

## **FLOODPLAIN MANAGEMENT VARIANCE**

A variance is a one time departure from the provisions of the flood plain ordinance. The National Flood Insurance Program authorizes the use of variances for situations such as the repair or rehabilitation of historic structures or for the construction of smaller accessory buildings. The County Board of Adjustment has the authority to approve variances to the flood plain regulations provided that:

- the variance is not contrary to the public interest
- there are no new threats to public safety
- no variance is allowed within the floodway
- there will be no increase in flood heights

To apply for a variance, you must complete an application form (attached), pay the required \$250 application fee and provide specific justification of why the variance is necessary. The Board of Adjustment shall consider technical data and the following criteria in determining whether to allow a variance:

- 1) Is there a danger that materials and debris may be swept onto other lands resulting in damage?
- 2) Is there an increased danger to life and property due to flooding or erosion damage?
- 3) Will there be a susceptibility of the proposed development and contents to flood damage and what is the effect on current and future owners?
- 4) What is the importance of the services to the community provided by the development?
- 5) Are there other locations for the development which are not subject to flooding or erosion?
- 6) Is the proposed development compatible with existing and planned future development?

- 7) Does the proposed development conform to the county's comprehensive plan and flood plain management program?
- 8) Is there safe access to the property during floods for ordinary and emergency vehicles?
- 9) What are the expected heights, velocity, duration, and rate of rise of flood waters and, and what debris, sediment transport or effects of wave action may be expected at the site?
- 10) What are the costs of providing governmental services during and after flood conditions (maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges)? And,
- 11) Is the variance the minimum that will allow the proposed improvements?

Note: Development, as used in this section, constitutes construction or filling within the flood plain area.

The board can approve a variance only if two-thirds of the full board membership makes findings that each of the above factors applies to the matter at hand and vote in favor of the variance. The full Board of Adjustment has seven members so five positive votes are required in order to approve a variance. The Board may place binding conditions or stipulations on the variance.

The Board of Adjustment typically meets at 7:00 p.m. on the fourth Monday of each month (except December and holidays). The application deadline for each meeting is 3-1/2 weeks prior to the date of the meeting. Meetings are held in the Minnehaha County Administration Building at 415 North Dakota Avenue in Sioux Falls.

**FLOODPLAIN MANAGEMENT VARIANCE  
APPLICATION CHECKLIST**

- Complete application form.
  
- Site plan. Make sure that the plan is drawn to scale and is clear and legible. At a minimum, be sure to include a north arrow, all property lines, details of the proposed development and of the need for a variance, and the location of the flood boundary.
  
- Written narrative providing full justification for the proposed variance. Be sure to cover each of the above criteria (one through eleven) that the Board of Adjustment must consider if they are to approve a variance.
  
- \$250 permit application fee.



**VARIANCE TO THE FLOOD PLAIN MANAGEMENT ORDINANCE**

**MINNEHAHA**  
COUNTY

Minnehaha County Planning Department, 415 N. Dakota Avenue, Sioux Falls, SD 57104, (605)367-4204

I/We, the undersigned, do hereby request action by the Board of Adjustment for the following

\_\_\_\_\_ Appeal of Administrative Decision  
\_\_\_\_\_ Variance

on the following described property and authorize representatives of Minnehaha County to enter the property now and in the future for inspection purposes.

**Legal Description:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reason for appeal or variance:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner (Print):

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *Zip*

\_\_\_\_\_ Minnehaha County  
\_\_\_\_\_ Sioux Falls Joint  
\_\_\_\_\_ Dell Rapids Joint

Owner (Print):

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *Zip*

Petition No.:	_____
Date:	_____
Filing Fee:	<b>\$250.00</b>
Receipt No.:	_____

**FILING FEE IS NON-REFUNDABLE**