

2021 Virginia Construction Code

APPENDIX G FLOOD-RESISTANT CONSTRUCTION

SECTION G106 VARIANCES

G106.1 General.

The *board of appeals* established pursuant to [Section 113](#), or other established or designed board, shall hear and decide requests for variances. The board shall base its determination on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this appendix and [Section 1612](#).

G106.2 Records.

The *floodplain administrator* shall maintain a permanent record of all variance actions, including justification for their issuance.

G106.3 Historic structures.

A variance is authorized to be issued for the repair or rehabilitation of a historic structure upon a determination that 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.

Exception: Within *flood hazard areas*, historic structures that do not meet one or more of the following designations:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
3. Designated as *historic* under a state or local historic preservation program that is approved by the Department of Interior.

G106.4 Functionally dependent facilities.

A variance is authorized to be issued for the construction or *substantial improvement* of a functionally dependent facility provided that the criteria in [Section 1612.1](#) are met and the variance is the minimum necessary to allow the construction or *substantial improvement*, and that all due consideration has been given to methods and materials that minimize flood damages during the *design flood* and do not create additional threats to public safety.

G106.5 Restrictions.

The board shall not issue a variance for any proposed development in a *floodway* if any increase in flood levels would result during the *base flood* discharge.

G106.6 Considerations.

In reviewing applications for variances, the board shall consider all technical evaluations, all relevant factors, all other portions of this appendix and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
2. The danger to life and property due to *flooding* or erosion damage.
3. The susceptibility of the proposed development, including contents, to *flood* damage and the effect of such damage on current and future *owners*.
4. The importance of the services provided by the proposed development to the community.
5. The availability of alternate locations for the proposed development that are not subject to *flooding* or erosion.
6. The compatibility of the proposed development with existing and anticipated development.
7. The relationship of the proposed development to the comprehensive plan and flood plain management program for that area.
8. The safety of access to the property in times of *flood* for ordinary and emergency vehicles.
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
10. 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.

G106.7 Conditions for issuance.

Variances shall only be issued by the board where all of the following criteria are met:

1. A technical showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site renders the elevation standards inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

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3. A determination that the granting of a variance will not result in increased *flood* heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary, considering the *flood* hazard, to afford relief.
5. Notification to the applicant in writing over the signature of the *floodplain administrator* that the issuance of a variance to construct a structure below the *base flood* level will result in increased 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* level increases risks to life and property.