

Part 7
Variances

§701. Variances.

1. If compliance with any of the requirements of this Chapter would result in an exceptional hardship for a prospective builder, developer or landowner the Borough may, upon request, grant relief from the strict application of the requirements.

2. Requests for variances shall be considered by the Borough 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 (100) year flood elevation.

B. Except for a possible modification of the freeboard requirements 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 [§404].

C. If granted, a variance shall involve only the least modification necessary to provide relief.

D. 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 Chapter.

E. 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.

F. In reviewing any request for a variance, the Borough shall consider, but not be limited to, the following:

(1) There is good and sufficient cause.

(2) Failure to grant the variance would result in exceptional hardship to the applicant.

(3) The granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public, or conflict with any other applicable Federal, State, or local ordinance and regulations.

G. 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.

3. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

(Ord. 219, 6/2/1981, Art. 7)