

**G104.3 Validity of permit.** The issuance of a *permit* under this appendix shall not be construed to be a *permit* for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a *permit* based on submitted documents and information shall not prevent the *building official* from requiring the correction of errors. The *building official* is authorized to prevent occupancy or use of a structure or site that is in violation of this appendix or other ordinances of this jurisdiction.

**G104.4 Expiration.** A *permit* shall become invalid if the proposed development is not commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

**G104.5 Suspension or revocation.** The *building official* is authorized to suspend or revoke a *permit* issued under this appendix wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

## SECTION G105 VARIANCES

**G105.1 General.** The *board of appeals* established pursuant to Section 113 shall hear and decide requests for variances. The *board of appeals* 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.

**G105.2 Records.** The *building official* shall maintain a permanent record of all variance actions, including justification for their issuance.

**G105.3 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.

**G105.4 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.

**G105.5 Restrictions.** The *board of appeals* 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.

**G105.6 Considerations.** In reviewing applications for variances, the *board of appeals* 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.

**G105.7 Conditions for issuance.** Variances shall only be issued by the *board of appeals* 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.
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