:

Significant flooding will impact the fencing as well as the home. Additionally there is no fencing on the north and only half of the west. This is the direction flood waters will flow, debris is a valid concern

(2) The danger to life and property due to flooding or erosion damage;

The property is has no significant slope, we will not import any fill material and erosion is not a concern. The owner is aware of the risk but due to illness and the need to make house ADA accessible outweigh the risks

STAFF COMMENT:

Erosion potential is limited

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

The proposed facility finish floor elevation is above the published base flood elevation there fore risk of damage is minimal. The owner is aware of the risk.

STAFF COMMENT:

It will be above the Base Flood Elevation. However what is the intent for HVAC and insulation? These Items must also be elevated above the BFE.

(4) The importance of the services provided by the proposed facility to the community;

This is a private residence

STAFF COMMENT:

They provide no services to the community above a standard residence and therefore are not considered an essential building.

(5) The necessity to the facility of a waterfront location as defined under Section ___ as a functionally dependent facility, where applicable;

Not applicable

STAFF COMMENT:

Agreed, this is not a water front facility and that factor should not be considered in approving the variance.

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

There are no alternative locations. this is an addition to an existing home to make it ADA accessible for the owner.

STAFF COMMENT:

There are lots of alternative homes the resident could purchase and move to.

(7) The compatibility of the proposed use with existing and anticipated development;

The use is an existing use and it is compatible with surrounding uses.

STAFF COMMENT:

This is comparable to other properties in the area.

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

This use is an existing use in line with the City's comprehensive plan

STAFF COMMENT:

This is an existing use, however the City's current comprehensive plan list the area a Central Business District.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

The property is accessible through star road. The elevation of the ground is barely below the established base flood elevation and emergency vehicle will have no problem accessing the existing house.

STAFF COMMENT:

There is likely to be 3-4 inches of water based on the hydraulic models.

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

Not Applicable to this parcel

STAFF COMMENT:

Disagree, FEMA requires these items to be considered during the variance process.

(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.

We are not installing any public utilities and no increase of cost is attributable to this project.

STAFF COMMENT:

There is little impact to public utilities as most are currently located at the site.
