

## FLOODPLAIN DEVELOPMENT VARIANCE APPLICATION PACKET

### General Information

A variance is a one-time departure from the provisions of the floodplain ordinance. The National Flood Insurance Program authorizes the use of variances for situations such as the repair or rehabilitation of historic structures or for the construction of smaller accessory buildings. The County Board of Adjustment has the authority to approve variances to the floodplain regulations provided that:

- The variance is not contrary to the public interest.
- There are no new threats to public safety.
- No variance is allowed within the floodway.
- There will be no increase in flood heights.

### Application Requirements

To apply for a variance, you must complete an application form, pay the required \$250 application fee, and provide specific justification for why the variance is necessary. The Board of Adjustment shall consider technical data and the following criteria in determining whether to allow a variance:

- 1) Is there a danger that materials and debris may be swept onto other lands resulting in damage?
- 2) Is there an increased danger to life and property due to flooding or erosion damage?
- 3) Will there be a susceptibility of the proposed development and contents to flood damage and what is the effect on current and future owners?
- 4) What is the importance of the services to the community provided by the development?

- 5) Are there other locations for the development which are not subject to flooding or erosion?
- 6) Is the proposed development compatible with existing and planned future development?
- 7) Does the proposed development conform to the county's comprehensive plan and floodplain management program?
- 8) Is there safe access to the property during floods for ordinary and emergency vehicles?
- 9) What are the expected heights, velocity, duration, and rate of rise of flood waters, and what debris, sediment transport or effects of wave action may be expected at the site?
- 10) What are the costs of providing governmental services during and after flood conditions (maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges)?
- 11) Is the variance the minimum that will allow the proposed improvements?

### Approval Process

The Board can approve a variance only if two-thirds of the full board membership makes findings that each of the above factors applies to the matter at hand and vote in favor of the variance. The full Board of Adjustment has seven members so five positive votes are required in order to approve a variance. The Board may place binding conditions or stipulations on the variance.

### Contact Information

Please contact the Minnehaha County Planning Department at 605-367-4204 with any questions. All applications may be submitted to our office on the Third Floor of the County Administration Building, 415 N Dakota Avenue, Sioux Falls, SD 57104.



I/We, the undersigned, do hereby petition for the following on the described property listed below and authorize representatives of Minnehaha County to enter the property now and in the future for inspection purposes.

**Property Information – Please Fill Out Each of the Following Items**

Legal Description: \_\_\_\_\_

Section to be Varied or Appealed: \_\_\_\_\_

Proposed Minimum Standard: \_\_\_\_\_

Reason for Variance or Appeal: \_\_\_\_\_

**Petitioner/Owner Information - Please Fill Out Each of the Following Items**

Petitioner Name: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**Office Use Only - Please Do Not Fill Out This Section**

Petition Number: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

Date: \_\_\_\_\_

Checked By: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Planning Commission Date: \_\_\_\_\_