CHAPTER 8

FLOOD PLAIN REGULATION

Part 5

**Variances**

 **§501. Variances.** If compliance with the elevation or flood proofing requirements of this Chapter would result in an exceptional hardship for a prospective builder, development, or landowner, the Township may, upon request, grant relief from the strict application of the requirement.

 Request for variances shall be considered by the Township in accordance with the procedures contained herein and the following procedures:

 (1) 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.

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

 (3) In granting any variance, the Township 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.

 (4) Whenever a variance is granted, the Township shall notify the applicant in writing that:

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

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

 (5) In reviewing any request for a variance, the Township shall consider, but not be limited to, 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, extra-ordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable local or State ordinance and regulations.

 (6) A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

 Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the one hundred (100) year flood.

 (Ordinance No. 79-1, adopted August 28, 1979)