



**COUNTY OF VOLUSIA
LAND DEVELOPMENT DIVISION
LAND DEVELOPMENT CODE OF VOLUSIA COUNTY, FLORIDA
FLOOD HAZARD MANAGEMENT VARIANCE CHECKLIST AND
PROCEDURES**

Thomas C. Kelly Administration Center, County of Volusia, Land Development Division
123 W. Indiana Avenue, Room 202, DeLand, Florida 32720-4604

DeLand 386-736-5942, Daytona Beach 386-248-8157, New Smyrna Beach 386-423-3872

DIVISION 7 – FLOOD HAZARD MANAGEMENT (FHM)

All requests for variances shall be submitted to Land Development.

Submit eleven (11) copies of exhibits and information to show that the variance requested will comply with the requirements of Section 72-744(b) of the Land Development Code of Volusia County, Florida.

- a. Information shall be drawn to scale and prepared by a Florida registered engineer or architect depicting the following:
 1. The nature, location, dimensions and elevations of the area in question.
 2. Existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
- b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria of Section 72-743(b)(2) of the Land Development Code of Volusia County, Florida.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- e. Certificate from a registered land surveyor or professional engineer of the lowest floor or floodproofed elevation pursuant to Section 72-744(b) of the Land Development Code of Volusia County, Florida.

Section 72-744(b) Flood Hazard Variance Procedures.

- a. The Development Review Committee (DRC) shall hear and decide requests for variances from the requirements of this division.
- b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this section, except for Section 72-744(b)(6)(a) and (d) below, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.
- c. In passing upon such applications, the DRC shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger of 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 of the facility to a waterfront location, in the case of a functionally dependent facility.
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 floodplain 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.
12. Upon consideration of the factors listed above, and the purposes of this division, the DRC may attach such conditions to the granting of variances as it deems necessary to further the purposes of this division.
13. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section 72-744(b)(6) Conditions for Variances.

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- b. Variances shall only be issued upon:
 1. A showing of good and sufficient cause.
 2. A determination that failure to grant the variance would result in exceptional hardship, and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- d. The Enforcement Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.