

Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(i) The Board may request assistance from other City officers, departments, commissions, and boards.

d. *Review by Court of Record*. Any person or persons aggrieved by any decision of the Board may present to the Court of Record a petition duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after filing of the decision in the office of the Board of Appeals.

(4) *Boundary disputes*. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- b. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- c. If the boundary is incorrectly mapped, the Board shall inform the Inspections Department or the person contesting the boundary location to petition the City for a map amendment according to section 115-212.

(5) *Variance*.

- a. The Board may, upon appeal, grant a variance from the standards of this division if an applicant convincingly demonstrates that:
 1. Literal enforcement of this division will cause unnecessary hardship;
 2. The hardship is due to adoption of this division and unique property conditions, not common to adjacent lots or premises. In such cases, the division or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this division in section 115-211.
- b. In addition to the criteria in subsection (i), to qualify for a variance under FEMA regulations, the following criteria must be met:
 1. The variance shall not cause any increase in the regional flood elevation;
 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of this division as stated in section 115-211.