



APPLICATION TO THE BOARD OF ZONING APPEALS FLOODPLAIN APPEAL or VARIANCE

CITY OF TOPEKA PLANNING DIVISION

620 SE MADISON, 3RD FLOOR (UNIT #11) | TOPEKA, KS 66607-1118
PHONE 785.368.3728 | EMAIL: PLANNING@TOPEKA.ORG

Applicant Information

Name: _____

Address: _____

Phone: _____ Email: _____

Property Information

Location of property: _____

Legal description of property: (attach additional sheets if necessary)

**For Planning &
Development
Use Only**

Case #

Hearing Date:

Legal Ad Date:

Action Sought:

An appeal from the decision of the floodplain administrator. Filing an appeal means that the applicant can establish that the administrator made an error regarding an interpretation of the floodplain regulations in TMC Chapter 17.30.

A variance from the floodplain ordinances regulating new construction or substantial improvement to residences or nonresidential construction. TMC Chapter 17.30.

Basis for Appeal (Please explain the basis for your appeal.)

Basis for Variance (The following information provides the basis for the variance. The applicant must satisfy the burden of proof on all three factors.)

1. Variances can be granted only if the applicant can establish 'good and sufficient cause.' The Federal Emergency Management Agency (FEMA) defines 'good and sufficient cause' as relating solely to the unique site-specific physical characteristics of the property and not the personal difficulties of the applicant, including financial hardship.
2. Determination that failure to grant the variance would result in exceptional hardship to the applicant. FEMA defines 'exceptional hardship' as some type of hardship that is unusual and specific to the property – not the personal circumstances of the applicant.

3. Determination that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, victimize the public or conflict with existing ordinances. [This requirement can be established by providing a 'no rise certificate' issued by a professional engineer.]

Factors Considered by the BZA. As the BZA will consider the factors in TMC 17.30.250, **please provide any information that may assist the BZA in its deliberations.**

- (1) Danger to life and property due to flood damage;
- (2) Danger that materials may be swept onto other lands to the injury of others;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) Importance of the services provided by the proposed facility to the community;
- (5) Necessity to the facility of a waterfront location, where applicable;
- (6) Availability of alternative locations, not subject to flood damage, for the proposed use;
- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and
- (11) 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.

Witnesses Please identify the witnesses that you anticipate will testify in support.

Authorization

Property Owner(s):

I/We the undersigned owner(s) of record hereby authorize the filing of this application and declare that all required materials are submitted along with this application and that the information and material is complete and accurate. I/We hereby acknowledge that all appropriate procedures, policies, and regulations have been reviewed and also understood that this application will be processed in sequence with respect to other submittals.

Owner Name (print)

Owner Signature

Owner Name (print)

Owner Signature

Owner Name (print)

Owner Signature

Authorized Agent:

If the owner(s) of record are to be represented by legal counsel or an authorized agent, please complete the following information so that communications and correspondence pertaining to this application may be forwarded to such individual.

Authorized Agent Name (print)

Signature – Authorized Agent

Mailing Address: _____
 STREET ADDRESS CITY STATE ZIP

Phone: _____ Email: _____

Applicant:

Applicant Name (print)

Applicant Signature

Additional Requirements

At the discretion of the City Planning & Development Staff, the applicant may be required to submit a site plan showing the subject property and the variance requested. This site plan may be required to identify some or all of the following items:

- Vicinity Map
- Scale equivalent to 1": 20'
- North Arrow
- Lot lines and dimensions
- All improvements located on the property
- All proposed improvements to the property
- Flood boundaries
- Topography
- All dedicated easements on the property
- Building setback lines
- Property legal description
- A note detailing the proposed improvement
- Names and addresses of adjoining property owners
- Name and Address of Surveyor or Engineer
- Names and Right-of-way dimensions of adjacent streets
- Date of preparation
- Copy of Deed

It may be necessary to secure the services of a certified land surveyor or engineer in order to comply with the above stated requirements.

In addition to the above stated requirements, **PROOF OF OWNERSHIP MUST ACCOMPANY APPLICATION.**

This page does not need to be turned in with application.