

**PART 7**

**VARIANCES**

**§8-701. Variance Procedures and Conditions.**

1. Requests for variances shall be considered by the Borough of Philipsburg in accordance with the following:
  - A. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.
  - B. No variance shall be granted for any construction, development, use or activity with any AE Area that would, together with all other existing and anticipated development, increase the one-hundred-year flood elevation more than one foot at any point.
  - C. Except for a possible modification of this 1 1/2 foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit (Part 5) or to "Development Which May Endanger Human Life," §8-404.
  - D. If granted, a variance shall involve only the least modification necessary to provide relief.
  - E. In granting any variance, the Borough shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Part.
  - F. Whenever a variance is granted, the Borough shall notify the applicant, in writing, that:
    - (1) The granting of the variance may result in increased premium rates for flood insurance.
    - (2) Such variances may increase the risks to life and property.
  - G. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:
    - (1) That there is good and sufficient cause.
    - (2) That failure to grant the variance would result in exceptional hardship to the applicant.

## FLOODPLAINS

- (3) That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense, nor create nuisances, cause fraud on or victimize the public or conflict with any other applicable State of local ordinances and regulations.
  - H. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
2. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

(Ord. 944, 6/11/1990, Art. VII, §7.01)