

Variance and Appeal Record

A variance is a waiver of one or more of the specific standards of the floodplain ordinance. Variance requests should be considered very carefully. Once granted, a variance can establish a dangerous precedent. Therefore, a variance should be granted only for a unique situation on a specific site. Under no circumstance should the granting of variances establish a pattern that is inconsistent with the intent of the floodplain regulations. Such a pattern could result in the community's suspension from the National Flood Insurance Program (NFIP).

Name of Applicant: Greater Peoria Sanitary District (GPSD)

Property Address: 2322 S Darst St

Type of structure and intended use: The maintenance building will be used to service GPSD's wastewater treatment plant and vehicles

1. Is structure located in the floodway? NO

If no, continue.

If yes, proceed with caution but only if State and Federal permits have been obtained.

The variance applicant must meet state and federal floodway permit requirements. The applicant should have a state permit or a "permit not required letter" from the Illinois Department of Natural Resources/Office of Water Resources. If the applicant does not have this documentation, DO NOT grant the variance.

2. Can the development be located outside of the floodplain? NO

If yes, then the variance should not be granted.

If no, continue.

Every effort must be taken to ensure that the development does not take place in the floodplain. This may involve relocating the actual building site on the parcel or revising construction plans to minimize the chances of flooding. In some cases, this may involve using a separate parcel that is not located in a floodplain.

Explain why the development cannot be located outside of the floodplain:

The maintenance building will be used to service GPSD's facility and vehicles at all times, including when the area is flooded. This building cannot be located off-site, because it is necessary to keep the wastewater treatment plant functioning if the surrounding area floods.

3. Has the applicant shown that there will be no additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances? YES

If no, then the variance should not be granted.

If yes, then continue.

Any building which is permitted below the flood protection elevation has an increased risk of flood damage. The building will add to the local government responsibilities for many years. Future owners of the property and the community as a whole are subject to all the cost, inconvenience, danger, and suffering that those increased flood risks may bring. In addition, future owners may purchase the property and be unaware that it is subject to flooding. Potential public expenses such as rescue costs, utility shut off costs, employee overtime, fuel costs, and road damage are all common during flood events.

Explain why the development will not increase flood heights, create additional threats to public safety, or cause additional public expense:

The maintenance building will be located within GPSD's existing levee. The area is already protected by a levee; therefore, flood elevations will not increase. GPSD has an extensive flood plan, which will protect the facility during flood events. This project is the first phase of several improvements to the levee which will improve public safety by increasing the safety of the levee.

4. Has the applicant shown that the requirements of the floodplain ordinance will create an exceptional hardship? YES

If no, then the variance should not be granted.

If yes, continue.

The hardship that would result from failure to grant a requested variance must be exceptional, unusual, and peculiar to the property involved. Economic or financial hardship, inconvenience, aesthetic considerations, physical handicaps, personal preferences, the disapproval of one's neighbors, or homeowners association restrictions DO NOT, as a rule, qualify as exceptional hardship. As "heartless" and difficult as it may be, only physical characteristics and not personal matters (including additional cost) should be considered.

Please document what the exceptional hardship is:

In order for the building to be constructed above the flood elevation, it would need to be built approximately eight feet higher than is proposed. The entrance to the building must be accessible by vehicles, because vehicle maintenance is one of the major purposes of the building. Removal of the existing maintenance building is an integral part of the levee improvements that will allow it to be FEMA certified; therefore, not constructing the new building is not an option.

5. Do the conditions of the proposed variance provide the maximum practical flood protection to the proposed construction?

The variance board should consider every available means to ensure that the structure is not susceptible to flooding. This may involve partially or fully elevating the structure, dry

floodproofing the building, raising all utilities to or above the base flood elevation, using flood resistant materials, designing openings for water to flow through the structure, or using watertight sealant.

What is the applicant required to do in order to provide the maximum practical flood protection?

The new building will be located within GPSD's existing levee. Once the improvements to the levee are complete, and FEMA has certified it, the area will be removed from the floodplain. In the meantime, GPSD has a flood plan to protect everything inside the levee.

6. Is the requested variance or exception for the construction or restoration of a structure listed on the National Register of Historic Places or the State Historic Register?
NO

If no, continue

If yes, Attach a letter or appropriate documentation from either agency that shows that structure is an historic building.

IF a variance is granted, the community is required to notify the applicant in writing that a variance will lessen the degree of protection and will:

7. Increase the risk to life and property.

When flooding does occur, many people will look to place the blame on others and attempt some sort of compensation through liability. Any variance applicant should be made fully aware that they are located in a documented flood hazard area and assume all of the risks.

8. Result in increased premium rates for flood insurance up to \$25.00 for \$100.00 of coverage.

Flood insurance for non-compliant structures is VERY expensive. Flood insurance costs may be so high that the owner will be unable to afford coverage.

Flood Insurance is required for any direct or federally insured loan. Although the present applicant may not be taking out a loan or want flood insurance, any potential future buyer will likely be required to carry flood insurance. The cost of the required flood insurance will make the home very difficult to sell.

Lastly, without flood insurance the homeowner may not be eligible for disaster assistance. Chances are high that if the structure is seriously damaged during flood, the result may be an abandoned or poorly repaired building creating an eyesore in your community.

AS AN APPLICANT REQUESTING A VARIANCE TO BUILD A STRUCTURE WITH THE LOWEST FLOOR ELEVATION BELOW THE BASE FLOOD ELEVATION (100-YEAR), THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT THE REDUCED FLOOD ELEVATION WILL RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE UP TO AMOUNTS AS HIGH AS \$25 PER \$100 OF INSURANCE COVERAGE, AND THAT CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISKS TO LIFE AND PROPERTY.