

Insufficient Reasons for granting a variance:

- **Less than a drastic depreciation of property.**
- **Convenience of property owner.**
- **Circumstances of owner, not the land.**
- **To obtain better financial return.**
- **Property similar to others in neighborhood.**
- **Hardship created by owner's own actions.**

Unnecessary Hardships: Proof must be compelling, and reasons for granting the variance substantial:

- **Losing all beneficial or productive use of the property.**
- **Depriving a reasonable return on property.**
- **Depriving all or any reasonable use(s).**
- **Rendering property valueless.**
- **Inability to develop property in compliance with the regulations.**
- **Reasonable use cannot be made consistent with regulations.**

For detailed procedures concerning the issuance of a variance, please reference your local adopted floodplain management ordinance, and 44 CFR Chapter 1, Part 60.6.

For technical assistance concerning the issuance of variances, please contact:

**FEMA Region VI
Denton, Texas
(940) 898-5127
NM State NFIP Coordinator
Santa Fe, New Mexico
(505) 476-9617**

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Developed by:

Diane Calhoun Consulting, Inc.
Floodplain Management Services
(940) 365-2758
diane@dcalhounconsulting.com



Do's AND DON'TS OF ISSUING FLOODPLAIN MANAGEMENT VARIANCES



**NEW MEXICO FLOODPLAIN
MANAGERS ASSOCIATION**
P. O. Box 531
High Rolls, NM 88325
www.nmfma.org
1-877-682-1389

VARIANCE

"... means a grant of relief from the requirements of the adopted floodplain management standards, which allows development to be permitted in a manner that would otherwise be prohibited."



As a floodplain manager, building official, code enforcement officer, or permitting official, your construction decisions will affect insurance coverage and cost.



CONDITIONS THAT MUST BE MET BEFORE ISSUANCE OF A VARIANCE

- Must pertain to a piece of property, not personal in nature.
- Shall not be issued within a floodway if there will be an increase in the BFE.
- Shall not be issued within an identified flood zone if there will be an increase in the BFE.
- Shall not cause additional threats to public safety or create a nuisance.
- Will not result in extraordinary public expense.
- Will not cause fraud on or victimization of the public.
- Will not result in conflict with existing local laws or ordinances.
- Must be minimum necessary to afford relief.

Variances are granted with respect to the characteristics of the land not the person.

If all conditions are met, a written notice must be provided to the property owner that the variance is issued for floodplain management purposes, does not release the requirement for flood insurance and flood insurance premiums will be charged according to the risk.



Coverage Available: Structure \$250,000
Contents \$100,000

For a residential structure, constructed in the 100-year floodplain, to purchase a flood insurance policy to cover a loan of \$100,000, the annual premium is calculated as follows:

\$100,000 Coverage, Post FIRM, single family, with no basement:

At BFE - Structures

1 st \$50,000 is 89¢ per \$100 of coverage	\$ 445.00
Add'l \$50,000 is 08¢ per \$100 of coverage	\$ 40.00
TOTAL	\$ 485.00

At BFE - Contents

1 st \$20,000 is \$1.07 per \$100 of coverage	\$ 214.00
Add'l \$80,000 is 12¢ per \$100 of coverage	\$ 96.00
TOTAL	\$ 310.00

1 Foot Below BFE - Structure

1 st \$50,000 is \$2.19 per \$100 of coverage	\$1095.00
Add'l \$50,000 is 95¢ per \$100 of coverage	\$ 475.00
TOTAL	\$1570.00

1 Foot Below BFE - Contents

1 st \$20,000 is \$2.98 per \$100 of coverage	\$ 596.00
Add'l \$80,000 is 75¢ per \$100 of coverage	\$ 600.00
TOTAL	\$1196.00



Beware – granting unjustified variances constitutes a pattern of noncompliance, which may result in enforcement action by the State or FEMA.