

CHERRY HILLS VILLAGE

Floodplain Variance Handout

*Note: This document is not intended to be a comprehensive list of all applicable requirements. It is the applicant's responsibility to comply with all applicable requirements.



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What is a Floodplain Variance?

Other than bank stabilization or the dredging of a pond, **any work** performed within the 100-year floodplain must be approved for a floodplain variance by City Council.

How to Submit:

Floodplain Variance applications can be submitted online [here](#).

Submittal Requirements:

All submitted documents must be formatted with the number of the review cycle first, the name of the document second, and the address last. For Example:

01 Site Plan 123 Main Street

1. A copy of the warranty deed or title work within 90 days. Either must include the legal description for the property.
2. A detailed narrative for the requested variance.
3. A detailed analysis of how the application meets all of the requirements of Sections [16-7-530\(f\)](#) and [16-7-360\(e\)](#)
4. A scaled site plan showing:
 - a. Property boundaries based on an accurate survey.
 - b. The location of all structures on the property, including specific setbacks.
 - c. The location of the proposed structure.
 - d. The edge of all roadways adjacent to the property.
 - e. Accurately drawn bulk plane drawings, if applicable.
 - f. One-foot elevation contours in NAVD 88 datum with USGS elevation, if applicable.
 - g. A landscape plan, if applicable.
 - h. 50-foot sight triangles from the road edge if the property is on a corner lot, if applicable.
 - i. The location of any special flood hazard areas (100-year floodplain) located on the property.
 - j. Scaled elevation drawings of the structure.
5. Stamped engineering drawings for any structures depicting compliance with floodplain requirements.
6. The HEC-RAS model that was used to determine the No Rise status of the application.
7. Any other information that may help illustrate how the request complies with the approval criterion.
8. Approval letters from any Homeowners Associations, the South Metro Fire Rescue Authority, or any other applicable outside agencies, if applicable.

*The City or its consultants may request additional information, at their sole discretion, in order to determine compliance with applicable standards and/or requirements. The Planning and Zoning Commission and/or City Council may also request additional information, at their sole discretion, in order to determine compliance with any applicable standard and/or requirement.

General Approval Criteria:

No floodplain variance shall be authorized unless the City Council finds all of the following:

Section 16-7-360(e):

- (2). The Floodplain Administrator may also consider all of the provision of *Article V. Floodplain Management and Flood Damage Prevention*, and the following relevant factors:
- a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the subject property in times of flood for ordinary and emergency vehicles;
 - f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
 - g. 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 subject property;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use, building, structure, or improvement; and
 - j. The relationship of the proposed use to the Master Plan as it pertains to the subject property.

Section 16-7-530(f) Approval Standards (Generally):

- (1). The relevant factors in Section 16-7-360 subsection (e)(2) (including standards referenced therein) have been weighed and favor the grant of the floodplain variance.
- (2). The floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3). The floodplain variance is only issued upon:
- a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, fraud on or victimization of the public, or conflict with other City laws or ordinances.
- (4). Any applicant to whom a variance is granted shall be given written notice that the building or structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 16-7-530(g) Approval Standards (Functionally Dependent Uses):

- (1). The grant of the floodplain variance is limited by the provisions of subsection (b), (c), (d), (e), and (f) of this section, as applicable; and
- (2). The building, structure, or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

General Timelines:

- In order to maximize the efficient processing of an application, **it is in the applicant's best interest to ensure that a complete and thorough application has been submitted and that subsequent submittals adequately address comments that were provided from all reviewers.**
- No building permit may be submitted for review until all development review applications have been approved.
- The length of time to process a floodplain variance application can vary depending on the complexity of the request, if the floodplain variance request is associated with other land use applications, or the timeliness of the response by the applicant. Generally, **a stand-alone floodplain variance application can be processed in 6 – 8 months.**

General Information:

- A floodplain variance is granted to a specific property and runs with the land, regardless of ownership.
- The floodplain variance process cannot authorize the use of a property for a use that is not authorized by the applicable zone district, known as a use variance.
- City staff will make a recommendation to the Planning and Zoning Commission, who will then make a recommendation to City Council as to whether or not to approve, approve with conditions, or deny a floodplain variance.
- The final approval, approval with conditions, or denial of a floodplain variance is determined by City Council at a public hearing.
- The Planning and Zoning Commission meets on the second Tuesday every month at 5:00pm in Council Chambers located at 2450 E. Quincey Avenue. A majority of sitting members of the Planning and Zoning Commission must vote to recommend approval or approval with conditions for the application to be recommended for approval to City Council.
- City Council meetings occur on the first and third Tuesday of every month at 6:30pm in Council Chambers located at 2450 E. Quincey Avenue. A majority of sitting members of City Council must vote to approve or approve with conditions for the application to be approved or approved with

conditions. City Council's ultimate determination may or may not be consistent with the recommendation of the Planning and Zoning Commission.

- City Council is authorized to impose any condition(s) of approval that may be necessary to carry out the general purpose and intent of the Municipal Code or the Master Plan. Failure to comply with any condition(s) may result in the revocation of the approved floodplain variance.
- The City reserves the right to require a neighborhood meeting prior to scheduling an application to be heard by the Planning and Zoning Commission and/or City Council.
- The property owner, or the property owner's representative, is required to be present at the public hearing. If the property owner, or property owner's representative, is not present at the public hearing, the request may be postponed to a future hearing date.
- An approved floodplain variance only authorizes the scope of the requested floodplain variance. All other standards are required to be met.
- The right to construct an improvement approved by a floodplain variance shall lapse after one (1) year from the date the variance was granted by the Board of Adjustment and Appeals if a building permit is not issued.

Review Process:

- A floodplain variance request is usually initiated by the property or the property owner's representative.
- Prior to submitting an application for a floodplain variance, the applicant should schedule a meeting with City staff to discuss the specifics of the request and any additional information that may be required.
- Once a complete application is submitted for review, **City staff has seven (7) business days from receipt of the application to review the submittal and determine whether or not the application is complete.** Incomplete applications will not be accepted and will be returned to the applicant without review. The City has this seven (7) day period with any submittal **or** resubmittal.
- The City will refer the application out to various City departments, City consultants, and outside referral partners for comment and review.
- After a review cycle of **21-calendar days**, the Planning Division will issue a consolidated comment letter and associated redlines to the project representative for the application to address.
- The applicant will address the comments and redlines and resubmit to the City for an **additional review cycle of 21-calendar days.** The process of submitting revised drawings and the 21-calendar day review cycle will continue until all comments are addressed and the application is ready for public hearing.

- Once an application is deemed ready for public hearing, the following notification must occur:
 1. The subject property must be posted with a sign for **not less than 15 days before the public hearing** and remain on the property until the public hearing commences.
 2. **At least 15 days before the public hearing** a mailed notice must be sent to all property owners within **1,500-feet of the boundaries of the subject property**.
 3. Notice in a newspaper of general circulation must run **at least 15 days before the public hearing**.
- Approximately one week before the public hearing, the applicant will receive a copy of the staff report and a meeting agenda.