

CHAPTER 20 - PLANNING AND DEVELOPMENT

Sec. 20-216. Floodplain management; regulations; variances.

(a) The Engineering Director may authorize variances from the terms of this Chapter when a literal enforcement of any provisions of this ordinance would result in an unnecessary property hardship and when evidence is presented demonstrating to the satisfaction of the Engineering Director that all of the following conditions are fulfilled:

- (1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures within the same general area such as a new structure to be erected on a lot of one-half acre or less, contiguous to and surrounded by lots with existing structures built below the level of the base flood; and
- (2) That the alleged hardship caused by literal interpretation of the provisions of this Chapter are property hardships which include more than personal inconvenience and financial hardships, and do not result from the action of the owner or the applicant; and
- (3) That the variances will not be detrimental to persons residing or working in the vicinity and to adjacent property, to the neighborhood and to the neighborhood and to the public welfare in general; and
- (4) That the variance will not cause increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public; and
- (5) That the variance is the minimum variance necessary that will make possible the reasonable use of the land or structure; and
- (6) That appropriate and specific conditions have been stipulated by the Engineering Director in connection with the variances as may be deemed necessary in order to fully carry out the intent of the Floodplain Ordinance. The stipulation may include, among other things, a requirement that the applicant insert a note on any future deed or other conveyance of the property stating that the property is located in a flood prone area. The notice will include the number of feet that the lowest non-floodproofed floor of the proposed structure is below the base flood level and a statement that the actuarial flood insurance rates increase as the first floor elevation decreases. A violation of any condition shall be considered a violation of the Floodplain Ordinance and such violation shall render the variance null and void; and
- (7) That the burden of proof in all matters heard by the Engineering Director shall rest

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with the applicant. The granting of a variance is a matter of grace, resting on the discretion of the Engineering Director and a refusal is not a denial of a right, conditional or otherwise.

(b) A variance will be issued for the reconstruction, rehabilitation, or restoration of all structures listed on the national or state register of historic places or the state inventory of historic places, without regard to conflicting procedures and provisions set forth in this section.

State Law Reference, A.R.S. §48-3612. Board of Review.

(Ord. No. 98-102, 9/22/98, enacted)

(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2

(Ord. No. 2013-15, 9/3/13, amended) SUPP 2013-3