

Floodplain Variance Strategy Guide

Developer-Focused Framework for Commercial Land in Floodplain Areas

This document provides a practical, developer-oriented framework for pursuing zoning variances for properties impacted by floodplain regulations. It focuses on how to establish legal hardship under Pennsylvania law while positioning a project for approval.

1. Legal Standard for Variances (Pennsylvania)

To obtain a variance, the applicant must demonstrate: unique physical conditions, lack of reasonable use, hardship not self-created, minimum variance necessary, and no adverse impact on public welfare.

2. Strong Hardship Arguments

Type	Description
Majority Floodplain Coverage	Most or all of the parcel lies within the floodplain
Zoning Conflict	Commercial zoning exists but cannot be used
Combined Constraints	Floodplain plus slope or access issues
Irregular Geometry	Floodplain splits site into unusable fragments
Infrastructure Limitations	Utilities or access located in floodplain

3. Weak Arguments to Avoid

Avoid relying on financial gain, buyer preference, or generalized development difficulty. These do not meet legal hardship requirements.

4. Developer Strategy

Successful variance applications focus on physical limitations, demonstrate lack of alternatives, and propose minimal encroachment supported by engineering solutions such as elevation and floodproofing.

5. How to Frame the Argument (Developer-Friendly Version)

The strongest narrative usually looks like this:

"This property is uniquely constrained by the FEMA-regulated floodplain, which occupies a substantial portion of the site and limits any reasonable placement of structures. When combined with site

geometry and access conditions, the ordinance effectively prevents any viable commercial use of the property as zoned. The requested variance represents the minimum relief necessary to allow reasonable use, and the proposed development incorporates modern flood mitigation techniques to ensure no adverse impact on surrounding properties."

6. Example Hardship Narrative

The property is largely constrained by the floodplain, leaving no viable area for development. Given the commercial zoning designation, the inability to construct buildings eliminates reasonable use. The proposed variance is the minimum necessary and includes mitigation measures.

Conclusion

Floodplain variance approvals depend on strong, site-specific hardship arguments combined with practical engineering solutions. Developers who clearly demonstrate lack of reasonable use and minimize impact have the highest likelihood of success.