



Fairbanks North Star Borough
Department of Community Planning
907 Terminal Street/P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260
planning@fnsb.gov

For Office Use Only

Received By: _____

Receipt No.: _____

Sign #: _____

Date Submitted: _____

FLOODPLAIN VARIANCE APPLICATION

File No. FV _____

FEES: ☐ \$1,000 variance application
☐ \$300 sign deposit (check or cash)

Applicant:	Property Owner:
Contact Name:	Name:
Business Name:	Mailing Address:
Mailing Address:	City, State & Zip Code:
City, State & Zip Code:	Phone:
Contact Number:	Cell:
E-mail:	E-mail:

Property Information:		
Parcel Description (Lot, Block, Subdivision / TL, Sec, Township Range):		
Street Address with City, State & Zip Code:		Flood Zone(s):
Parcel Account Numbers (PAN):	Lot Size: ☐ Square Feet _____ Acres	Base Flood Elevation: ☐ 1929 NGVD ☐ 1988 NAVD
Existing Use(s):		

Floodplain Variance Request Information:
Variance Type: ☐ New Construction ☐ Lot One-Half Acre or Less in Size ☐ Lot Exceeding One-Half Acre ☐ Functionally Dependent Use (Proximity to Water) ☐ Substantial Improvement ☐ Lot One-Half Acre or Less in Size ☐ Lot Exceeding One-Half Acre ☐ Functionally Dependent Use (Proximity to Water) ☐ Historic Structure ☐ Repair ☐ Rehabilitation ☐ Agricultural Structures (Temporary Storage Only): Building Type
<u>Request Description:</u>

I certify that ☐ (I am) ☐ (I am authorized to act for) the owner of the property. I certify that the information included in this application is to the best of my knowledge true and complete. I can be notified of the decision at the above ☐ (email) ☐ (address).

APPLICANT SIGNATURE: _____ DATE: _____

By signing this application, the land owner or agent hereby grants the FNSB the right to enter onto the above described location to inspect the work proposed, in progress, and/or work completed.

FLOODPLAIN VARIANCE

PROCEDURES FOR THE GRANTING OF FLOODPLAIN VARIANCE BY THE PLANNING COMMISSION

Variances may be granted by the Planning Commission only in accordance with the standards set forth below. The Planning Commission must consider the fact that every newly constructed building adds to the local government's responsibilities and remains a part of the community for the indefinite future. (FNSBC 15.04.180(A))

FNSBC Title 15.04.180 / 44 CFR 60.6 (a)(1, 3 & 4)

- A. *Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.*
- B. *Variances shall only be issued upon the following:*
- (1) A showing of good and sufficient cause;*
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant (this is not financially based); **and***
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.*
- C. *Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*

AS 29.40.040(b)

- A. *A variance from a land use regulation adopted under this section may not be granted if:*
- (1) Special conditions that require the variance are caused by the person seeking the variance;*
 - (2) The variance will permit a land use in a district in which that use is prohibited; or*
 - (3) The variance is sought solely to relieve pecuniary hardship or inconvenience.*

For Internal Use Only:

Completed Application: ☐ Application ☐ Supporting Documentation ☐ Other:	Variance in Regulatory Floodway: ☐ Yes ☐ No	Submitted: ☐ CLOMR ☐ CLOMR-F ☐ LOMR ☐ LOMR-F ☐ No-Rise Certification & Documentation	Completed Application Date:
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FLOODPLAIN VARIANCE REQUIRED SUBMITTALS/CHECKLIST

Please submit the required documentation listed below. Applications will not be scheduled for a Planning Commission meeting agenda until all these items have been submitted and the application has been deemed complete.

- ① Attach a **detailed written narrative** that addresses the following criteria:

FNSBC 15.04.180:

- C.2.a** Explain why the variance is being sought. Describe **a showing of good and sufficient cause** to grant the variance.
- C.2.b** Explain how the **failure to grant the variance would result in exceptional hardship to the applicant** (this is not financially based).
- C.2.c** Explain how the **granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.**
- C.3** Explain how the **variance is the minimum necessary, considering the flood hazard, to afford relief.**

AS 29.40.040(b):

- 1** ***Who created the special condition(s) that requires the variance?***
- 2** ***Will the variance permit a land use in a district in which that use is prohibited?***
- 3** ***Is the variance sought solely to relieve pecuniary hardship or inconvenience?***

Additional Documentation May be Submitted to Support Narrative:

- ☐ Attach copies of any records showing date of construction, previous permits (building, zoning, floodplain, etc.), purchase documents or deeds from the Recorder's Office, Assessor's Office records, city records, etc.

- ② **Attach a current Mortgage Location Survey or other similar survey drawn to the Standard of Practice for Land Surveyors as adopted by 12 AAC 36.250 (accuracy to 1/10th of one foot) showing:**

- (1) Scale and north arrow.
- (2) Lot dimensions.
- (3) Show flood zone boundaries (floodway and flood fringe) with source (name of water body i.e. Chena River).
- (4) Location of existing and proposed buildings.
- (5) Location of existing and proposed septic tanks and drain fields.
- (6) Location of outside in ground and above ground tanks (fuel, propane, water, etc.).
- (7) Base Flood Elevation (BFE) with elevation datum indicated.
- (8) Location of placement of earthen fill and dimensions.
- (9) Location of storage of materials with dimensions of area.
- (10) Location of drainage facilities and drainage pathways.
- (11) Show elevation contours.
- (12) And any other pertinent information.

③ Additional Required Items Based on Type of Variance Requested:

- ☐ The repair and rehabilitation of **historic structures** upon the following with supporting documentation:
 - (1) Submit a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure.
 - (2) Provide documentation and plans that this variance is the minimum necessary to preserve the historic character and design of the structure.
- ☐ New construction and substantial improvements to be erected on a lot of **one-half acre or less** in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of FNSBC 15.04.180 (C).
 - (1) Submit recorded plats showing the surrounding lots.
 - (2) Provide documentation that the surrounding lots are below the base flood level (i.e. pictures, elevation certificates, plans, and certified engineer's or hydrologist's reports).
- ☐ New construction and substantial improvements to be erected on a lot **exceeding one-half acre**, it should be presumed that the lot is large enough to be developed without the variance with the following supporting documentation:
 - (1) All criteria under FNSBC 15.04.180 (C) are met.
 - (2) Submit recorded plats showing the surrounding lots.
 - (3) Provide documentation that the surrounding lots are below the base flood level (i.e. pictures, elevation certificates, etc.).
 - (4) Submit technical justification for issuing the variance (i.e. plans and certified engineer's or hydrologist's reports).
- ☐ New construction and substantial improvements and for other development necessary for the conduct of a **functionally dependent use** (that is, the use of the building is absolutely dependent on its close proximity to water) with the following supporting documentation:
 - (1) All criteria under FNSBC 15.04.180 (C) are met.
 - (2) Demonstrate the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety (i.e. plans and certified engineer's or hydrologist's reports).
- ☐ **Agricultural structures** (farm storage structures, grain bins, corn cribs, and general purpose barns) located in wide, expansive floodplains and used for parking of agricultural vehicles and machinery, temporary storage of equipment, crops or shelter for livestock upon demonstration that such structures are as follows with supporting documentation:
 - (1) Demonstrate the agricultural structure is designed to result in minimal damage to the structure (i.e. plans).
 - (2) Demonstrate the agricultural structures contents will create no additional threats to public safety during periods of flooding (i.e. certified engineer's or hydrologist's reports).
 - (3) Show how the structure is anchored to resist flotation, collapse, and lateral movement (i.e. plans).
 - (4) Show how the portions of these structures located below the BFE must be constructed of flood-resistant materials (i.e. plans).
 - (5) Show how the structure is designed to allow for automatic entry of flood waters (i.e. plans).
 - (6) Show how mechanical and utility equipment are elevated or floodproofed to or above the BFE (i.e. plans).
 - (7) Explain how the structure complies with the floodway encroachment provisions of the NFIP Regulations (i.e. report).
 - (8) Show how the structures use is limited to parking and/or limited storage (i.e. plans).
 - (9) Explain how the structure is used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock (i.e. report).
 - (10) Show how the structure is elevated to or above the BFE.

- (11) If Dry Floodproofing, submit Floodproofing Certification with details of how building is elevated to or above the BFE.
- (12) In Wet Floodproofing, the structure represents a minimal investment and is designed to have a low damage potential with respect to the structure and contents. Two Floodproofing Certificates are required, one for design and one after construction to show building was constructed to meet design criteria. It is recommended that you address the following to see if wet floodproofing is appropriate:
 - i. Address both the nonconforming flood protection technique and the restriction of use to the agricultural purposes (i.e. report).
 - ii. Explain if the site is subject to rapidly rising, high-velocity flood waters during a flood (i.e. report).
 - iii. Describe the available flood warning time frame (i.e. report).
 - iv. Provide and show safe access to the structure (i.e. plans).
 - v. Submit inspection and maintenance plan.
 - vi. Submit flood emergency operation plan.

☐ Variances shall not be issued within any **designated regulatory floodway** if any increase in flood levels during the base flood discharge would result.

- (1) Submit a report or No-Rise Certification with supporting documentation from a registered engineer or certified hydrologist stating that the variance will not increase flood levels during the base flood discharge in any designated regulatory floodway.
- (2) Submit a Conditional Letter of Map Revision (CLOMR) for a proposed project that would upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA) or a Conditional Letter of Map Revision Based on Fill (CLOMR-F) for a proposed CLOMR project that is adding fill to the property.
**After the project is complete a Letter of Map Revision (LOMR) or Letter of Map Revision based on Fill (LOMR-F) is required.

4 Complete the Public Notice Sign Posting Affidavit. The form is included in the application packet.



DEPOSIT / REFUND FORM
PUBLIC NOTICE SIGN DEPOSITS &
EXPERT REVIEW DEPOSITS

FILE/CASE # _____

SIGN DEPOSIT

Sign # _____
(if required)

DATE Prepared: _____

Prepared By: _____
Fairbanks North Star Borough

Contact Phone #: _____

RECEIPT Number: _____

Contact Email: _____

PAID By: Cash ☐ Check ☐ # _____ Credit Card ☐ Last 4 digits # _____

(if paying by check we **MUST** refund to name & address showing on check)

Name & Address on Check _____

Name & Contact # on Credit Card _____

If cash name and address for refund: _____

APPLICANT SIGNATURE: _____ DATE: _____

IF SIGN IS LOST, STOLEN, OR DAMAGED THE APPLICANT IS RESPONSIBLE FOR THE ENTIRE COST OF A REPLACEMENT

SIGN REFUNDS

Sign Returned: _____ Date: _____

Initiate Refund: ☐ YES ☐ NO

Staff who took sign in: _____

Be sure application has been completely acted on and the reconsideration has expired prior to taking in the sign.
For Rezones, be sure the Assembly decision is final prior to taking in the sign.

Additional Damage Yes ☐ No ☐

Partial Refund ☐ Yes \$ _____

Describe _____

Applicant Initial _____

Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

Post By: _____
Date

Instructions to comply with FNSBC 18.104.010.C.3:

1. Post the sign(s) in accordance with #2 below.
2. Take a photograph of the posted sign.
3. Return this affidavit and the photograph to the Department of Community Planning at least 20 days prior to the Planning Commission meeting (see the 'Post By' date). If these items are not received by the 'Post By' date, your application may be postponed to a future meeting.
4. This affidavit must be notarized. The Borough has notaries on staff or you may use your own notary.

PUBLIC NOTICE SIGN POSTING AFFIDAVIT

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

I, being first duly sworn, depose and state that:

1. I have submitted an application identified as _____.
2. I have posted and will maintain public notice sign #_____ in accordance with the following provisions:
 - a. Sign is posted on the property on which my request for rezone, conditional use or variance has been made.
 - b. Sign is clearly visible from streets and roads.
 - c. Sign will be maintained free of snow or other materials which impede readability.
 - d. Sign is posted between an elevation of 2' and 8' above ground level and no further than 50' from the edge of the road to further ensure readability from streets.
 - e. Sign was posted on _____ (date) and complies with posting requirements of 20 days prior to the public hearing date.
 - f. I shall return the sign to the FNSB Department of Community Planning within 10 days following the final public hearing.
3. I understand a refund check of \$200.00 (the amount I have deposited for said sign) will be issued 7-10 days following return of the sign providing that sign is returned in usable condition. I further understand I may receive only partial refund if the sign is damaged when returned to the Borough.
4. This document is null and void when necessary action has been completed as provided in Item #2 f.

Signature

(Print Name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME on this _____ day of _____, 20____

Notary Public in and for Alaska

Commission Expires