Department of
Licenses and Inspections
CITY OF PHILADELPHIA

FLOOD PROTECTION FORM - VARIANCES (FP-VAR)

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SUBMIT WITH ZONING/USE REGISTRATION PERMIT or BUILDING PERMIT APPLICATION

For Reference ONLY

FLOOD PROTECTION FORM – VARIANCES (FP-VAR)

This form is for zoning/use registration or building permit applications where the design professional is seeking a variance(s) to City of Philadelphia codes/regulations associated with a development site located in the Special Flood Hazard Area (SFHA). Once an application is reviewed and a refusal is needed, the reviewer will require this form to be submitted with any variance request related to floodplain regulations.

A variance is an authorization for the construction or maintenance of a structure or other land uses that would otherwise be prohibited or regulated by Philadelphia's Zoning Code or Building Codes to reduce the City's overall risk to flooding. Relevant to this guidance, 44 CFR §59.1 defines "variance" as "a grant of relief by a community from the terms of a floodplain management regulation." Variances are meant to address unique, site-specific and individual circumstances where the strict application of the ordinance may result in an extreme hardship to a property owner. While the variance is intended to provide relief, it still enables the City to:

- Preserve the purpose and intent of the zoning and building code;
- Minimize legal challenges to the zoning/building code or floodplain management regulations and avoid an unconstitutional "taking" of private property without compensation; and
- Protect the safety, health, and welfare of the public and emergency responders.

The authority to grant a variance is delegated to the City through State statutes. This authority empowers the City to establish a board(s) (Zoning Board and Board of Building Standards) to adjudicate variance applications and sets out the standards and elements necessary for granting variances.

In some cases, a variance granted for floodplain management purposes can result in a project that does not meet the minimum standards of the NFIP. Because a variance can lead to an increased risk to life and property, variances from flood elevation requirements or other floodplain management requirements should be granted only rarely. The City shall consider four important issues before granting a variance: (1) the City's liability, (2) the cumulative impacts on the floodplain of granting multiple similar variances, (3) the variance decision will last for the life of the structure, and (4) whether granting a variance will jeopardize the City's participation in the NFIP.

FEMA: Variances and the National Flood Insurance Program (FEMA P993/July 2014) – guidance only (not Philadelphia code or regulations)

NOTE: ALL LINES ON THIS FORM MUST BE COMPLETED, AND WHEN "NOT APPLICABLE" SELECT "N/A"

A. PROJECT INFORMATION			
1. Address of proposed work			
2. Owner of property			
3. Owner address		4. Owner Phone #	
5. Agent of Owner		6. Company	
7. Agent Address		8. Agent Phone #	

B. FLOOD HAZARD INFORMATION			
Flood Risk Zone – select all that apply to your site/parcel			
☐ A Zone ☐ AE Zone ☐ Seaward of LiMWA line		☐ AE/Floodway ☐ FEMA Mapped 0.2% /X/unshaded ☐ Mean high tide zone	
1. Map/Panel #		2. FIRM Panel - Effective/Revised Date	
3. Flood Insurance Study (FIS) used to determine BFE		☐ Yes	☐ No

C. REFUSAL INFROMATION		
1. Refusal documents issued by L&I attached?	☐ Yes	☐ No

D. GROUNDS FOR APPEAL

1. For existing structure appeal of City's Office of Property Assessment value	☐ Yes	☐ No	☐ N/A
2. For all other request describe below:			

E. VARIANCES (Philadelphia Zoning Code)

Where all or part of the property is located in an area subject to flooding as provided in § 14-704(4) (Flood Protection) the Zoning Board shall only approve a variance if it determines that the application meets the following criteria in addition to those in § 14-303(8)(e). Applicant must provide technical justification to the board where needed in Section G.

1. Any requested variance for property located within the Floodway will not result in any increase in flood levels during the Regulatory Flood.	☐ Yes, provide **FP-NR**	☐ No	☐ N/A
2. Any requested variance for property located within the Special Flood Hazard Area will not significantly increase the danger of flooding; and will not increase the likelihood of the loss of property.	☐ Yes, provide analysis	☐ No	☐ N/A
3. Any variance in either the Floodway or Special Flood Hazard Area involves the least modification of floodplain controls necessary to allow the proposed development to proceed.	☐ Yes	☐ No	☐ N/A
4. For any property located in the Floodway, no variance shall be granted that would allow construction or substantial improvement of any structure: a. used for the production or storage of: acetone; ammonia; benzene; calcium carbide; carbon disulfide; celluloid; chlorine; hydrochloric acid; hydrocyanic acid; magnesium; nitric acid and oxides of nitrogen; petroleum products (gasoline, fuel oil, and the like); phosphorus; potassium; sodium; sulphur and sulphur products; pesticides (including insecticides, fungicides, and rodenticides) b. used for any activity requiring the maintenance of a supply of any of the materials listed in § 14-303(8)(f)(.4)(.a) in excess of 550 gallons or an equivalent volume; or c. used for any purpose involving the production, storage, or use of any amount of radioactive substance.	☐ Yes	☐ No	☐ N/A
5. Within the Special Flood Hazard Area, no variance shall be granted that would allow construction or substantial improvement of any of the following unless it is elevated or floodproofed to remain completely dry to one and one-half ft. above the Regulatory Flood Elevation: a. any structure used for the production or storage of: acetone; ammonia; benzene; calcium carbide; carbon disulfide; celluloid; chlorine; hydrochloric acid; hydrocyanic acid; magnesium; nitric acid and oxides of nitrogen; petroleum products (gasoline, fuel oil, and the like); phosphorus; potassium; sodium; sulphur and sulphur products; pesticides (including insecticides, fungicides, and rodenticides) b. any structure used for any activity requiring the maintenance of a supply of any of the materials listed in § 14-303(8)(f)(.5)(.a) in excess of 550 gallons or an equivalent volume; or c. any structure used for any purpose involving the production, storage, or use of any amount of radioactive substance.	☐ Yes	☐ No	☐ N/A

For Reference ONLY

F. VARIANCES (Philadelphia Building Code)			
Administrative Code			
1. A-802.2.1.2 Flood plain: In such case where the Board of Building Standards shall recommend a variance to construct a structure below the Regulatory Flood Elevation, the owner shall be notified in writing that the variance will result in increased premium rates for flood insurance and an increased risk to property and life. The Board of Building Standards shall maintain a record of all variance actions within the flood plain and justification therefor, and shall report such variances issued in an annual report to the Administrator of the Federal Insurance Administration.	☐ Yes	☐ No	☐ N/A
2. A-802.2.1.3 Determination of substantial improvement in areas prone to flooding: When the code official provides a finding of substantial improvement to a permit applicant regarding a building or structure regulated by the technical codes as required in Section A-302.1.2, and the applicant disagrees with such finding, the applicant may file an appeal with the Board of Building Standards. The Board shall determine whether the value of the proposed work constitutes a substantial improvement.	☐ Yes	☐ No	☐ N/A
IBC 2018: Appendix G (must provide technical justification in Section G)			
3. Technical justifications to further the purpose of IBC 2018: Appendix G 105.6 - Considerations and Section 1612 – Flood loads	**Must provide justifications for 3a.-j.**		
a. The danger that materials and debris may be swept onto other lands resulting in further injury and damage	☐ Yes	☐ No	☐ N/A
b. The danger to life and property due to flooding or erosion damage	☐ Yes	☐ No	☐ N/A
c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners	☐ Yes	☐ No	☐ N/A
d. The importance of services provided by the proposed development to the Community	☐ Yes	☐ No	☐ N/A
e. The availability of alternate locations for the proposed development that are not subject to flooding and erosion	☐ Yes	☐ No	☐ N/A
f. The compatibility of the proposed development with existing and anticipated development	☐ Yes	☐ No	☐ N/A
g. The relationship of the proposed development to the comprehensive plan and flood plain management program for that area	☐ Yes	☐ No	☐ N/A
h. The safety and access to the property in times of flood for ordinary and emergency vehicles	☐ Yes	☐ No	☐ N/A
i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effect of wave action, expected at the site	☐ Yes	☐ No	☐ N/A
j. 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, streets and bridges.	☐ Yes	☐ No	☐ N/A
4. Functionally dependent facilities (IBC 2018: G105.4)	☐ Yes	☐ No	☐ N/A
a. Section 1612.1 – Flood loads criteria met	☐ Yes, provide **Structural Design Criteria Form**	☐ No	☐ N/A
b. Consideration given to methods and materials that minimize flood damages and do not add to public safety threats	☐ Yes, provide justification	☐ No	☐ N/A

For Reference ONLY

G. SIGNATURE

I hereby affirm that all statements above are correct and complete to the best of my knowledge and that the design plans/additional documents, that were submitted, are consistent with these statements. Furthermore, I affirm that I acknowledge all applicable variances requirements found in the building and zoning code/regulations (noted above) are met in this variance request.

Applicant Signature		Print Name		Date	

H. ADDITIONAL INFORMATION

If you need to provide additional information or clarification to any items on this form, please attach below:

I. BOARDS CONDITIONS FOR VARIANCE ISSUANCE (Board of Building Standards – use only)

At the Board of Building Standards, the board members will use this section to assure requirements of the code are met.

1. Condition's for issuance (INB 2018: G105.7)	☐ Yes	☐ No	☐ N/A
a. A technical justification showing of good and sufficient cause that unique characteristics of the size, configuration or topography of the site renders the elevation standards inappropriate	☐ Yes	☐ No	☐ N/A
b. A determination that failure to grant the variance would result in Exceptional hardship by rendering the lot undevelopable	☐ Yes	☐ No	☐ N/A
c. A determination that the granting of a variance will not result in increased Flood heights, additional threats to public safety, extortionary expense, Nor create nuisances, cause fraud on or victimization of the public Or conflict with existing local laws or ordinances	☐ Yes	☐ No	☐ N/A
d. A determination that the variance is the minimum necessary, considering The flood hazard, to afford relief	☐ Yes	☐ No	☐ N/A
e. Notification to the applicant to the applicant in writing over the signature Of the building official that the issuance of the variance to construct a Structure below the base flood level will result in increases premium Rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and that such construction below the base flood elevation increases risks to life and property	☐ Yes	☐ No	☐ N/A

For Reference ONLY

End of Form (FP-VAR).

Questions and/or Contact:

Floodplain Manager
City of Philadelphia
floodplainmanager@phila.gov

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INSTRUCTIONS: FLOOD PROTECTION FORM – VARIANCES (FP-VAR)

SECTION A
This section is for general project information.

SECTION B
This section identifies the development site's location in relation to Flood Insurance Rate Map information. Enter the Flood Risk Zone (A, AE, Floodways, or X) for the proposed development, including the Map Panel number and Effective/Revised Date of panel. Additional, areas such as LiMWA and mean high tide must be identified. In all cases they should be shown clearly on a site plan.

SECTION C
This section identifies the L&I refusal document, which must be attached to this form.

SECTION D
This section identifies the applicants ground of appeal.

SECTION E
This section identifies the variances within the Philadelphia Zoning Code.

SECTION F
This section identifies the variances within the Philadelphia Buildings and Administrative Codes. The applicant must provide justification in writing where required.

SECTION G
A signature is required to affirm all the statement are correct and complete to the best of the applicants' knowledge and that the design plans, that were submitted, are consistent with these statements.

SECTION H
This section is for additional information or clarification of items on this form. If the applicant has attachments or exhibits, they should be listed here with name, page number, and date.

SECTION I
This section is for the Board of Building Standards members to complete to document that the variance request meeting the criteria found in the building code. Board may also have to send a letter to the applicant about flood insurance.

For Reference ONLY