



CITY OF SUMAS
Planning & Development
Floodplain Development Variance

If any of this information is missing or incomplete, processing of the application will not begin.

Filing fee as established in Section 3.30.010 SMC **(\$350.00)**. Includes up to 5 hours of staff time; additional billed actual.

Complete application form.

A map, drawn to a scale of 1" = 20', showing existing buildings, street(s) and property lines and showing the proposed variance. If the variance is associated with new construction, show the proposed new structure, associated parking, and provide elevations and square footage of the structure. Please submit a digital copy as well as a printed copy. If the map is larger than 11"x17", submit 3 copies.

Self-adhesive address labels preaddressed to the latest recorded real property owners within three hundred feet (300') of the property affected by the application, as shown by the records of the Whatcom County Assessor.

Applicant(s) Name(s): _____

Applicant(s) Mailing Address: _____

Applicant(s) Phone: _____ **Email:** _____

Single entity and address to which the City will mail all notices and determinations:

Phone: _____ **Email:** _____

Address of Affected Property: _____

Assessor's tax parcel number for affected property: _____

Legal Description of affected property (attach separate page if necessary):

Current use of the property: _____

Brief description of requested variance (project description):

- (7) The compatibility of the proposed use with existing and anticipated development;

- (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;

- (10)The expected heights, velocity, duration, rate of rise, and sediment transported of the floodwaters and the effects of wave action, expected at the site; and

- (11)The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

In the space provided please describe how the proposed project falls within the following conditions. If additional space is needed, please submit a separate sheet.

Sumas Municipal Code 14.30.190 – Conditions for Variance

- (a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acres or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Sections 14.30.180(d)(1) through (11) have been fully

considered. As the lot size increases the technical justification required to issuing the variance increases.

- (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth this section, provided the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (c) Variance shall not be issued within the special flood risk zone if any increase in flood levels during the base flood damage would result.

- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary.

- (e) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;

 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances,

cause fraud on or victimization of the public as identified in Section 14.30.180(d), or conflict with existing local laws or ordinances.

- (f) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

- (g) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (a) of this section and otherwise complies with Sections 14.30.120(1) and (2).

- (h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a 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.

If your request is for a variance of an accessory structure, please address the following conditions in the space provided. If additional space is needed, please submit a separate sheet.

Sumas Municipal Code 14.30.135 – Accessory Structures

- (1) Accessory structures located in the SFHA with the lowest floor below the BFE may be wet floodproofed in lieu of being elevated or dry floodproofed without a variance, under the following conditions:
 - a. The accessory structure should be small, one story and four hundred square feet or less in area, and represent a minimal investment; provided, that accessory structures of any size may be considered for a variance.

- b. The accessory structure must meet the definition of “structure,” for floodplain management purposes, where “walled and roofed” shall be interpreted as having two outside rigid walls and a fully secured roof;
 - c. The accessory structure must be anchored to resist flotation, collapse, and lateral movement;
 - d. The portions of the accessory structure located below the BFE must be constructed with flood-resistant materials;
 - e. Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to one foot or more above the BFE;
 - f. Where applicable, the accessory structure must comply with the special flood risk zone, special flood corridor and floodway encroachment provisions of this chapter;
 - g. The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings as set forth in Section 14.30.130 and must allow for automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons);
 - h. If the accessory structure is converted to another use, it must be brought into full compliance with the standards governing such use set forth in this chapter; and
 - i. The structure shall not be used for human habitation.
- (2) Accessory structures located in the SFHA with the lowest floor below the BFE that do not meet all of the conditions set forth in subsection (1) of this section shall require approval of a variance; provided, that any such accessory structure shall conform to the requirements set forth in subsections (1)(B) through (1)(H) of this section.

(3) Accessory structures located in the SFHA with the lowest floor elevated to or above the BFE where the lowest flood is used solely for limited storage and parking of vehicles shall be allowed without a variance.

(4) Except as allowed pursuant to subsections (1), (2) and (3) of this section, all accessory structures shall conform to the requirements set forth in Section 14.30.130.

DECLARATION:

I (we) the undersigned hereby declare under penalty of perjury that:

- a. The property affected by this application is exclusively owned by the applicant(s) or has been submitted with the consent of all owners of the affected property;
- b. The project permit application materials contain no known misrepresentation of fact or proposed action or design that, if completed would result in a structure, improvement, lot, or condition in violation of the Sumas Municipal Code; and
- c. The address labels submitted with the application are complete and accurate as of the date of application.

Signature of Applicant(s): _____

Printed Name(s) of Applicant(s): _____

Date of Submittal: _____

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FOR OFFICE USE ONLY BELOW THIS LINE

Date of Notice of Completion to Applicant (mailed): _____

Date of Notice of Application to the Public (mailed, published): _____

Date of Close of Comment Period: _____

Date of Administrator's Decision: _____

Date of Notice of Decision to Public (mailed, published): _____